

**BOARD OF SELECTMEN
TOWN OF MADISON
September 3, 2024
MINUTES**

Selectmen Present – Adam Price, John Arruda; Joy Gray

Others Present –Town Administrator Linda Shackford; Chief Jim Hayford; Town Clerk/Tax Collector/Fire Chief Michael Brooks; Sargent Jake Martin; Rec Director Heather O’Donnell; 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.

Request to Attend via Telephonic Means per RSA 91A: Price stated that Gray has asked to attend the meeting via telephone noting it is up to the committee to allow. Price does not want to permit attendance telephonically. Arruda agreed.

APPROVAL OF MINUTES:

Motion by Arruda, seconded by Price to approve the minutes of the August 20, 2024 meeting as written. The motion passed **2-0**.

APPROVAL OF MANIFEST:

Motion by Arruda, seconded by Price to approve the Manifest of September 3 – 9, 2024 in the amount of \$465,339.74. The manifest breakdown is as follows: \$83,332.18 for accounts payable; \$43,318.39 for payroll; \$13,689.18 for payroll liabilities; and \$325,000 for Madison Schools. The motion passed **2-0**.

PUBLIC COMMENTS:

Bill Dempster of 157 Doe Drive cited what he called a milestone. By his calculations there are \$1,000,000 in fines accumulated for STR violations and there are state statutes that allow these to be collected at no cost to tax payers. Dempster would like to see these monies pursued. Arruda asked for a copy of Dempster’s calculations.

Karen Dlugosinski read aloud a letter from John Cancelarich which implored the Board to do their duty by enforcing the zoning ordinance and sending cease and desist letters to operators of STRs.

Paulette Lowry asked who removed the Veteran’s Monument and what the cost to repair will be. Price directed Lowry to check in with someone at Town Hall or ask for a place on a future agenda to have those questions answered.

DISCUSSION ITEMS/NEW BUSINESS:

Wilcox & Barton PFAS Report – Russ Barton began with an overview of the tasks his company has performed regarding testing for PFAS on Town property since April. Five monitoring wells were installed with levels of PFAS found in all.

The next steps will be long and drawn out, beginning with testing of wells within a 500' radius that may be expanded to 1000'. These actions will be per DES sampling protocol.

There is no permanent solution with no real cost-effective established solution of emerging PFAS contaminants; the risk can only be mitigated. Barton stated there is a reasonable probability that fire extinguisher foam disposal is the likely source for the contamination.

Price asked for a ballpark amount to being the next step of testing wells. Barton stated that sampling could be in the \$15,000 range. There is grant funding available through the State of NH for drinking water filter systems; those systems range from \$3,000 to \$5,000.

Arruda asked if the Town will be subject to other testing citing the tests at the Transfer Station that continually increase even after being told this was the end; the goal post gets moved. Barton said not for PFAS testing but it will begin to get more difficult to comply.

Gray joined the meeting at 4:50pm.

Arruda asked at what point we would begin testing abutting wells. Barton recommended waiting until a formal request from DES is received, that request will have a window for when they tests need to be performed.

Gray asked if this project could be covered by PFAS grant funding. Barton said it would not cover consulting fees but could cover drinking water issues. Brooks would like to engage our local representative to maximize what can be covered by grants.

Barton offered other towns that have been in a similar situation noting that they were please with how the state contract for PFAS treatment systems worked out for them; it was easy to navigate, competitive and had less red tape.

Gray read off some testing result numbers that fluctuated. Barton explained that there are factors such as the season and usage that impact them. Barton added that the well water is ok for things like handwashing and but large volumes of consumption should be steered away from. Barton said that those numbers can be knocked down over the next five years with a treatment system.

MadTV Alternate Appointment Downs – A request for appointment was received from Hope Hutchinson to appoint Noreen Downs as an alternate Director for MadTV. Documentation citing that Selectmen were not to be appointed as TV directors and that directors will not hold positions on other Boards was read. Downs currently holds a position as an alternate on the Conservation Commission.

Arruda feels the intent is clear even though the bi-laws cited cannot be located. L. Shackford was asked to contact Downs and ask her to pick either an appointment to MadTV or to continue her term as Conservation alternate.

Paul McKenna STR – McKenna had several questions that have been answered by L. Shackford as shown in an email correspondence, however, McKenna would like to know from the Board why Attorney Johnston has not been asked to assist in the ZBA STR cases. Arruda agrees that Johnston should be involved and Price has no problem with the idea. Gray expressed concern for conflict. Arruda will bring this up later in the meeting.

McKenna asked for an update on a request to send cease & desist letters for three STR properties. Price has not looked into it yet, but will connect with Code Officer Boyd. Lastly, McKenna asked if the ZBA case for 13 Lucerne Drive has withdrawn as he sees that the property is on the market. The Board was unaware of a withdrawal of that case.

Arruda opened the Boards discussion about asking Attorney Johnston to assist the ZBA's Attorney Boldt. Arruda would like to see Attorney Johnston sit in on the case as there is only one chance to get a straight answer. This is not a criticism of Attorney Boldt, Arruda wants us to have the best team possible. Price sees the only drawback is paying two attorneys and agrees to ask Attorney Johnston to be co-counsel with Boldt, but just for this upcoming case for now. Gray asked if the suit references both the Town of Madison and the Madison ZBA, she was answered yes.

Motion by Arruda, seconded by Price to engage Attorney Johnston to sit as second chair to represent the Town of Madison in the October 9, 2024 court appearance regarding the ZBA's case for 13 Lucerne Drive. The motion passed **3-0**.

OLD BUSINESS:

Sale of Police Cruiser – A formal offer from the Town of Effingham Selectmen was received. The offer was \$30,000 for the 2021 Silverado police cruiser. Gray asked if that is fair market value. Chief Hayford said that it is for just the vehicle; all relevant equipment that includes radio, computer, printer, canine package, antennas, lights etc. will be removed and returned to Madison to be used again.

Gray is concerned about how the sale transpired and that it was not put out to bid. Gray asked about any employees working for Effingham and Madison facilitating the purchase for somewhere they are employed. Hayford corrected Gray by explaining that the employee removing the equipment is employed by Effingham Fire Department, not Madison. Gray was referring to Tyler Eldridge as he works for both Towns. Hayford stated that yes, he is the Police Chief in Effingham and a part-time Police Officer for Madison but he has nothing to do with this sale and benefits in no way. Price reiterated that the Effingham Selectmen are offering to purchase this vehicle; it will be for their Fire Department.

Hayford explained that the vehicle was purchased during Covid being one of the only vehicles available. The pick-up truck is not pursuit rated, has wasted space and cannot transport those under arrest; it is perfect for a fire department. After the first of the year, Hayford plans to add back their fourth full-time officer and soon bring the vehicle fleet back to four.

Motion by Price, seconded by Arruda to sell the 2021 Chevy Silverado cruiser to the Town of Effingham for \$30,000. The motion passed **3-0** with Gray adding she wishes to have vehicle sales advertised in the future.

CIP Group – Price reiterated that at the last meeting this idea was going to be looked into to see if it was feasible. L. Shackford sought guidance from Atty Johnston and learned that RSA 674:5 allows for the legislative body to authorize the governing body to appoint a committee. If the Selectmen do not appoint the members, then it is not bound to RSA 91A.

Arruda said that the Selectmen took it over when the Planning Board decided not to handle it any longer. It was adjusted to only the municipal side, no school information. Arruda would like to see it go out ten years; there are some big projects and purchases that need to be considered, suggesting paving the Transfer Station.

Price feels that if Gray wants to get some people together to tackle it, and bring information back to this board he is in agreement, but this Board will not appoint anyone. He'd like to see information come from Town Hall and be considerate of their time.

Gray said ABC members interested would work directly with department heads. Price can see this going on the warrant for Town Meeting to direct this Board to appoint a committee. Gray would like to see where it stands right now as she has seen the Planning Board, this Board and she has seen reference to a CIP committee. Arruda remembers when the Town hired a committee to come in a start our first one. Gray said DRA would have records of warrant articles – L. Shackford mentioned we have a list in house.

It was suggested by Price that some research will be done about if there was a committee and if not, more talk of a warrant article will come about. The Board was in agreement.

Cable Contract Update – L. Shackford reached out to Attorney Miller. She has run into an issue with another client's PEG TV agreement. She hoped to get that hashed out before bringing our contract into the mix. She is still moving forward on our behalf.

Square Fees – Brooks looked into if Invoice Cloud offered a mobile option for using electronic payments, it is not an option they offer. A suggestion of an invoice being created for each transaction that would include any fees was spoke about. The actual Square device is not being used.

Selectman Gray's List – No items

Selectman Arruda's List – The drawdown is in good shape with a 0.5% difference. The Transfer Station was busy over the holiday with receivable ahead of last year by 4.5%. Arruda inquired about the status of the grader:

- J. Shackford stated it is at the CAT dealership in Vermont to install the frame and tower. Gray asked what the weight of the machine is when fully equipped. J. Shackford assumes it must be on the spec sheet. Gray asked if it could be about 40,000 pounds; stating that a 120 model is about 20,000 pounds and a 140 model is about 40,000 – J. Shackford was not familiar with that numbering system. Gray asked if there are weight limits on dirt roads. J. Shackford responded during mud season there is a 6-ton load limit. Gray asked if the grader will sink? J. Shackford responded that it is the same size as the one we have been renting from Burke; anything will sink in mud, but we don't grade when muddy.

Selectman Price's List – Price inquired with J. Shackford when screening of sand will begin. J. Shackford stated that the Town of Glen is renting the screener from Burke for the next month, then we will have it.

Administrator's List - No items.

Department Heads' Lists:

Chief Hayford – The Police Department is applying for Highway Safety Grants for 2025 to allow for more patrols for speed, DUIs and safety.

DPW Director Shackford – The list of projects done by his department was submitted. Concern over the poor condition of the 416 backhoe at the Transfer Station was discussed. The 420 is there now. It is being shared by two locations. Price suggested and Arruda agreed that the 416 backhoe should be put out to bid in an attempt to recoup some of its value before it is worthless; then place a new one on the 2025 warrant. The offer will go out to on Municibid and be placed out front of the garage. J. Shackford also mentioned:

- There is still talk about the grader purchase and why a 140 over a 120. The grader that became available was a 140, it was not a size sought out. The salesman has reiterated that if we had not jumped on that machine, it would cost more money to get one now, take almost a year to get it and would not get as much for the trade of our 120.
- The preschool playground is set to go noting there were expenses that came from the DPW budget that included fabric, concrete and machine rental. Price suggested putting a list of expenses together for the SAU in hopes that as a district they can help us.

Town Clerk/Tax Collector/Fire Chief Brooks – The State Primary will be held next Tuesday with the poles being open from 8am – 7pm. Discussion of the law regarding selectmen being present for the voting when a governor is on the ballot ensued. Arruda can be there for the opening of the poles, but will have a leave for an hour around 10:00 for an appointment. Price will be there. Gray can be there for part of the day and suggested to “tag-team”.

Rec Director O'Donnell – Fall sports which include soccer, field hockey and flag football are underway. Brooks and Price will take care of lining the field tomorrow night.

SIGNATURE ITEMS:

Manifest

Payroll & Accounts Payable Checks

HealthTrust MAPD 2025 Coverage: L. Shackford explained that this is an update to the current plan offered to our retired employees. It is similar to a Medicare supplemental plan.

MS-1

Pre-Disaster Mitigation Program Grant Amendment PO#1071548 Extension: Chief Brooks explained the reason for the amendment. The Board was in agreement with the updated timeline for the grant and signed the amendment.

6:05 PM Motion by Price, seconded by Arruda 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 and **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee.

Roll Call Vote: Arruda – aye; Gray – aye; Price – aye

6:41 PM Motion by Price, seconded by Arruda to return to public session and not seal the minutes of **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 and **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee.

Roll Call Vote: Gray – aye; Arruda – aye; Price - aye

Motion by Price, seconded by Gray to unseal the Non-Public Minutes of August 20, 2024 for **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee.

Motion by Gray, seconded by Arruda to adjourn at 6:43 pm. The motion passed **3-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s Meeting is scheduled for September 17, 2024 commencing at 4:30 pm at Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator