

**BOARD OF SELECTMEN
TOWN OF MADISON
June 28, 2022
MINUTES**

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

Others Present – TC/TC Fire Chief Michael Brooks; DPW Director Jon Cyr; Chief Robert J. King, Jr.; Town Administrator Linda Shackford; Code Officer Bob Boyd; Officers Mike Mosher; MCC Co-Chair Ralph Lutjen and Alternate Noreen Downs; MadTV Videographer Carol Dandeneau; Residents/Taxpayers/others

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 Mauro, seconded by Arruda to approve the minutes of the June 14, 2022 as written. The motion passed **3-0**.

APPROVAL OF MANIFEST:

Motion by Arruda, seconded by Mauro to approve the Manifest of June 26 – July 1, 2022 in the amount of \$141,823.99. The manifest breakdown is as follows: \$96,963.52 for Accounts Payable; \$34,660.25 for payroll; and \$10,200.22 for payroll liabilities. The motion passed **3-0**.

Meeting Procedures: L. Shackford asked for the Board’s support of the Selectmen’s Meeting Procedures that were last updated April 17, 2012. L. Shackford admitted to being lenient with the policy but has found that it is being taken advantage of and impeding the Board’s regular business. The most challenging item is that attendees do not submit something in writing that explains their reason for attending by noon on the Thursday prior to the meeting. The Board agreed to support L. Shackford’s enforcement of the policy.

PUBLIC COMMENTS:

Todd McCartney, 110 Eidelweiss Drive, present to the Board a copy of a proposed Petition Warrant Article that was for 2022 containing 100 signatures that was never submitted. The warrant article was given to show the support for short-term rentals (STR) in Madison.

Cailee Bergeron, resident, informed the Board of a survey that is being published to get more information for the Planning Board regarding STRs. Bergeron have statistics that showed that of the 110 responses so far, 83% support STRs and regulations regarding them.

Bill Dempster, resident, provide to the Board a list of twenty more properties that have started up as STRs since the March Town Meeting.

Doug Prescott, Eidelweiss Property Owners Association member, said a straw pole of the 30 members in attendance there supported allowing STRs in Eidelweiss with a noise regulation.

DISCUSSION ITEMS/NEW BUSINESS:

Churchill Road Classification – J. Shackford reminded all that this discussion was continued from the May 31st meeting. J. Shackford reviewed information submitted regarding Churchill Road that included the 1892 Hurd Map, the Class VI Road study and information from both Tafuto and Attorney Tilsley.

J. Shackford also inquired with his grandmother, who has lived in Madison all her life, about the road and she remembered back in the 1950's being courted on that road by his grandfather. J. Shackford cannot see any reason that this is not a Class VI road.

Arruda remembered the Town Meeting back in 1999 when this study was presented and there was a vote in the affirmative to defend this study and Arruda feels that Town Meetings vote on this should be upheld. J. Shackford and Mauro concurred that they are willing to defend Churchill Road as a Class VI road.

Tafuto cited his reasons that Churchill Road is not Class VI. Those reasons included that the road was never built or maintained by the Town, it was a road that only his family used noting that Nathaniel Churchill owned 1,500 acres. The Class VI Road Study contained maps amended by Bob King which, Tafuto states, makes it not a trustworthy document.

Tilsley cited RSA 229:1 which states a public road can be created if for twenty years prior to 1968 it was used by the public. Tilsley noted that a local school was on that road which reinforces the public use.

J. Shackford stated his agreement to Tilsley's argument.

Shawn Bergeron, Agent for Hillary Twigg-Smith, feels if it is the general opinion of the Board that Churchill Road is Class VI then he would hope that the Board would follow the Class VI Road Study in its entirety reading from the study. Bergeron stated that the barn on the Twigg-Smith property was relocated onto Churchill Road with the granting of a building permit and that action gave up the rights the Town had to Churchill Road. Bergeron asked for the Board and Attorney Tilsley to consider the relocation of Churchill Road by layout. Tilsley would consider that proposal but would like to see it first.

J. Shackford was in favor of Bergeron's idea of a layout which would be run by Town Counsel. All parties were in favor of engaging in a future discussion of the laying out of Churchill Road.

Garden Club Compost Pile Location – Paulette Lowry returned for further discussion to solidify the location of the compost pile. It was decided it will be located near the telephone pole by the monument. The location will not impede snow plowing. This issue is closed and it will be installed as soon as possible.

JP Goodwin-Rogers – Danforth Lane – Goodwin-Rogers of 341 Danforth Lane spoke to her concerns of the proposed subdivision at 363 Danforth Lane. Goodwin-Rogers sees that the plan proposes road improvements within 3' of her property line. The abutter has also made changes to a driveway that is within the 15' setback from her property and filling in wetlands. Arruda, reading from Goodwin-Roger's written statement, sees that work is being performed on the property without permits. Code Officer Boyd stepped into the conversation and clarified that they now have an active building permit and that they were fined for beginning work without it. Boyd stated that a letter was sent to the owner about widening the driveway without permits and the timeframe for a response from the owner has not ended on that yet.

Arruda asked Boyd if he was aware of any changes being made to Danforth Lane to which Boyd was not sure. J. Shackford asked Boyd if he could find some time to go up and photograph the driveway and road to which Boyd stated he would try and fit it in this week.

Conservation Commission – McNair Easement Amendments – MCC's Lutjen and Downs were present to speak with the Board about the Commission's proposed amendments to the McNair easement. Lutjen

gave a brief description of the property that is being logged by Fadden/Whitaker. The Commission sees a need to update the easement for future protection of the property because the current easement is inefficient in comparison to new standards and best management practices. A change to the easement would require that all property owners impacted must agree to the change.

A draft amendment to the easement, that the Commission created at their meeting on June 27th, was created using templates. Downs and Lutjen asked the Board for Town Counsel to review the document. Arruda asked who would pay for this review. Downs stated that McKenna is in favor of paying for legal fees out of the Forest Maintenance account, though not yet voted on as a Commission.

Arruda asked if Fadden/Whitaker has seen this yet. Lutjen hoped to have it reviewed by counsel before presenting to owners. Downs added that Fadden/Whitaker has spoke favorably to an amendment that still leaves the McNair and Corron property owners indeterminant. Downs explained the time challenge because once Fadden/Whitaker is finished logging they will sell and there is nothing to say the new owner would be favorable to the amendment. Downs asked to propose letting the owners see this draft concept knowing that it could change after counsel review, just to get an initial impression as to their receptiveness to the idea; at that point the Board could move forward.

Arruda asked who signed the original agreement. It was determined it was the Board of Selectmen. The Board was in agreement to send out copies to owners for their initial response before spending money to review, the letter will go out tomorrow.

Tax-Exempt Leasing Corp – Lease Agreement for 2022 Silverado Pickup Truck – The paperwork from Tax Exempt Leasing for the pick-up truck approved at Town Meeting in March was received. **Motion** by J. Shackford, seconded by Mauro to sign the leasing paperwork with Tax Exempt Leasing for the 2022 Chevy 2500 Silverado. The motion passed **3-0**.

Fencing – Transfer Station and Town Hall Retaining Wall – In keeping with the need for safety and aesthetics Cyr proposed an aluminum replica of a rod iron fence for along the top of the new Town Hall retaining wall. The approximate cost would be \$6,000.

Motion by J. Shackford, seconded by Mauro to spend \$6,000 out of ARPA funds for the fencing atop the Town Hall retaining wall. The motion passed **3-0**.

Arruda asked about a fence at the Transfer Station that would go along the compactor wall. Cyr explained that he has plans for this year that would solve that problem. The roofs that are going to be built, using funds from the Transfer Station ETF, would protect the edge from fall hazards as there will only be a small hole that MSW and recyclables can be passed through.

OLD BUSINESS: There was none

Selectman Arruda's List – Arruda, directing his comment to Cyr, noted that under the solid waste contact budget line the cost so far this year is recorded as \$37,000 and the revenues at the Transfer Station to date are \$28,140. Arruda would like to see these offsetting figures noted in the next Town Report.

Conway's new operating days at their Transfer Station was Arruda next topic. Conway's facility will be closing on Sundays and Mondays which Arruda could see putting pressure on the \$5/bag option offered here in Town. Cyr can see our Transfer Station being closed on Sunday in the future. Arruda would like to keep an eye on if Conway's closure has any impact on our facility. McCartney suggested going back to the coupons system which was not met with support. Arruda feels the budget is inline with 46.6 % of the budget spent at 49% of the year.

Selectman Mauro's List – Mauro asked Cyr for an update on the Boat ramp dock and the East Madison Road culvert repair. Cyr responded the dock is being fit into the schedule and the culvert repair project is awaiting delivery of precasts with a possible start date of next week. Cyr answered Mauro inquiry to the Carved in Bark street signs with the difficulty of getting signs made from the State, Cyr is looking into a new vendor. Mauro announced that the rescue truck that has been being modified with a new chassis is expected to be delivered to Town this Thursday.

Selectman Shackford's List – J. Shackford expressed his concern regarding the work that needs to be done on Downs Road. Personnel was working on the road and was sent away by owners. The road has a history of causing damage to vehicles, citing a truck roll over a few years ago. The poor drainage and slopes make it an unsafe road and with no cell or radio service it is also unsafe for personnel. J. Shackford suggested asking Town Meeting to turn it to a Class VI road. Bergeron offered his thoughts stating the Town does not need another Class VI road, supporting the DPW crew's work to the road. Arruda suggested, and the Board concurred to putting the owners on notice via certified mail that the Town will be bringing up the road to a safe standard.

Administrator's List – CC Admin Assistant – L. Shackford asked for the Board's thoughts on requesting the Conservation Commission to hire their own administrative assistant. Citing several reasons that included not being a land use board, the wish that they had been involved in the decision to make the change to the current land use personnel and that comment was made that their needs are not being met as they had in the past. L. Shackford suggested paying for administrative staff for their commission out of the executive budget for the rest of 2022 and putting the \$2,500 back in their operating budget line for administrative for 2023. The Board was in support of this change that L. Shackford will propose at the Commission's next meeting.

Department Heads' List:

Director Cyr – The project around Town Hall has come together nicely and as mentioned earlier, East Madison Road's culvert is the next project on the list. Cyr has revisited the contract with the paving company hoping to get from them a solid price fearing a huge increase in AC pricing. We do not have a timeframe from them yet. Cyr is also keeping in mind the paving of parking lots with Mauro asking to include the Fire Stations apron in that, to which Cyr offered to do with his crew. Cyr and Bergeron are working together on a template for the railing on the Cascade staircase.

Code Officer Boyd – Building permit requests are increasing having received fifteen applications in one week. Reminder to all that there are fines of \$275/day for zoning violations with collection of a \$1,470 fine today.

Officer Mosher – Mosher stated that the 2022 Tahoe has been delivered and is on the road.

Recreation Committee's List – No representative was available for an update but all agreed that positive reports of the kids having a great time have been heard.

SIGNATURE ITEMS

Manifest

Payroll & Accounts Payable Checks

Bill of Sale: 1989 GMC Cab and Chassis

DRA PA-28 Taxpayer Inventory Order Form

Intent to Cut: Corron 246-012

Oath of Office: Sharon Schilling – Veteran's Advisory Committee

Gary Bent – Veteran’s Advisory Committee
 Volunteer Service Statement & Agreement: 2022 Recreation Department Volunteer
 Adam Price
 Nancy Martin
 Jacqueline Pettit
 Lauren Hirtle

Request for Payment: Ken Irving’s – Field Maintenance Account \$1,050.00
 Yield Tax Levy: 21-283-16-T Hadlock 119-026 & 241-006 \$1,767.71
 Request for Payment: Tax Exempt Leasing Corp to Dingee Machine \$42,400
 2022 Dog Warrant Per RSA 466:14
 Supplemental Tax Bill Warrants:

Parcel ID	Owner	Supplemental Amount
103-046	Ogden	\$1,630.00
107-070	Evangelista	\$2,128.00
105-023	Dejesus	\$951.00
105-061	Small	\$1,542.00
106-067	Freysinger	\$2,171.00
108-106	Cowgur	\$2,678.00
112-010-034	Richards	\$2,777.00
112-010-036	Bennett	\$952.00
112-010-038	Burns	\$3,095.00
113-007	Eastern Custom Builders LLC	\$1,790.00
114-069	Knudsen	\$1,210.00
129-019	Oberlander, Trustee	\$3,026.00
105-024	Kondrat, Trustee	\$1,036.00
110-021	Gage	\$368.00
112-010-030	Bisio	\$477.00
113-017	Oxford	\$2,995.00
115-014	Kavanagh	\$237.00
120-013-001	Allan	\$1,131.00
204-004	LaPlante	\$792.00
205-036	Owen	\$543.00
221-002	Petell	\$1,228.00
228-045	Clifford	\$742.00
245-010	Lucy	\$421.00

5:56 PM – J. Shackford made a **motion** to adjourn, seconded by Mauro, and so voted **3-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s Meeting is scheduled July 12, 2022 commencing at 4:30 pm at the Madison Town Hall meeting room.

Respectfully Submitted,

Linda Shackford,
 Town Administrator