

**BOARD OF SELECTMEN
TOWN OF MADISON
May 17, 2022
MINUTES**

Selectmen Present – Josh L. Shackford, Michael A. Mauro, John Arruda

Others Present – TC/TC Fire Chief Michael Brooks; Town Administrator Linda Shackford; DPW Director Jon Cyr; Chief Robert J. King, Jr.; Officer Jake Martin; Garden Club Member JP Goodwin; Conservation Commission Members Marcia McKenna, Ralph Lutjen, Noreen Downs, Ted Slader, Marc Ohlson; Residents/Taxpayers/others Alexander King, Jessie Dubuque, Jay Buckley, Nick Borelli, Nordel Gagnon, Kathy Koziell, Bill Dempster, Paul McKenna, John Cancelarich; MadTV Videographer Aysia Morency

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 23, 2021.

Meeting Called to Order – By J. Shackford at 4:30 pm.

APPROVAL OF MINUTES:

Motion by Arruda seconded by Mauro to approve the minutes of the May 3, 2022 as written. The motion passed **3-0**.

APPROVAL OF MANIFEST:

Motion by Mauro, seconded by Arruda to approve the Manifest of May 15 - 25, 2022 in the amount of \$156,056.12. The manifest breakdown is as follows: \$80,876.39 for Accounts Payable; \$35,701.10 for payroll; \$8,820.00 for 2021 Q2 payroll liabilities; \$10,658.16 for payroll liabilities; and, \$20,000.47 for NHRS. The motion passed **3-0**.

PUBLIC COMMENTS: Nick Borelli, resident, stated that it is his understanding that definition changes made in March to the Zoning Ordinance still prohibit Short-term rentals (STR) in the Eidelweiss district. Borelli request the Board enforce the Zoning Ordinance.

Kathy Koziell, resident, stated that the STR group feels that their use has been grandfathered in, but Koziell feels it must first be a legal use before that can happen.

Bill Dempster, resident, present to the Board a list of STRs compiled using information from the registry of deeds and a town database.

DISCUSSION ITEMS/NEW BUSINESS:

Conservation Commission:

Conservation Funds - Madison Conservation Commission (MCC) Chairperson Marcia McKenna suspects the Board is expending conservation funds without authority or telling the commission. McKenna stated she checked with the Town Attorney and NHMA and they both stated that per RSA 41:9 the Selectmen cannot take funds from conservation accounts and McKenna would like the funds returned to those accounts.

Arruda added that he spoke with McKenna today about the accounts noting there are several that include Land Use Change, Gift, Forest Maintenance, Conservation Fund and the Capital Reserve Fund. There may be deposits that may have been mistakenly applied to the wrong accounts and Arruda would like to see all of this cleared up before moving funds around. Arruda can see that the Conservation Fund is clearly in the hands of the MCC with McKenna correcting Arruda by stating NHMA said that any funds under the conservation are in control of the Commission. Arruda would like time to look into this.

McKenna questioned why the MCC was not told of expenditures. Lord was the Selectman's rep to the MCC and J. Shackford was under the impression that anything that was spent was voted or discussed by the MCC and in their minutes. McKenna said that at the last Selectmen's meeting it was voted to spend \$6,200 from the LUCT account and that was not mentioned at the MCC meeting. Mauro interjected that he did speak to that and said that continued work to the ramp would entail extra funds. McKenna feels that the \$7,500 offered for the repair of the dam has not been completed and it should still be in their account.

McKenna says that the LUCT account is the MCC's as voted on at a Town Meeting. J. Shackford is of the understanding that these funds are the Town's money, not just the Conservation Commission's adding that if McKenna is alluding to that the Selectmen have been taking money illegally, we will certainly look into that. J. Shackford rhetorically asked how can the Selectmen be accused of misleading anyone when we were of the understanding that the Selectmen are the agents to expend on some of the accounts for conservation purposes.

McKenna said that Lord suggested as a good faith effort of the MCC to assist in the brine and dam repair to which some of the member agreed and an offer to pay for half of each of those projects was agreed upon. But McKenna said more money was spent and had the Selectmen come back, the MCC would have considered it.

McKenna expressed her frustration of the lack of support from the Selectmen over the 20+ years she has been on the MCC. J. Shackford asked what MCC projects have not been supported by the Selectmen. McKenna spoke to monetary request that the Selectmen have not supported to which J. Shackford asked for specific project non-support to which McKenna only spoke of raising funds. J. Shackford is not in favor of continually asking the Town for more money that is sitting and not being used for conservation purposes.

Arruda summarized that over only the last year there were conservation funds spent on the brine truck, the boat ramp and the stairs to the Cascades. Arruda's opinion is that if we owe money back to conservation, that will happen, but we will first take the time to find out exactly how all the funds operate. J. Shackford asked if this can wait until next month when we can talk to the Town Attorney to clarify who has authority over the accounts. All agreed.

McNair Easement – McKenna has received advice of counsel regarding the easement at the Fadden property. McKenna said L. Shackford has confirmed with Fadden that they will be moving equipment in soon and do no plan to cut on the portion of the property in the easement until they have met with the MCC. McKenna has been advised that after that meeting the MCC then needs to come back and write out the agreement as per governing RSAs, best management practices and basal area cutting for review by Town Counsel, signed by the Selectboard, signed by Fadden and Code Officer Boyd for enforcement. McKenna noted that the Town can do a preemptive injunction until an agreement is signed and organized.

McKenna said that meeting needs to include the Selectmen, Code Enforcement, Tim Nolin and public. The Town has the obligation to enforce the easement. McKenna wants Fadden to become aware of the process.

J. Shackford said we do have an easement on the privately owned piece of property and he advises we proceed cautiously about telling a property owner what they can do on their property before they have done anything. Brooks noted that this property was cut several times over the years and he does not recall this happening based on the only change being ownership. This owner should be treated the same.

McKenna feels we need to know how they intend to approach the cut as the easement states no clear cutting and Fadden tends to cut a lot of trees. Best management practices suggest 100' from the pond with the state regulations being less. McKenna wants to have it spelled out about protection of deer habitat.

McKenna stated that because Durgin Pond is over 10 acres it is a prime wetland and state regulated. Chief King corrected McKenna that it is not designated as a prime wetland as that happens by a vote of Town meeting but agreed that the state does have regulations regarding 10+ acre waterbodies.

J. Shackford would be happy to attend a meeting with the Fadden, Nolin and any other BOS members. McKenna said that the attorney said we need a written agreement to which both J. Shackford and Brooks cautioned how the owner is being treated to which McKenna states that the easement says if there is not a mutual agreement between parties then it goes to arbitration. Mauro feels the easement is the agreement and no need to have another agreement signed.

Downs wants the agreement as a form of prevention because once a tree is cut it is done. The easement calls out habitat for wildlife and water protection and we just want to honor the easement.

Jessie Dubuque, wildlife biologist, asked when the last time active management was conducted on the property. It was surmised in the last 3-5 years. Dubuque asked what percentage is being managed to which McKenna replied 140+ acres of the easement. Dubuque asked the type of cut last performed to which McKenna replied single cut, thinning. Brooks added that there were swaths cut and slash left that caused fire hazards. Dubuque asked if there is a wildlife plan to which the answer was no. Dubuque encouraged those types of management for the property.

Bob Boyd, Code Enforcement, explained basal area cuts and what is allowed and suggested researching RSAs. J. Shackford asked Boyd if he would be willing to join the group at the meeting and Boyd said he could but he has been retired from this for a long time and agreed to the suggestion that Officer Trask may be able to help. Boyd's time is very limited as he is concentrating on building permit application and inspection and he cannot commit his time to enforcing or monitoring this cut.

J. Shackford planned to have several people at the intended meeting with Fadden including Nolin. McKenna asked if the Board was in favor of having anything in writing to which J. Shackford would like to speak with their attorney first. Mauro does not want this to be us against them with J. Shackford hoping this could be a give a take agreement.

The Board agreed to have McKenna return at the next meeting to discuss the Chain of Ponds property and the Upper Valley Land Trust and Conservation Fund's involvement in the purchase. A site

visit/walk is planned on Friday, May 20th with time and location to be determined to be posted as a meeting and the public is invited to attend.

McKenna stated that she would like to see the purchase of the easement property if it comes back up for sale noting that Fadden paid \$401,000.00.

Granicus Renewal – The STR company that gathers information regarding advertised short-term rentals has asked if the Town will be renewing for another year subscription. The Board was in agreement to not renew at this time.

Garden Club Request for Compost Pile Area – JP Goodwin of the Madison Gardening Club was present to represent the club and request that an area be made available for a compost pile. The compost is used to maintain the Veteran’s monument and it was hoped the location could be conveniently near to the monument. Discussion of the location suggested behind the fire station, in the area behind Burke Field but was ultimately agreed upon that it would be constructed from three of the granite blocks from the old retaining wall and located on the Village Road side of the ballfield fence.

Cyr asked for clarification from Goodwin about claims that his department is holding up the irrigation project. Cyr asked Goodwin if there is a plan to put flowers along the south side of Town Hall. Goodwin stated that there are no plans for that, nothing different than the plan offered a couple of years ago and they are not holding anything up, adding that it is appreciated how well Cyr works with the club and responds to their needs. J. Shackford suggested looking into getting some different companies involved in the irrigation project.

OLD BUSINESS – There was none

Selectman Arruda’s List – Arruda asked Cyr about how the Town handles plastic at the Transfer Station and Cyr explained that because we voluntarily recycle, we do not have it in our contract to dispose of straight loads of plastic at Mount Carberry. Arruda thanked the 98% of the Transfer Station patrons that were understanding of the inability to accept demo this last weekend.

Arruda commended Officer Jake Martin on his actions at a medical incident over the weekend. Officer Martin used a portable defibrillator to bring a patient back to life. This is not something that happens every day and should be noticed.

Selectman Mauro’s List – Mauro noted that the school path is coming along nicely. Mauro made a suggestion of the creation of a brochure that gives alternate sites for disposal of some items that make it to our Transfer Station with McKenna offering the Commission’s help, if asked.

Selectman Shackford’s List – J. Shackford asked Marc Ohlson, as a resident of Madison, for specifics about the activities at Coleman’s Pit that have brought about complaints to the Planning Board. Ohlson explained that there are activities associated with gravel extraction on the parcel that is not grandfathered for that use. There is no AOT, the land is in current use and RSA 155E may need to be reviewed. J. Shackford asked for the best access point to the property. Ohlson suggested walking in from Klausen Drive on the snowmobile trail.

J. Shackford asked for Department Heads to be prepared for a budget review at the May 31st meeting. J. Shackford is asking for a brief overview of where we stand with the budget to date and any concerns that department heads have encountered or anticipate.

J. Shackford, noting the need for faster internet to assist MadTV in their live streaming capabilities, asked the Board to approve an upgrade in Town Hall's internet service at a cost of \$100/month. The Board approved the expenditure.

Administrator's List – No items

Department Heads' Lists:

Director Cyr: The wall at the transfer station is moving along well. Cyr also mentioned:

- The truck that hauls out waste of Mount Carberry is at the shop so there was no bulky waste accepted this weekend at the transfer station;
- The shed that was donated to the Town from the Downs' was never used for the Transfer Station Guard Shack as intended. SLAM has asked if it could be used as a shelter for the Lake Host employees. The Board was in favor of that use and Cyr will be able to get it to the boat launch area;
- The raft for Foot of the Lake Beach needs some attention which include and aren't limited to bolts for the ladder, new lanyards holding it down. Cyr will ask Swift to work on it for this summer's use;
- Cyr mentioned consideration of closing on Easter Sundays.

Chief King: King continued discussion of the \$50,000 GOFERR grant available for public safety from the last meeting. Some items to consider included:

- Boat available that could be used by police, fire and DPW;
- Speed trailer/message board could be used by the same three department and would replace the failing 2008 speed trailer the Town owns;
- DPW safety light bars for two trucks;
- Chainsaws for the Fire Department;
- Road cones; and
- Fire Department meter and saws.

Motion by J. Shackford, seconded by Mauro to apply for the GOFERR Local Equipment Purchase Program for safety equipment as per the grant guidelines not to exceed the \$50,000. The motion passed **3-0**. J. Shackford suggested that the boat be generically labeled as "Town of Madison".

Chief Brooks – The Fire Department was busy assisting other towns with wildfires along with one on Mooney Hill Road encompassing three acres.

Recreation Committee's List – Price sent his comments in writing as he was unable to attend tonight's meeting. He would like to be sure to keep the pavilion conversation going and has passed plans along to Jake Boewe for an estimate. Concern over milling the pine logs from Winter Road as they would not be "stamped" for structural use. Price suggested getting a volunteer to mill the logs and then auction them off using the funds to help offset the cost of the building.

SIGNATURE ITEMS

Manifest

Payroll & Accounts Payable Checks

Yield Tax: Hubbell 203-001 & 203-019 \$1,757.22

Jones 234-045 \$1,203.76

2022 Tax Collector Abatements: State of NH 204-010 \$608.00
State of NH 202-025-001 \$1,277.00
Blomquist 128-007 \$112.00
Blomquist 128-009 \$110.00

BTLA Settlement Docket No: 30082-20PT Brown, Suzanne M v. Madison
Purchase Requisition: 2022-GGEQ-001 Northledge Technologies \$1,425.00
2022-SOLI-001 Coleman \$6,050.00
2022-POLI-008 Trexler's Marina \$24,000
2022-POLI-009 Applied Concepts, Inc \$18,714.85

6:26 PM – J. Shackford made a **motion** to go into **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee.

Roll call vote: J. Shackford – aye; Mauro – aye; Arruda – aye

6:40 PM – Mauro made a **motion** to return to public session and not seal the minutes under RSA 91-A:3II (b) seconded by J. Shackford and so voted **3-0**.

6:40 PM – Mauro made a **motion** to adjourn, seconded by Arruda, and so voted **3-0**.

NEXT SELECTMEN'S MEETING – The next Selectmen's Meeting is scheduled for May 31, 2022 commencing at 4:30 pm at the Madison Town Hall meeting room.

Respectfully Submitted,

Linda Shackford,
Town Administrator