

**BOARD OF SELECTMEN
TOWN OF MADISON
January 10, 2023
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 Mike Mosher; Foreman Justin Chick; DPW Dave Swift; Rec Program Adam Price; Resident Joy Gray; Resident Shawn Bergeron; MadTV Videographers Kasia Scontsas; members of the public

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 20, 2022.

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 December 27 and 29, 2022 and the non-public minutes of December 27, 2022 made public as written. The motion passed **3-0**.

PUBLIC COMMENT:

Nick Borelli – Thanked the Selectmen and Chief King for speaking with the Planning Board regarding Short-term Rentals at last week's Planning Board meeting.

Shawn Bergeron – Bergeron approached the Board regarding the dam at Silver Lake. Bergeron has been asked by the Board to come up with a figure that can be used to prepare for the repairs required. Bergeron was able to connect with Krautmann from DES and has sent pictures of the current condition. Arruda suggested the repairs be done in stages if it is going to be a large expense, say a 2-3 year project. Bergeron hopes that there is time to be able to set aside money for a couple of years and do it all in one shot. Bergeron will continue his efforts to gather a figure.

Sharon Schilling – J. Shackford stated that he does not normally read aloud public comment but did read this email aloud: "Good Morning, at last weeks Planning Board meeting the end result was the the Planning board voted NOT to continue forward the proposed Warrant Articles regarding STR's, as you are well aware. I count this as a partial win. The proposed Articles were confusing and not in line with how the Town voted last year regarding STR's. Additionally, I believe this has always been a Selectmen's issue and didn't quite understand why the Planning Board chose to "take up the gauntlet" to regulate STR's. Now that they have voted to not continue forward and present any Warrant Articles for vote, I believe it is time for the Selectmen to "take up the gauntlet" and move the issue of STR's forward in concert with how the Town wants them to proceed.

A set of Regulations was brought forward by a homeowner (I don't believe he is a resident, as in Madison is not his primary residence) that the town of Lincoln uses. Since those are regulations and are not an ordinance, the Planning Board has no purview, the Selectmen do. I request that the Selectmen continue to require enforcement of the current Ordinances that Madison has on the books and also establish a subcommittee made up of Selectmen, Planning Board, Zoning Board members as well as citizens from both sides of the STR question, in order to assist in moving the STR question forward

should the Selectmen decide that regulation is the way to go in order to find a path to legitimacy as the Planning Board had indicated. If legitimacy is not the plan, then the point of the Lincoln Regs is moot and need not be considered.

I volunteer to sit on a subcommittee (should one be formed) since I am neither for nor against STR's. What I am for is clear regulation/ordinances as well as expectations and enforcement. If Regulation is the way forward, then other concerns also need to be addressed such as a noise ordinance or at least (in Lincoln's case) a Disorderly Actions Ordinance, Owner Occupation requirement, enforcement of the Regs, Dwelling definition etc. In any case, I want to lend my time to support whichever efforts the Selectmen/Town decide regarding STR's. Should you have any questions or wish to contact me, I can be reached at this email and the below cell number."

APPROVAL OF MANIFESTS:

Motion by Mauro, seconded by Arruda to approve the Manifest of December 31, 2022 in the amount of \$34,345.80. The manifest breakdown is as follows: \$34,345.80 for Accounts Payable. The motion passed **3-0**.

Motion by Mauro, seconded by Arruda to approve the Manifest of January 9 - 13, 2023 in the amount of \$314,341.06. The manifest breakdown is as follows: \$74,006.85 for accounts payable; \$31,192.85 for payroll; \$9,141.36 for payroll liabilities; and \$200,000 for MES. The motion passed **3-0**.

DISCUSSION ITEMS/NEW BUSINESS:

Rec Committee Appointment – Gray – Motion by J. Shackford, seconded by Mauro to appoint Joy Gray as a full member to the Rec Committee. The motion passed **3-0**.

2023 Proposed Warrant Articles – Review of warrant articles brought up discussion of:

Paving Article: Arruda, based upon the large percentage increase overall, spoke of considering lowering the \$200,000 by \$50,000. Chick feared that such a cut would put us behind on the chip sealing program that has been in place and has years planned out.

Ball Field Article: Chief King offered to reach out and get some numbers on this.

Rec Program Revolving Account Article: This article will be funded with donations collected by the Rec Program, revenues that include summer camp fees will be placed in the general fund.

2023 Proposed Budget – Arruda brought up the legal line at \$100,000. This number is being considered in anticipation of legal expense due to STR cases. Brooks again suggested creating and putting the funds into an expendable trust fund to which Arruda expressed feared the article could easily be defeated. It was decided that this discussion will be brought up at the Advisory Budget Committee meeting next week.

NH DOT Crosswalk Letter – A letter dated December 23, 2022 from NH DOT was received regarding the uncontrolled crosswalk near the elementary school. The upcoming resurfacing of Route 113 was the catalyst for the DOT to reach out and explain that in order to keep the crosswalk a flashing beacon system would have to be installed. This cost would be incurred by the Town. It was decided that the crosswalk can be eliminated. L. Shackford will inform DOT and the elementary school.

STR First Letters – It was agreed by the Board that another round of first letters to STR owners will be sent out. The letters will be sent to Saxena at 80 Oak Ridge Road, Parker at 57 Pokey Pine Road, Deloia at 54 Madison Mtn Drive and D’Amoral-Rodrigues at 48 Jones Hill Road.

OLD BUSINESS:

Conservation Accounts – L. Shackford reached out to Attorney Johnston for guidance regarding the question at the last BOS meeting as to whether the Commission can spend LUCT account money on a survey which could lead to the acquisition of land. Attorney Johnston was of the opinion that the expenditure was within the Commissions authority. The question of if the Forest Maintenance Account could be changed to an ETF was not recommended by Attorney Johnston. Attorney Johnston recommended a procedure to spend funds from that account. The procedure is that each year a warrant article is presented that asks for a specific amount of money to be allowed to be used that year with any funds not used returning to the account at the end of the year. The Conservation Commission will receive a copy of this information at their next meeting on Thursday, January 12th.

Selectman Arruda’s List – Arruda stated that there is just over \$100,000 that was not used of the 2022 budget. Year end totals at the Transfer Station include 167,000 lbs of light metal, 6.29 tons of aluminum and \$57,898 collected in disposal fees of which \$8,355 was from \$5 bags.

Selectman Mauro’s List – No items.

Selectman Shackford’s List – No items

Department Heads’ List:

Chief King – The boat has been winterized and stored away. An attempt to break into the electronic speed trailer/sign was found, but with double security they were not able to change the wording.

Town Clerk/Tax Collector Brooks – Tax collection is at 96% which is on par from previous years. Delinquent notices were mailed today.

Rec Committee Adam Price – The committee will be starting their own website. The start up will be \$300, \$20 a year domain fee and \$16 a month hosting fee. It was noted that there is already a page available for Rec on the Town’s website. One person will be appointed from the committee to update the site.

Foreman Chick – Chick reported several trees down around Town and a large one that fell into the Town Pound. The tree has been removed from the Pound and damages will be assessed and repaired in the spring.

Administrator’s List – No items

SIGNATURE ITEMS:

- Manifest
- Payroll & Accounts Payable Checks
- Oath of Office: Rec Committee – Gray
- Supplemental Intent to Cut: 22-283-09-T Krautmann
- Warden Permit Reimbursement
- Yield Tax 22-283-09-T Krautmann \$1,129.96

5:30 PM Motion by J. Shackford to enter **Non-Public Session per RSA 91-A:3II (e)** Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph and **Non-Public Session per RSA 91-A:3II (l)** Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

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

5:45 PM – J. Shackford made a **motion** to return to public session and make public two sets of minutes under RSA 91-A:3II (a) and seal the minutes under RSA 91-A:3II (a) and RSA 91-A:3II (e) seconded by Mauro and so voted **3-0**.

5:45 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 January 24, 2023 commencing at 4:30 pm at the Madison Town Hall meeting room.

Respectfully Submitted,

Linda Shackford,
Town Administrator