

**BOARD OF SELECTMEN
TOWN OF MADISON
December 14, 2021
MINUTES**

Selectmen Present – William T. Lord, Josh L. Shackford, Michael A. Mauro

Others Present –DPW Director Jon Cyr; Chief Robert J. King, Jr; Officers Michael Mosher and Jacob Martin; Town Administrator Linda Shackford; MadTV Videographer Carol Dandeneau; Attorney Jason Dennis and Curtis Coleman; Residents/Property Owners/Public Jay Buckley, Nick Borelli, Kathy Koziel, Mike and Donna Veilleux, Paul McKenna, Nordel Gagnon, Michael Brown, Kevin Clifford, Daymond Steer

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 31, 2020.

Meeting Called to Order – By Lord at 4:31 pm.

APPROVAL OF MINUTES:

Motion by J. Shackford, seconded Mauro by to approve the minutes from November 30, 2021 as written. The motion passed **3-0**.

APPROVAL OF MANIFEST:

Motion by J. Shackford, seconded by Mauro to approve the Manifest of December 13 - 24, 2021 in the amount of \$1,104,833.17. The manifest breakdown is as follows: \$90,929.73 for Accounts Payable; \$37,053.25 for payroll; \$11,477.12 for payroll liabilities; \$25,175.07 for NH Retirement System; \$640,198.00 for Carroll County and \$300,000 for MES. The motion passed **3-0**.

PUBLIC COMMENTS: Conway Daily Sun’s Daymond Steer asked the Board if at their last meeting they decided that Ledge Pond Road was a private road. Lord responded yes.

Nick Borelli, resident, asked that Board for Town Counsel’s opinion of the letter he submitted early on regarding STRs. Lord explained this this section of public comment is for comments and not necessarily a response from the Board. With that, Lord went on to say that letters will be going out to Eidelweiss owners of STRs that says they are in violation of the Zoning Ordinance and will read that letter a little later.

Kevin Clifford, resident, offered an update about the his rental situation and that he is being evicted so the owner can make more money with the property as an STR. Clifford also noted that many of the STRs could be in violation of the terms of their mortgage by running an STR.

John Cancelarich, property owner, spoke to his concern that people do not understand how Room & Meals tax works; and that more residents in the Town affords the Town greater revenue than the Town that having more STRs. Cancelarich stated that there is a Legislative Service Request (LSR) that will not allow cities to regulate their own town’s STRs expressing that this is a large government overreach in his opinion.

Daymond Steer, Conway Daily Sun, asked the Board if they have an opinion on the LSR. The Board stated no.

DISCUSSION ITEMS/NEW BUSINESS:

Short Term Rental Letter – Lord announced that two weeks ago a letter was sent to Town Counsel asking for her opinion on a letter to the sent to STR owners in the Eidelweiss District. Lord read the following aloud:

“Your property is located in the Eidelweiss Residential District. Article IV, Section 4.6(A) of the Town’s Zoning Ordinance permits single family residences, accessory buildings, home occupations, churches and public buildings. The Zoning Ordinance expressly prohibits business, commercial enterprises and agricultural uses.

Your property is advertised and rented for short-term rentals which is not permitted in the Edelweiss Residential District. Specifically, [ADD FACTS].

You must immediately bring your property into compliance with the Zoning Ordinance and discontinue use of your property for short-term rentals.

Please be aware that if the Town is required to commence a legal action against you to remedy the violation, the Town will be seeking all remedies available to it under RSA 676:15 and 676:17. Those remedies include a civil penalty of \$275 for the first offense and \$550 for subsequent offenses for each day that the violation is found to continue after the date upon which you receive written notice from the Town of the violation. This letter is your first notice of violation. If the Town prevails in its action, you will also be required to pay the Town’s attorneys fees and costs.”

Lord and Mauro would like to see these letters sent right away, with the information from our Granicus database. J. Shackford added he would like it to include all STRs in Madison and understands that for now we will start with Eidelweiss. Lord noted the concern for staffing to deal with this issue with J. Shackford adding that we will not search out violators but realize there will be complaints.

Michael Brown, property owner, suggested making realtors that advertise STRs accountable.

J. Shackford reminded all that there are still articles to be voted upon in March at Town Meeting regarding STRs.

2022 Household Hazardous Waste Commitment Letter for 2022 – The annual Commitment Letter for the 2022 Hazardous Waste Day has been received. The Board reviewed the last few years of expenditures and agreed to submit \$3,000 as the commitment amount as per the same line in the DPW budget. Lord signed the paperwork and L. Shackford will send to the Town of Conway.

Dubois BTLA Case 30128-20PT Settlement Review – The assessor offered a settlement in BTLA case #30128-20PT with L. Shackford having had emailed confirmation from the property owner that they were in agreement with the assessment. The Board was in agreement to accept the settlement. L. Shackford will reach out to the property owners for their signature, once obtained, the refund check will be processed.

OLD BUSINESS: There was none

Selectman Shackford's List – J. Shackford asked how these letters to Eidelweiss STR owners will be done. L. Shackford assured that she will make it happen. J. Shackford spoke about suggestions of a noise ordinance explaining that he feels it is very difficult to enforce necessitating decibel meters and asking for Chief King's opinion. Chief King, noting the transient nature of the people that usually are the cause of such a problem, he would rather use a state statute such as breach of the peace versus a town ordinance as the statute violation would follow them out of town. Mauro likes the idea of using the tools already afforded to us instead of inventing new ones.

Selectman Mauro's List – Mauro asked how the security cameras are working on the main floor of Town Hall. L. Shackford stated they are up and running. Mauro extended kudos to John Arruda and Charlene MacCurtain for the great job they did at the Transfer Station this weekend. Both took the compactor breakdown in stride and did what they needed to do to keep the station running. The latest weather causing the need for the DPW to perform their winter snow removal duties was handled well by the crew; Mauro extended this appreciation.

Selectman Lord's List - Lord began with saying that he took time to go out to the location of the potential new path from the school to Burke Field. Lord feels that a ½ day of tree cutting could easily clear the area. Lord asked for an update of the school path situation from Mauro. Mauro stated that the solution thus far is to keep walking through the mechanic garage parking lot but with more adult supervision. Mauro feels personally, that this situation is an insurance company nightmare asking if we can find out what it would take to get DES permits to cross the brook. Cyr added that it would entail obtaining a permit similar to the one for the boat ramp project. Mauro expressed his concern for the potential of someone being hurt.

Motion by Mauro, seconded by Lord to move forward with a new path expressing the need for a safer way for the student to get to Burke Field. The motion passed unanimously.

Cyr will reach out to the same agency that assisted with the boat ramp permit with Lord adding that the urgent need for the application needs to be expressed.

A letter to the school will be drafted informing them of the Board's decision.

Lord also brought up:

- That Brooks is working with three generator companies for quotes to supply Town Hall and the two garages. This will be an ARPA grant funded project;
- Lord asked King about finding a cruiser that can be purchased with 2021 budget funds. King replied that he will address a purchase requisition regarding same later in the meeting.
- Lord also asked King about a vest for Maverick. King has received many donations and should be able to get one using funds from the equipment line to cover the balance.
- Cyr responded the Lord's question about the work OME is doing regarding the radio system stating that the upgrades are getting done and the PM work is complete.

Administrator's List – No items

Department Heads' List:

Chief King:

- King brought up a discussion that was had with the Veilleux's of Lead Mine Road. The Veilleux's asked that the snowmobile club not leave a berm of snow on Lead Mine Road that

impedes traffic out to East Shore Drive. Mike Veilleux stated that the club leaves a 3' high barrier. Even though it is in road to summer cottage status it is still a Class V road and Class V roads cannot be shut down even though the Town's Snowmobile Ordinance states differently. J. Shackford would like to see the snowmobile ordinance changed and the snowmobile club be instructed to not create a berm in the road. Benefits of the ability to use the road, when able, all year round were cited. Donna Veilleux asked that the ordinance be changed. Lord asked Veilleux to take a stab at some revisions and present them back to the Board for an eventual public hearing to make any changes. Notification to the snowmobile club will be made not to leave a berm in the road.

- King submitted a purchase requisition for a 2021 Chevy Tahoe that he was able to secure in Pennsylvania for \$42,375.00. This acquisition will relieve the need to request two cruisers on next year's warrant. This cruiser is not equipped which will be at a cost of \$10,000 to \$12,000 dollars.

Director Cyr:

- No items

SIGNATURE ITEMS

Manifest

Payroll & Accounts Payable Checks

Purchase Requisition: 2021-FIRE-005 Uline \$1,574.98

2021-POLI-007 Blaise Alexander Fleet \$42,375.00

5:52 PM - Lord made a **motion** to go into **Non-Public Session per RSA 91-A:3II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

Roll call vote: Lord – aye; Shackford – aye; Mauro – aye

6:21 PM – Lord made a **motion** to return to public session and seal two sets of minutes under RSA 91-A:3II (c) seconded by Mauro and so voted **3-0**.

6:21 PM – Lord made a **motion** to adjourn, seconded by Mauro, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting is scheduled for December 28, 2021 commencing at 4:30 pm in the lower level of Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator