

**BOARD OF SELECTMEN  
TOWN OF MADISON  
January 23, 2024  
MINUTES**

**Selectmen Present at Elementary School** – Michael A. Mauro, John Arruda, Adam Price

**Others Present** –Town Administrator Linda Shackford; Police Chief Robert J. King, Jr.; Rec Director Heather O’Donnell; MadTV Videographer Amanda Hayford; and members of the public

**Where and When Posted** – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on January 10, 2024 with location change.

**Meeting Called to Order** – By Mauro at 4:43 pm.

**Pledge of Allegiance:** Mauro led those in attendance in reciting the Pledge.

**APPROVAL OF MINUTES:**

**Motion** by Arruda, seconded by Price to approve the minutes of January 9, 2024 as written. The motion passed **3-0**.

**APPROVAL OF MANIFESTS:**

Motion by Arruda, seconded by Price to approve the Manifest of January 22-29, 2024 in the amount of \$343,425.47. The manifest breakdown is as follows: \$27,727.70 for accounts payable; \$34,367.27 for payroll; \$11,304.04 for payroll liabilities; \$20,026.46; and \$250,000 for Madison school. The motion passed **3-0**.

**PUBLIC COMMENTS:**

Conservation Commission Chairman Lutjen presented to the Board a printed overview of the funding plan for the Chain of Ponds easement.

Mauro brought forward an agenda item listed for later in the meeting, regarding holding a public hearing for the funding of the easement. The public hearing statutorily must be held by the Conservation Commission, not the Selectmen. Mauro will have the Conservation Commission look into this at their February 1<sup>st</sup> meeting.

Noreen Downs asked the Board to consider putting up a warrant article that would have Town Meeting officially accept the Town properties that are deemed as conservation parcels. The Board would have to consult with Town Counsel regarding the process. Price, stating he is not against the idea, would like to do this properly. Not seeing any danger in waiting, Price suggested taking time to do the research before bringing it before Town Meeting. Downs said she could do that.

Joy Gray questioned Arruda about a comment he made regarding retiring from his position as Selectman asking when he intends to do so. Arruda did not offer a time. Gray requested that Arruda retire on a cycle that would allow for his replacement to be elected by the public versus being appointed by the Selectmen.

Daymond Steer, Conway Daily Sun, asked the Board to comment on the concept of the Budget Committee and employees not getting along. Arruda offered no opinion. Mauro did not feel it is appropriate to respond during public comment. Price does not feel that speaking to an employee's status is appropriate for public discussion.

#### **DISCUSSION ITEMS/NEW BUSINESS:**

**McKenna & Borelli regarding STRs** – Nick Borelli said that since ZBA Case #23-10 at 10 Barden Place was denied on January 9<sup>th</sup> there is confirmation that an STR established after March of 2022 is an illegal business operation. It is now time to complete phase 1 using the list of illegally operated STRs. Borelli asked when the Board will begin sending C&D letters and in particular to 10 Barden Place. Shackford explained that on January 9<sup>th</sup> the ZBA denied the applicant's request for a rehearing which now affords the applicant an addition 30 days to appeal that denial.

Mauro explained that he is hoping to get one of the cases to our Town Counsel and get it to court, adding that there are still thirteen cases before the ZBA that are awaiting a decision. The Board will look into if the applicant for Case #23-10 has exhausted his all of his appeals and if so, it will be turned over to Town Counsel.

Paul McKenna gave statistics on how many STR properties are in town, how many are at the ZBA, how many have responded to the Board's letter, how many need action and that there are eleven newly established ones. McKenna called the Board's process stagnant and said it needs to move forward as it is not getting the attention it needs.

Price told McKenna that there are currently thirteen cases before the ZBA. If fifteen more are piled on, they will be continued just like the ones before the ZBA now. We need to have a precedent set and wait to see what the ZBA does with the cases before them. Sending out more Cease & Desist letters does no good because they will just end up sitting in limbo with either the ZBA or this Board. McKenna stated he disagreed with Price. McKenna asked for STRs to be put back on the agenda under Old Business with Mauro stating it will be on the next agenda because we will have an answer to offer.

#### **OLD BUSINESS:**

**Building Code Ordinance Update Review** – A draft of the ordinance changes was reviewed at the January 9<sup>th</sup> meeting. Price asked for it be on tonight's agenda for an opportunity of further review. Price suggested removing *Section D. Substantial Improvement* from the Definitions section. The phrase Substantial Improvement is used in Article Three. The Board asked Shackford to bring this idea to Building Inspector Boyd for his review to see if he thought there were things that could "fall between the cracks". This item will be place on the next agenda.

**2024 Proposed Budget** – There have been no changes since the January 9<sup>th</sup> version. Aruda read numbers that equated to a 3.8% increase over the 2024 operating budget. Arruda suggested a decrease in the fuel line of \$10,000 bringing it to \$90,000 citing a slight decrease in fuel costs compared to 2023. The Board was in favor of the change.

**2024 Proposed Warrant** – The Board reviewed the warrant articles. Arruda said there are still numbers to tie down regarding the solid waste truck. Arruda can see using the truck we have in trade along with \$50,000 out of the Transfer Station Capital Improvement ETF to offset the cost.

The repairs for Modoc Hill Road still need to be hashed out. Shackford will arrange and post for a meeting of the Board for January 25, 2024 at 3:30pm to have that discussion.

**Public Hearing for Conservation Commission** – This was addressed earlier in the meeting.

**Request for Sale of Map 115 Lot 044** – Bergeron Technical Services sent a letter containing details regarding their request for a client to purchase Map 115 Lot 044 from the Town. Price has no problem considering to sell the property but wonders why all the DES permitting needs to be done prior to the sale. The Board can see a home and accessory dwelling unit on the property but does not want to see it being subdivided. The Board instructed Shackford to consult with Town Counsel for guidance.

**Selectman Price's List** – No items

**Selectman Arruda's List** – No items

**Selectman Mauro's List** – No items

**Administrator's List** – No items

**Department Heads' Lists:**

*Chief King* expressed his opinion on the public comments made regarding Arruda's remark on his retirement from the Board calling them disgusting and disrespectful. Chief King thanked Arruda for all he has done feeling he should receive an apology.

*Rec Director O'Donnell* – No items

## **SIGNATURE ITEMS**

Manifest

Payroll & Accounts Payable Checks

Oath of Office – Patrolman Joseph Duchesne

**5:29 PM Motion** by Mauro to enter **Non-Public Session per RSA 91-A:3II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

Roll Call Vote: Price – aye; Arruda – aye; Mauro – aye

**5:35 PM Motion** by Mauro, seconded by Price to return to public session and seal the minutes of **Non-Public Session per RSA 91-A:3II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. The motion passed **3-0**.

**Motion** by Mauro, seconded by Price to adjourn at 5:35 pm. The motion passed **3-0**.

**NEXT SELECTMEN'S MEETING** – The next Selectmen's Meeting is scheduled for February 6, 2024 commencing at 4:30 pm at Town Hall.

Respectfully Submitted,

Linda Shackford,  
Town Administrator