

**BOARD OF SELECTMEN
TOWN OF MADISON
November 1, 2022
MINUTES**

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

Others Present – TC/TC Fire Chief Michael Brooks; Town Administrator Linda Shackford; Chief Robert King, Jr.; Officer Jake Martin; Foreman Justin Chick; DPW Dave Swift; Rec Program Adam Price; MadTV Videographer Carol Dandeneau

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.

Pledge of Allegiance: J. Shackford led all in attendance in reciting the Pledge.

APPROVAL OF MINUTES:

Motion by Mauro, seconded by Arruda to approve the minutes of October 4, 2022 as written. The motion passed **3-0**.

APPROVAL OF MANIFESTS:

Motion by Mauro, seconded by Arruda to approve the Manifest of October 17 - 25, 2022 in the amount of \$351,258.72. The manifest breakdown is as follows: \$95,396.87 for Accounts Payable; \$29,853.47 for payroll; \$8,399.30 for payroll liabilities; \$17,609.08 for NHRS and \$200,000 for MES. The motion passed **3-0**.

Motion by Mauro, seconded by Arruda to approve the Manifest of October 31 November 7, 2022 in the amount of \$343,571.82. The manifest breakdown is as follows: \$106,741.30 for Accounts Payable; \$28,328.76 for payroll; \$8,501.76 for payroll liabilities; and \$200,000 for MES. The motion passed **3-0**.

PUBLIC COMMENTS: There were none.

DISCUSSION ITEMS/NEW BUSINESS:

Consider Motion for Rehearing of Danforth Road Petition for Layout – A request for a rehearing of the decision made regarding the denial of the Danforth Road Petition for Layout on September 22, 2022 was received.

J. Shackford asked the two other members if they have reviewed the 2-page request for a Motion of Rehearing of the Danforth Lane decision. Arruda and Mauro responded yes.

Mauro stated that he did not find that anything has changed since the original hearing and he does not change my mind about not approving the layout.

Arruda stated he reviewed the submission from applicant for the road extension and their arguments. To the arguments that it will improve convenience of travel, Arruda feels that this portion, to only be extended by 300', gives no gain for the town whatsoever, no gain other than for the petitioner; and

transportation of existing school children is mention to which Arruda noted that there are no school children now and there may never be with Arruda citing the downward trend in school enrollment. Improving the accessibility for fire and police services, Arruda said that the Fire Chief was on site during the hearing and found that a fire truck can get in there so Arruda sees not improvement of that service.

Arruda does not see any benefit to the town whatsoever, only the petitioner would gain and he will not change his vote.

Motion by J. Shackford, seconded by Mauro to deny the reconsideration for rehearing of the Danforth Lane Road Petition layout. The motion passes **3-0**.

Annual Snow Removal Policy Review – The 2022-2023 policy was reviewed with mention made by J. Shackford that we may be down a truck. Chick feels we will be covered with doubling up two little trucks to do the Route 41 area. J. Shackford explained that the truck purchased over the summer cannot be outfitted with a plow frame suggesting that it may need to be traded or sold to allow for the purchase of a truck that can plow. Arruda asked if the level of service will be the same with Mauro saying we can always break out the Oshkosh. The Board signed the latest version of the Standard Operating Guidelines for Snow Removal and Ice Control.

STR Letters – J. Shackford explained that there are two types of letters going out to STR owners in town. The letter to the Eidelweiss District reads:

“You are receiving this letter because you have been identified as the owner of property located within the Eidelweiss Residential District that is being offered for rent as a short-term rental. The Town of Madison Zoning Ordinance, section 4.6.A, states that the Eidelweiss district is “primarily a district of single family residences and accessory buildings,” with the only other permitted uses being home occupations, churches, and public buildings. “Business, commercial enterprises and agricultural uses are prohibited.”

A building used primarily or exclusively as a short-term rental is not a “residence,” because no one resides there, and it does not qualify as one of the other uses permitted in the district. Rather, it is being used as a “commercial enterprise,” which is expressly prohibited by the ordinance.

It therefore appears that your property is in violation of the town’s zoning ordinance. We would prefer to achieve voluntary compliance, as opposed to bringing an enforcement action. If the violation continues and the town is required to bring an action in court to enforce compliance, you should know that you could be subject under RSA 676:17 to a civil penalty of \$275 per day, plus payment of the town’s attorney fees.

Please contact the office as soon as possible to let us know your position regarding voluntary compliance.

Thank you for your anticipated cooperation.”

The letter to those who purchased and are operating an STR after March 2022 Town Meeting reads:

“You are receiving this letter because you have been identified as the owner of a non-owner-occupied property located within the _____ District that is being offered for rent as a short-term rental.

Under sections 4.2 and 4.4 of the Town of Madison’s zoning ordinance, the only uses of property permitted by right in the Rural Residential and Village Districts are single family houses and certain other uses that do not apply. In March 2022 the voters amended the zoning ordinance to make it clear

that a house that is primarily rented to guests on a short-term basis, rather than used as a residence, does not meet the definition of a “single family house.” Since it appears that your short-term rental use was established after the ordinance was amended, the use is not permitted.

Apart from single family houses, “lodging house (bed and breakfast) facilities” are permitted in your district by special exception. A bed and breakfast is defined as “a private owner-occupied residence with guest rooms.” If you actually occupy the property as your residence, you may rent rooms to short-term guests, but only if you first obtain a special exception from the zoning board of adjustment.

It therefore appears that your property is in violation of the town’s zoning ordinance. We would prefer to achieve voluntary compliance, as opposed to bringing an enforcement action. If the violation continues and the town is required to bring an action in court to enforce compliance, you should know that you could be subject under RSA 676:17 to a civil penalty of \$275 per day, plus payment of the town’s attorney fees.

Please contact my office as soon as possible to let me know your position regarding voluntary compliance. Thank you for your anticipated cooperation.”

The Selectmen and the Code Enforcement Officer will be signing the letters. There are 14 letters being sent, seven of each letter.

Motion by J. Shackford, seconded by Mauro to send out the letters to Short Term Rental owners. The motion passed **3-0**.

2023 HealthTrust Rate Package and Domestic Partner Rider – The medical and dental rates for 2023 insurance have been received. The increase is 5.2% for health and 1.5% for dental premiums.

Motion by J. Shackford, seconded by Mauro to accept the rates and sign the agreement and authorization form. The motion passed **3-0**.

No action was taken regarding the Domestic Partner rider.

Roberts & Greene, LLC Engagement Letter 2022-2024 – A letter of engagement for 2022-2024 was reviewed for Roberts & Greene to perform the Town’s annual audit. The agreement would be at a cost of 13,500 each year. J. Shackford questioned the need to place this out to bid. It was decided that the relationship with Roberts & Greene is working well and we will remain with the firm.

Motion by J. Shackford, seconded by Mauro to have Roberts & Greene perform the Town’s audits for 2022-2023 at a cost of \$13,500 annually. The motion passed **3-0**.

2023 Preliminary Budget – Arruda began by offering the status of the 2022 budget with 79.1% of the budget spent at 83.6% of the year. The 4% surplus may not survive to the end of the year.

Arruda has most all of the departments with their preliminary numbers entered with the exception of DPE and personnel administration. Arruda offered some numbers for DPW that took into consideration a decrease of the contract line for MSW lowering from \$138,000 to \$89,000. L. Shackford added that today she found out that we are paying to dispose of cardboard which used to be a revenue used to offset the plastic disposal expense.

MOU for School and Town Rec – A memorandum of understanding was received from Principal Woodard regarding the use of school and town properties. The Board asked who wrote the document with the response being the school board with Brooks correcting that response as he said the document was presented to the school board and at the School Board meeting Brooks made a motion to table the

MOU because the Selectmen were not involved and had not seen it yet. This MOU will be added to the next agenda.

OLD BUSINESS:

Conservation Letter – This was again tabled to the next meeting awaiting some clarification.

Selectman Arruda's List – Arruda clarified some of the earlier STR discussion adding that this round of letters is the first in a series, there is a progression in place. Arruda also mentioned:

- A current vendor, North Coast Electronics has offered to do the removal of freon from our appliances for \$8/unit. Arruda feels it is a good idea and the other members agreed;
- The old trailer at the Transfer Station used to collect aluminum is not road worthy and rusted out. It was agreed that it will be crushed and put in the metal pile;
- Arruda asked DPW to do some grading at the Transfer Station in front of the glass pile; and
- Citing material disappearing from the Transfer Station at night, it was hoped that some lighting could be installed as a deterrent. Swift suggested some solar motion lights that he will obtain and get installed.
- Daymond Steer asked for a copy of the letters and list of names which Arruda suggested he come by the office tomorrow. Steer asked how the receivers were identified with Arruda stating it is a random list.

Selectman Shackford's List – J. Shackford stated that the work at the junction of East Madison Road and Route 113 is complete and thanked Chief King for the use of the sign which King will remove tonight. J. Shackford also mentioned:

- Rickers picked up scrap metal from the garages and J. Shackford asked if L. Shackford could see if a check has been received;
- There are close to 70 tires that need to be taken away. J. Shackford has not received a call back from a company that he called. L. Shackford will ask Rickers if they take tires since she is calling regarding the metal;
- J. Shackford, Swift, Chick and Cherry all attended a UNH T2 Class called Snowfighter School and came back with some helpful information. J. Shackford was told that sand is not as useful on paved roads as you'd think and is mostly for driver peace of mind. Brine for roads is very finicky regarding pH levels and temperatures needed for proper use, if not the perfect mix it is a waste of money. The class was held in Gilford and they buy their brine already mixed to the perfect criteria; and
- Justin Chick received his Road Scholar I certificate which is obtained with 24 hours of UNH T2 schooling.

Selectman Mauro's List – Mauro is pleased to see that the school bridge is almost complete adding that it looks amazing and is a great addition for the safety of the elementary school students, and

- Mauro thanked the DPW crew for the excellent job they have been doing completing projects that include E Madison Road, the Town Hall parking lot and guard rail replacement.

Department Heads' List:

Tax Collector/Town Clerk/Fire Chief Brooks – Over 120 absentee ballot requests have been satisfied and there are still requests coming in. The tax rate is moving forward and Brooks reviewed the dates in hopes that the rate is set soon. And, all the fire vehicles are getting their annual inspections.

Chief King – There has been some political sign vandalism around town with one offender caught on camera pickup and throwing signs in the woods, this particular offence has been turned over to the Attorney General’s Office. The spray-painting vandalism of signs will be handled at the Town level as criminal mischief. King asked for Swifts assistance in winterizing the boat and J. Shackford offered a place in the lower garage for storage with a request to help from his department to clean out the spot.

Foreman Chick & Swift – A quote for the radio repeater spoke to in the October 4th meeting was received from Ossipee Mountain Electronics in the amount of \$25,525.00. It will take six months to receive the equipment with the need for a purchase requisition to OME to get it on order is required. L. Shackford will contact OME to get the paperwork started to present at the November 15th meeting; and

- Swift explained that there are two radios available from OME that could get a jump on the ones that we are waiting for. The \$1,275 includes the mount, antennae and radio which can be installed by Swift. The Board agreed to have Swift tell OME we will take the radios;
- Work to the 416 backhoe at the Transfer Station has found that the extended boom is broken in half and pricing for the parts is \$5,063 and shipping. Arruda asked if we can install it and Swift responded yes. It was agreed to order the parts and bill them out of the recycling line;
- The abandoned boat needs to be removed from out back of DPW. All were in favor of taking the action to get rid of it;
- Chick said they’ll be doing leaf clean up at the cemeteries and beaches soon and hope to do some grading that will be the last time hoping the roads freeze; and
- Chick received a quote from the guardrail company to do the E Madison Rd Bridge for approximately \$7,000. The company will manufacture the custom brackets and install same.
Motion by Mauro, seconded by J. Shackford to commit to do the guardrails on E Madison Rd with J. Shackford signing the proposal. L. Shackford will get the proposal to the company.

Recreation Committee’s List – Price stated that 45 students participated in the soccer program that ends on Saturday with basketball starting next. Price also spoke to:

- Price asked the Board to increase last year’s \$20,000 to \$38,000 for 2023. The Board was in agreement with the number with J. Shackford hoping to see it get its own line, not in the DPW department;
- A job description for the proposed Rec Director’s position was discussed with what it would entail that could include field maintenance, not just administrative duties. The Rec Department has a meeting on Friday;
- Price asked for any thoughts on repairing the upper field. The Board would like to see it happen. Price will check with Conway’s rec department to see which company they used.

Administrator’s List – L. Shackford brought up for discussion the quote from Carol’s Canvas for covers over the compactors at the Transfer Station. The Board agreed it is important to get them covered so we are not paying for rain and snow tonnage in the containers. The Board agreed to order them and have them delivered. L. Shackford also mentioned:

- Does the Board want to change the amount employees can put into their FSA accounts with the Board agreeing to leave it the same;
- It was agreed that the Transfer Station will open on Veterans Day;
- The Board decided that the E Madison Road repairs will be paid out of the Special Block grant funds;
- The Board agreed to pay for the guardrail repairs from the Bridge grant;

- L. Shackford asked if the Board wanted back old documents from NHMA with the Board agreeing to have NHMA destroy any they have as we have copies; and
- The Public Budget Hearing date was agreed to be held on February 14, 2023;
- SLAM sent a letter requesting that the Board put \$7,000 into the budget towards their group which was agreed upon.

SIGNATURE ITEMS:

Manifest

Payroll & Accounts Payable Checks

Petition and Pole License PSNH# 45-0845

Intent to Cut Krautmann 121-004 - signed

Roberts & Greene 2022-2024 Engagement Letter

Appointment of Rec Volunteers:

- Jordan Donovan
- Dave Baumgartner
- Karl Nordlund
- Ted Krautmann

Notice of November 8, 2022 Election Warrant - signed

NH DRA 2022 Equalization Assessment Data Certificate

Purchase Requisition 2202-MADI-001 B&H Photo \$872.36

Oath of Office: Recreation Committee - Courtney Price, Alternate

Motion by Shackford 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: J. Shackford – aye; Mauro – aye; Arruda – aye

6:35 PM – J. Shackford made a **motion** to return to public session and seal the minutes under RSA 91-A:3II (b) seconded by Mauro and so voted **3-0**.

6:35 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 November 15, 2022 commencing at 4:30 pm at the Madison Town Hall meeting room.

Respectfully Submitted,

Linda Shackford,
Town Administrator