

**BOARD OF SELECTMEN
TOWN OF MADISON
JANUARY 22, 2014
MINUTES**

Selectmen Present: Chairman Michael Brooks, Josh Shackford (arrived while minutes were being approved), and John Arruda.

Others Present: Town Administrator Melissa Arias; Deputy Town Administrator Sue Stacey; Historical Society members Becky Knowles, Linda Smith, Penny Hathaway, & Celeste Benoit; Road Agent Bill Chick, Sr. & Assistant Road Agent Bill Chick, Jr.; David Cribbie from GW Brooks & Sons; Fire Commissioner Joyce Elliott; Fire Chief Jeff Eldridge; firefighter Phoebe-Lynn Rand; Forest Fire Warden & Emergency Management Director Richard Clark; resident Phoebe Rand; Madison TV Videographer Emilie Riss.

Where and When Posted: Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on January 17, 2014 as an additional meeting of the Board of Selectmen.

Meeting Called to Order: By Brooks at 5:40 p.m.

APPROVAL OF MINUTES – Arruda made a **motion** to approve the Selectmen’s Meeting minutes of January 14, 2014 as prepared, seconded by Brooks, and so voted **3-0**.

APPROVAL OF MANIFEST – There was no Manifest to approve at this extra meeting of the Board.

THERE WERE NO PUBLIC COMMENTS

HISTORICAL SOCIETY BUILDING – Becky Knowles, Linda Smith, Penny Hathaway, and Celeste Benoit from the Historical Society were in to talk with the Selectmen about proposing a 2014 warrant article for the relocation of the building onto a new foundation on the existing property. The proposed warrant article has been drafted by Sue Stacey after getting the appropriate figures from Historical. The article would be for the full amount of the project, which is \$155,000, with \$75,565 coming from and dissolving the Historical Capital Reserve Fund, \$55,000 from the Historical Society Building Fund, and \$25,000 coming from general taxation. Knowles said their most recent fundraising venture brought in \$13,749, which is included in the \$55,000 building fund balance. The Historical Society would like to move forward with a 2014 warrant article so the project can be completed this year. Arruda pointed out that the original proposal includes a caveat about encountering ledge, rotted sills, etc. Knowles said there is a small cushion built into the proposal amount and there are also components such as a new chimney and brick walkway that could be cut from the project. Arruda told Knowles the project will have to go out to bid. Knowles asked a little more about the bid process and received two additional contractor names from Brooks before saying the Historical Society will get to work on this as soon as possible. Arruda said the article as drafted will hold the place but the amounts will be able to be adjusted on the floor of Town Meeting if necessary.

EAST MADISON ROAD BRIDGE PROJECT – David Cribbie from G.W. Brooks & Son, Inc. was in to talk about Change Order #1 on the East Madison Road bridge project. The Change Order is for an additional \$45,095, to cover the additional cost of cast-in-place footings rather than the precast footings

originally quoted. This change is necessary due to the results of the Subsurface Soils Investigation report. Brooks said there's enough money within the previously approved non-lapsing warrant articles to cover this additional cost but will only leave \$11,405 for any other unforeseen issues that might arise during the duration of the project. Cribbie said typically there is a contingency of between 2.5% to 7.5% of the total project cost included for these unforeseen issues. Cribbie said some work will be done in mid-June but doesn't anticipate the road being closed until after school lets out for the summer. Cribbie said the bridge reconstruction will take between 6-8 weeks and the road will need to be closed for 4-6 weeks during that period. The group agreed that placement of a temporary bridge would be too cost prohibitive. Chick Sr. said traffic should be able to get around Pound Road and Maple Grove Road easily that time of year. Cribbie said they are shooting to have the road back open and the project finished by September 1st. Cribbie provided the Selectmen with a printed status report, a diagram with the existing conditions, a USGS topographical map of the area, and the Hydrologic & Hydraulic Study Report for the file. He hopes to have the DES permits ready for the Selectmen to sign at the February 11th or 25th Selectmen's Meeting. Brooks said this means that any paving or shimming on East Madison Road in 2014 will need to be done through a new Town Meeting appropriation this year. Shackford said the Selectmen are proposing an a \$100,000 article at Town Meeting this year for East Madison Road with the hope that all of it can go toward the ¾" shim covering 13,200' of East Madison Road broken into three segments. Cribbie said ideally the Town's shim and the paving over the bridge should be coordinated at the same time to avoid construction joints.

Motion: Brooks made a **motion** to sign the Change Order dated January 14, 2014 for \$45,095, seconded by Shackford, and so voted **3-0**.

Decision: A signed scan of the Change Order will be e-mailed to Cribbie tomorrow.

TRANSFER STATION POSITION(S) – The group discussed with Chick Sr. when to advertise for replacement Transfer Station employees due to pending health issues and an upcoming retirement. The group discussed whether to advertise for one position at a time or both at once with there being pros and cons to both ways. Chick Sr. preferred to advertise for both positions at once because it will take a while to carry out the interview and hiring process. Chick Sr. also indicated that the Highway Department employees can't be expected to cover vacant shifts at the Transfer Station while the employment search is on. Arruda suggested placing an ad for a full-time employee now and get the successful candidate trained by the attendant and hopefully certified by the Department of Environmental Services prior to his retirement later this spring or early summer. At that point the Town could seek out a part-time employee to assist after the retirement occurs. Arias asked whether the advertisement for a full-time employee will include the janitorial services currently being carried out by the retiring employee. The Selectmen said there would likely be enough work to be done around the Transfer Station with brush burning, compacting containers with the backhoe, winter plowing and cleanup that the individual will be full-time at just the Transfer Station. The Selectmen asked that an ad detailing the expected duties of the full-time Transfer Station attendant be placed in the Conway Daily Sun.

JANITORIAL – The Selectmen asked for the 2011 Janitorial proposals to be updated based upon the current need for services. This will allow the 2014 budget to be adjusted before or at Town Meeting since the cleaning of town buildings may no longer be provided by a Town employee.

FIRE TRUCK WARRANT ARTICLE – The Selectmen discussed the draft wording of the 2014 warrant article for a new fire truck. The article will be for the full cost of \$453,411 with \$163,000 coming from the

Capital Reserve Fund and the remaining \$290,411 being financed over 10 years. Brooks said this article won't have an escape clause and will require a 2/3 majority vote at Town Meeting due to the binding nature of the multi-year appropriations. Brooks said the municipal escape clause does the Town no good in this instance because it's not an outright purchase. Also, Brooks said the Town will pay more in interest on the financing amount than what we would earn in interest on the balance within the Capital Reserve Fund. Brooks would prefer to see the money within the Capital Reserve Fund be expended first because of this. Brooks said the only time an escape clause makes sense is if you propose a lease/purchase without using any funds from Capital Reserve. The Selectmen said the article as drafted is fine as long as the Department of Revenue Administration (DRA) and Town Counsel approve. Elliott said there will be 9 payments, not 10 and the first payment won't need to be made until late 2015. Eldridge said the payments will be in the ballpark of \$37,000 per year. Phoebe Rand asked for clarification on whether the 2/3 majority vote would be required if there was an escape clause included in the language of the article and Brooks said it wouldn't but that the Board is still in opposition to including an escape clause and rewording the proposed article. Brooks said the upcoming Public Budget Hearing will be the place for public input on this article and he's hopeful that the article can be presented and supported in a united manner by the Selectmen and Fire Department.

CONSERVATION COMMISSION WARRANT ARTICLE – The Selectmen discussed the January 15, 2014 letter from the Conservation Commission asking for a \$5,000 warrant article to be deposited into the Conservation Commission Land Acquisition Capital Reserve Fund. Shackford said this article has appeared on the warrant in years past but last year he asked the Conservation Commission to withdraw their request, which they did willingly. This year the Conservation Commission voted unanimously to ask the Selectmen to put up the \$5,000 warrant article in 2014. Brooks said he is fine with the article going onto the warrant for discussion at the Public Budget Hearing.

2014 WARRANT ARTICLE ORDER – The Selectmen reviewed the first draft of the 2014 Warrant and the 1/21/14 Warrant Summary spreadsheet as prepared by Sue Stacey. The group discussed the order for which the articles will be listed on the final warrant. Stacey said the Town has received petitioned warrant articles from three new charities for 2014. Brooks said RSA 154:1 regarding the Fire Department organization will be the first warrant article considered. Brooks has talked with members of the Fire Department about presentation of the Fire Department related warrant articles in an attempt to ensure Town Meeting discussions remain calm and go smoothly. Brooks said next up will be the petitioned article for SB2 followed by the new fire truck article, which needs to be the first money article considered by the voters. Shackford suggested placing the fire apparatus Capital Reserve Fund article farther down in the order to give sufficient time for the one-hour 2/3 ballot vote to occur. If the new fire truck article passes there is a possibility that this article might be passed over. The Selectmen asked Stacey to place the three new petitioned articles from charities before the other ones. Brooks said the Moderator should be advised that the Selectmen want the three new petitioned charity warrant articles to be considered independently and not lumped into a group and voted as a whole as has been done with the charity articles in the past. The Selectmen will vote their recommendations during the ½ hour Selectmen's Meeting next Tuesday, January 28, 2014 before the 6 pm Budget Committee Meeting.

2013 TOWN REPORT PAGES FOR SHEA-PORTER – NH 1st District Representative Carol Shea-Porter has requested 2 pages in the 2013 Town Report for the purpose of sharing her achievements from that timeframe. The Selectmen said no because the content of the Madison Annual Report is for town related business only. Allowing this would not only set a precedent but would be considered political advertising.

FOOD REIMBURSEMENT REQUEST – The Selectmen have received a Request for Payment from an elected official for mileage and food reimbursement due to a meeting/training in Concord at the Department of Justice. Arias said the mileage reimbursement has already been processed but the food portion needed discussion by the Board before she would put it through. Brooks asked if the session had publicly posted in advance according to RSA 91-A and Arias said she hadn't noticed a posting at Town Hall. Brooks asked if minutes were taken and Arias said they had been e-mailed to the Town Clerk earlier today. Arruda asked how much time the two elected officials spent in Concord that day and Arias said the minutes show the meeting began at 3:05 pm and adjourned at 4:07 pm. The Selectmen went back and forth about whether to process the reimbursement request or not. The Selectmen pointed out that the entire Board of Selectmen and Arias spent the better part of a day in Concord for a mediation session and didn't expect or request our food (McDonald's) be paid for by the taxpayers. Brooks pointed out that our Election workers who man the polls from 7:45 am to 7:30 pm each time an election rolls around don't have their lunch or dinner provided for them as a means of saving money. The election works willingly pack their own food so we don't have to order out like was done in the past. The Selectmen discussed the fact that these elected officials don't have a line within the Town's operating budget so any expenses they incur have to be paid for out of the Selectmen's "Executive" line. The group talked about communication being key and thought the least the Selectmen's Office could receive would be some advanced notice and maybe even an inquiry seeking permission before they think about expending funds or seek reimbursement for trainings, mileage or food in the future. Shackford suggested this food reimbursement be made this one time and they be told future meals are on their own dime. The Selectmen discussed the standard mileage rate updated at least annually by the IRS and Brooks mentioned that there is also a per diem amount set for food expenses. Arias was asked to look at the Personnel Policy to see if reimbursements are addressed and determine whether an additional or amendment is warranted due to this matter.

NORJA REQUEST FOR PARTIAL RELEASE OF ROAD BOND – Norja, Inc. has forwarded a letter to the Planning Board Chairman asking that \$11,500 of his \$24,500 be released by the Town as a result of the 1" topcoat installation on Pebblebrook Lane in the Banfield Hollow development. According to Jay Bisio, President of Norja, the topcoat was put down in October 2013. His request is being made because the entirety of Pebblebrook Lane has been built out and won't be seeing heavy equipment traffic going forward. The Selectmen want to have the road surface looked at by the Road Agent in the spring of 2014 after the snow is gone and the entire surface of the travel way and ditches can be seen. This topic will be tabled until sometime in April 2014.

CAPITAL IMPROVEMENT PLAN (CIP) – The Selectmen never formally voted to approve or adopt the most recent version of the 2015-2020 Capital Improvement Plan (CIP). This will be discussed briefly and voted next week once the Selectmen take a closer look at the revision.

LIBRARY BUILDING SILL INSPECTION – The Selectmen received a letter from the Library Trustees' on December 23, 2013 requesting an investigation into the condition of the sills around the Library after John Neal discovered rot this summer while building a deck on the front of the building. Code Enforcement Officer Bob Babine went to try and inspect the sills from the interior of the building but couldn't adequately assess the condition so he's recommended an exterior inspection be done in the spring. This issue will be tabled until April 2014.

POMEROY NOTICE, AGREEMENT, AND RELEASE DOCUMENT – The Selectmen have received the private road waiver document titled Notice, Agreement, and Release as prepared by Town Counsel and

Pomeroy's attorney, Jeremy Eggleton. The Board went through the document as a group. Arruda would like to know what is being referenced in #1 where it says, "No enlargement or intensification of use as the term is understood within the Town's Zoning Ordinance". Arruda said he looked through the Zoning Ordinance and couldn't find the reference to enlargement or intensification of use. Arruda asked Arias to get an explanation on this from Town Counsel. Arias said Town Counsel had inquired with Eggleton a while back about who was authorized to sign on behalf of the Pomeroy Limited Partnership. The Selectmen want to ensure that the document is signed by the appropriate individuals and to know whether one partner has the authority to sign alone or if more than one signature will be required. Once these two questions are answered the topic will be placed back on a Selectmen's Meeting agenda.

FORESTRY TRUCK – It has come to the Selectmen's attention that the State of NH Department of Resources and Economic Development (DRED) forestry fire truck housed in the Madison Fire Department building has not remained plugged into an electrical outlet to ensure the batteries hold their charge. Brooks said he talked with the Fire Chief recently about the value this truck brings to the Town because it carries 1,200 gallons of water and can go a lot of places in Town that other apparatus can't go, especially this time of year. Brooks said the Fire Chief mentioned a leak in the truck to him. Clark said the truck has a leak in the rear main seal that the Town Mechanic is aware of. Brooks will talk with the Mechanic and then follow up with the Fire Chief about how to manage the vehicle going forward.

CONDITION OF ROUTE 113 – Arruda said he's received numerous complaints recently about the condition of Route 113, especially the stretch between Madison corner and AJ Coleman. Arruda proposed sending a Memo to the Department of Transportation (DOT) in Gilford and Chocorua. Shackford said this problem isn't isolated to Madison; that stretch of Route 113 is much like many other State roads in the area. Brooks brought up an expected increase in the gas tax that is supposed to put money back into the State's road maintenance budget. Shackford said the State's road funds are being put into more populated areas of the State. Shackford said State Representative Mark McConkey is on a committee in Concord that has been trying to ensure upkeep takes place in the more rural areas of NH. Shackford suggested Arruda make the DOT address(es) available to the individuals who complain with the thought that letters from private citizens might hold more weight than yet another letter from the Board of Selectmen.

SIGNATURE ITEMS –

Timber Tax Warrant & Worksheet – Rancourt (235-001, 234-038, 234-039)
Smith Trust (234-036 & 234-039)

7:27 PM –Shackford made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's meeting will be Tuesday, January 28, 2014 at 5:30 p.m. in the Town Hall meeting room. The meeting will be abbreviated due to the 6 p.m. Advisory Budget Committee meeting.

Respectfully submitted,

Melissa S. Arias, Town Administrator
Recording Secretary