

**BOARD OF SELECTMEN
TOWN OF MADISON
April 30, 2024
MINUTES**

Selectmen Present – John Arruda, Adam Price, Joy Gray

Others Present –Town Administrator Linda Shackford; Police Chief Robert King Jr; Sargeant Jake Martin; DPW Director Josh Shackford; Code Officer Bob Boyd; Videographer Carol Dandeneau; members of the public

Where and When Posted – Town Hall upper & lower bulletin boards and Madison & Silver Lake Post Offices on December 27, 2023.

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

Pledge of Allegiance: Price led those in attendance in reciting the Pledge.

APPROVAL OF MINUTES:

Motion by Gray, seconded by Price to approve the minutes of April 16, 2024 as written. The motion passed **2-0-1** with Arruda abstaining because he was not at the meeting.

Motion by Gray, seconded by Price to approve the of non-public minutes made public of April 16, 2024 as written. The motion passed **2-0-1** with Arruda abstaining because he was not at the meeting.

APPROVAL OF MANIFESTS:

Motion by Aruda, seconded by Gray to approve the Manifest of April 29 – May 6, 2024 in the amount of \$348,336.53. The manifest breakdown is as follows: \$57,813.68 for accounts payable; \$30,863.21 for payroll; \$9,659.64 for payroll liabilities; and \$250,000 for Madison School. The motion passed **3-0**.

PUBLIC COMMENTS: Donna Veilleux suggested that the pick-up box outside the entrance to Town Hall either be removed or be put under camera surveillance. Veilleux stated a document meant for her was stolen from the box.

DISCUSSION ITEMS/NEW BUSINESS:

Pool Building Permit – Marcie and Jim Shackford asked the Board to reconsider the \$224 fee associated with a building permit to install an above ground pool on their property.

Gray does not see pools listed in the ordinance. Boyd stated that the definition of structure would encompass a pool and therefore a permit is required even though the word pool is not listed in the Building Permit Ordinance. Boyd referenced the State of NH Swimming Pool and Spa Code and also noted that the permit is a tool for the assessor to know there was an improvement to the property.

Marcie Shackford did not dispute that a permit was necessary, but she does dispute the cost. Price stated this Board has the authority to waive fees, however, to change the fee schedule would require a vote of Town Meeting. It was noted that the minimum building permit fee is \$50.00.

Motion by Gray, seconded by Arruda to reduce the fee for the Shackford pool building permit to \$50.00. The motion passed **3-0**.

Any future requests that come along will be dealt with on a case-by-case basis until there is an opportunity to make changes to the ordinance. It was also suggested to differentiate between above and below ground pools should they eventually be addressed in the ordinance.

Clifford Abatement – The assessor reviewed a request for abatement from Kevin Clifford at Map 228 Lot 045. The assessor’s narrative explained that the owner contacted him in 2023, after the deadline for abating 2022 tax year. The assessor went through the dwelling with the owner and was explained the issues. The assessment was corrected for 2023 tax year and forward. The assessor does not have the authority to grant an abatement for more than 1 year of past taxes, therefore this abatement would require the Selectmen to grant for “Good Cause”.

The Board discussed the assessor’s narrative. Arruda was not in favor of granting for “Good Cause”, noting that he would not want to set a precedent for granting relief from a deadline.

Motion by Arruda, seconded by Price to deny the request for a “Good Cause” abatement. The motion passed **3-0**.

Schedule Meeting with School Board – An email from School Board Chairman Jim Curran asked if the Selectmen would be willing to meet with them again, and if so, asking the Selectmen to offer some dates.

The Board suggested June 11th at 6:00pm following their regular meeting. Shackford will extend that invitation to Curran.

Lead Mine Road Berm – Price opened the discussion with a basic question, will the snowmobile trail berm on Lead Mine Road be done again next winter.

Mike Veilleux stated that it is illegal for the berm to be in on a Class V or VI roadway as determined by the Town’s Counsel in 2021.

Donna Veilleux, being aware of another opinion received from current Town Counsel, asked for it to be shared and requested the Board to vote to make it public.

Arruda stated the document is covered by attorney client privilege and he will not vote to make it public. Arruda added he has mixed feelings about the berm issue.

Gray is of the understanding that it is illegal to obstruct a road and against Madison’s regulations too. Gray suggested signage to help with safety of snowmobilers. And if there is an obstruction in the road, such as a berm, that prevents emergency vehicles from getting in, that is another safety issue.

Price asked for Chief King’s opinion. Chief King stated he has had encounters with vehicles that try to go through there in the winter and cannot make it. The barricading of Glines Hill Road in the winter, in his opinion, causes a bigger safety issue than Lead Mine Road’s. The berm is inconsequential to the safety issue. Town Counsel’s opinion was not based on safety but it was a literal translation of the statute and ordinance. Regardless, the Selectmen are provided room for discretion as to whether or not the berm will be allowed.

Dave Cribbie with the Scrub Oak Scrambler (SOS) Snowmobile Club, concurred with Chief King about the closure of Glines Hill Road and did not find it equal to the Lead Mine Road berm. Glines Hill Road is closed with concrete barriers and is not passable. The Lead Mine Road berm does allow access and emergency vehicles such as a 4-wheeler with the Snowbulance could pass. There are other berms that are caused by simply plowing in Town that are impassable and larger than the purposefully mountable berm created on Lead Mine Road. Cribbie cited the rules and restrictions for dual use trails.

Gray expressed her concern for the conflict between the law and the ordinance. Mike Veilleux stated that that portion of Lead Mine Road needs to be able to be accessed by conventional emergency vehicles, not just specialty equipment like the Snowbulance. He added that more signage showing is it a snowmobile trail and asking people to honor it is a solution.

Price stated that regardless of the berm, that portion of the road is not accessible by emergency vehicles anyway. Chief King added no where does it say it needs to be accessed by a conventional emergency vehicle; and conventional motor vehicles are prohibited during those months.

Mike Veilleux continued his stand on safety being the issue and a 4' berm would inhibit emergency assistance. Arruda wondered aloud that if the berm is removed then the next action will be to be plowing that section of Lead Mine Road. Gray would want to see a strong justification for breaking the law with Price interjecting that this Board has discretion on whether or not to follow that statute.

David George with the SOS Snowmobile Club, noted it is illegal to drive a car on a snowmobile trail punishable by a \$248 fine; berm or no berm a car cannot drive on it. If there were 2' of snow on the road a conventional emergency vehicle could not get to an incident anyway, that is why the Town has a Snowbulance.

Arruda asked if that portion of Lead Mine Road is looking to be uses as Class V? Mike Veilleux stated no, just asking for signage and allow people to use their own discretion as to whether they can make it through.

Donna Veilleux asked again for the Board to make a motion to release Town Counsels opinion. Gray suggested offering release of a summary.

Motion by Gray to ask Town Counsel to create a summary and then the Board could approve the release at a later meeting.

Donna Veilleux does not understand the objection to releasing the opinion. Price feels it sets a precedent if we waive our attorney client privilege, then when does it stop. Gray feels a precent was already set when the original opinion was released in 2021. Price said he was not on the Board at that time and did not make that decision.

Price asked if there is a second to Gray's motion. There was no second made.

Price asked Gray if she needs more time to consider this issue. Gray stated she thinks it goes against the law and does not see a sufficient reason to go against the RSA.

Price asked Arruda his thoughts. Arruda responded that he knows where this will lead, if the berm comes down then eventually the Town will be required to plow. Plowing the Cooks Pond to East Shore Drive stretch would be a monumental problem.

Gray asked what the Town's current responsibility is. Arruda answered that the Town plows coming in from East Madison Road out to a few hundred yards beyond the Veilleux property then turns around; this allows the Veilleuxs access to their property from the East Madison Road side.

Price stated his opinion, this is not a significant safety hazard and it is at the discretion of the Board as to whether or not the berm stays. The SOS removes the berm quickly when done and only goes up when they start using the trails. Price is happy to put more signs, but not happy to take down the berm. Having not seen the berm, Price is not agreeable to ask for any changes to be made.

Donna Veilleux asked if the Board requests or allows the berm to be created. Price answered 'allows' adding that next season when he does see it, he may reconsider his thoughts if he sees a significant safety issue.

Marcia McKenna thinks that there should be a berm at East Shore Drive too.

Price reiterated that there is no snow on the ground now and that he said he would like to see the berm with his own eyes; he suggested that his could be revisited again in a few weeks.

Mike Veilleux feels the Board is opening the Town up to liability by allowing the berm and is of the opinion that signage and instituting fines is the solution.

Donna Veilleux complained that the process for this to be rectified is taking too long as her initial complaint was in January of this year to the Police Department.

Gray said she thinks that the Board agrees there are conflicts with the ordinances and regulations, and she feels enforcement will be this Boards next responsibility.

DR4740NH Status of Work to be Completed for FEMA – A detailed memo was received from EMD Michael Brooks containing an update as to where the Town stands on reporting to FEMA for the July 16, 2023 storm and seeking reimbursement.

Brooks will continue to work closely with DPW to obtain accurate information to ensure all expenses are reported and attributed to the correct projects.

The Town has until March 14, 2025 to complete work which, all but the culvert repair on Modoc Hill Road, will be performed in house by the DPW.

OLD BUSINESS:

Conservation Commission Alternates – This issue is tabled until the Commission meets on May 2nd.

Forest Maintenance Account Funds – An opinion from Town Counsel was obtained regarding the question from the April 30th meeting about being able to use more than the \$10,000 appropriated at Town Meeting. The answer was no, \$10,000 is the most to be used this year from that account.

Shackford explained that there are other conservation accounts and she explained their restrictions.

Arruda asked McKenna if we know how much the tree removal will cost. McKenna responded that the work was done yesterday and came in lower than the \$4,000 estimate but does not know exactly. She explained that the gift account has limited funds due to paying an obligation to the Green Mountain Conservation Commission.

Gray asked McKenna to list the projects that the \$10,000 was slated to be used for. McKenna said an estimate of \$6,000 for legal fees for the easement review for the Chain of Ponds and \$4,000 for the annual conservation property maintenance.

Price asked if the tree removal expense could come from the Land Use Change Tax Fund to which Shackford responded yes. Shackford added that according to Town Counsel's explanation of how to use the Forest Maintenance Account funds, it is not possible to pay for a legal review for an easement, on a parcel of property the Town does not own out of an account whose purpose is for forest maintenance of properties adding that RSA 31:113 confirms that opinion. McKenna stated that the fund was used in the past to offset having a large operating budget but if that has changes, it has changed.

Price would like to have all the numbers in front of the Board before making decisions. Those numbers will be obtained as available.

Banfield Hollow Bond Suggestion – An opinion from Attorney Johnston regarding if a bond could be obtained for the Banfield Hollow Road to protect them from construction damage in anticipation of being taken over by the Town. Attorney Johnston was of the opinion that the Town does not have the authority to demand a bond as the Town does not own them. The entity that can require a bond is the Planning Board and that was done during their subdivision approval process.

Should the Selectmen want to require a bond once ownership has been transferred, that is an option.

Electronic Payment Fees – Shackford explained that in the signature items there is paperwork that will allow for the creation of an account to be specifically for accepting electronic payment for the Rec Department. In anticipation of expected fees, it was decided that the Square app will be implemented and then a fee schedule will be developed with a public hearing if necessary. Shackford asked, on behalf of both herself and the Treasurer, that a report be submitted by the 10th of each month that contains the transactions and direction on what funds are to be placed either in the General Fund or the Rec Revolving Fund. The Board was in agreement that the request was reasonable and that it will help to facilitate accounting for the Treasurer.

Selectman Gray's List – No items.

Selectman Arruda's List – Arruda asked two questions of DPW. He asked if a price on a dock had been obtained and asked for the sign at the Transfer Station that was blown down to be put back up. J. Shackford said he will check with Swift on the dock and be sure the sign is put up.

Selectman Price's List – A summary of work proposed for the fields at Burke Field was offered by Price. Total material that would be screened on site with a rented screen is about \$14,886.00.

There is \$63,000 in the ETF with the expected amount to be spent this year at about \$28,000. Volunteers will assist Price in peeling the field. Arruda asked how this will impact spring/summer sports. Price does not see any issues because they intend to work on only one field at a time. Arruda and Gray were happy with Price's plan and support spending the funds to do it. J. Shackford offered to have DPW do the screening of the sand at the same time they are doing their winter sand. Price estimated 625 yards of material with Shackford still agreeing. A purchase requisition will be done to cover the project.

Administrator's List – No items.

Donna Veileux asked if the Snowmobile Ordinance will be reviewed for revisions with Price answering "we can".

Department Heads' Lists:

DPW Director Shackford – Shackford spoke about the bonding of roads and offered his experience from when he was a Selectboard member. You'll get problems if you bond only some and not all contractors adding he feels it sets a bad president; if you can identify someone that damages a road, they can be held responsible for its repair. Shackford also listed some of the DPW latest accomplishments:

- The big tree was removed from Lead Mine Road;
- Roads are being swept;
- Call in to have King Pine Road guard rails replaced;
- Aerated, fertilized and seeded the ball field;
- Cleaned up tree debris from Historical Society;
- West Shore Drive is top on list of clean up;
- Grading and dust control on Maple Grove, Old Colony and Lead Mine Roads;
- Fidium will be starting to run fiber optic lines in Town and will house some equipment on Town property;
- Purchase requisition for new lawn mower to use with 17-year-old one; and
- New general maintenance crew member is working out well.

Rec Director O'Donnell – Softball is going great for grades 2-6, T-ball starts next week. O'Donnell also mentioned:

- Two weeks of summer camp are full out of the 8 weeks;
- Looking for another counselor and CITs;
- Swim lessons will be offered to campers and others this year; and
- Hoping to find a solution for bad weather days during summer camp, as the school gym is not available this summer, O'Donnell stated the Principal is definitely working with her to find classroom space; Price suggested asking the principal about space on school property for a tent.

Police Chief King – A successful Drug Take Back Day yielded 40 pound of prescription drugs. King reminded all that "Sticker Season" is upon us so be careful where you park.

SIGNATURE ITEMS:

Manifest
Payroll & Accounts Payable Checks

Northway Letter of Authorization for General Fund Account Signers
Northway Letter of Authorization for Electronic Payments Account Signers
Stantec 2024 Water Quality Sampling and Post-Closure Monitoring Proposal
Oaths of Office: Margaret Merrill – MadTV Director
Elizabeth Reid-Fernandes – Alt Library Trustee
Mary Holmes – Alt Library Trustee
Adam Price – Old Home Week Committee
Courtney Price – Recreation Committee

Intent to Excavate: Drew 232-037
Drew 232-038

Report of Excavation: Drew 232-037 \$306.10

Purchase Requisition: 2024-LIBR-001 Junior Library Guild \$1,299.04
2024-DPW-003 MB Tractor & Equipment \$4,549.00

6:25 PM Motion by Price, seconded by Gray to enter Non-Public Session per **RSA 91-A:3II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

Roll Call Vote: Gray – aye; Price – aye; Arruda recused himself as an employee of the Town.

6:50 PM Motion by Gray, seconded by Price to return to public session and seal the minutes of **Non-Public Session per RSA 91-A:3II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

Roll Call Vote: Gray – aye; Price – aye

Motion by Price, seconded by Gray to adjourn at 6:50 pm. The motion passed **2-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s Meeting is scheduled for May 14, 2024 commencing at 4:30 pm at Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator