

MINUTES OF THE MADISON TOWN MEETING

MARCH 11, 2008

On March 5, 2008, Town Clerk Marcia Shackford and Registered Voter Rebecca Van de Water completed the ballot count test on the Town's Accu-Vote Tallying Machine for both Town and School ballots.

At 7:59 AM, March 11, 2008, Moderator George Epstein and Selectman Michael Brooks examined the vote tallying machine's ballot box before the meeting was convened to assure it was empty and the Moderator had the vote tallying machine print the Election Zero Report for the annual Town & School election.

Moderator Epstein opened the meeting at 8:00 AM. A motion was made by Marcia Shackford, seconded by Melissa Arias, to waive the reading of the warrant. Moderator Epstein then declared the polls open for acting upon Articles 1 and 2.

To the inhabitants of the Town of Madison in the County of Carroll in the State of New Hampshire, qualified to vote in Town affairs:

You are hereby notified to meet at the James Noyes Hall at the Madison Elementary School in Madison on Tuesday, March 11, 2008, at eight o'clock in the forenoon, polls to be open from 8:00 AM to 7:00 PM to act upon Articles 1 and 2 with the meeting to reconvene at nine o'clock in the forenoon of Saturday, March 15, 2008 in the James Noyes Hall at the Madison Elementary School in Madison to act upon the remaining Articles:

Article 1. To choose all necessary officers for the ensuing year.

Results of ballots cast—declared winners' names are noted in **bold print and underlined**. Only the names of candidates receiving a total of 10 or more write in votes is listed.

			VOTES
One Selectman for Three Years	Write-In	Michel R. Benoit	<u>177</u>
	Write-In	James B. Deaderick	75
	Write-In	Mark S. Sherwood	63
	Write-In	Sarah L. Quint	43
One Town Moderator for Two Years		George Epstein	<u>421</u>
One Town Treasurer for Three Years		Catherine Tilton	<u>403</u>
Two Planning Board Member for Three Years		Mark E. Brown	<u>349</u>
	Write-In	Karl E. Nordlund	<u>31</u>
One Supervisor of the Checklist for Six Years		Carol A. Hally	<u>405</u>
One Trustee of the Trust Funds for Three Years		*****	*****
	Write-In		

One Trustee of the Trust Funds for Two

Years	Paulette P. Lowry	<u>392</u>
One Trustee of the Trust Funds for One Year	Linda Ramelli	<u>379</u>
Three Trustees of the Library for Three Years	Beverly Klitsch James B. Deaderick Raymond Stineford	<u>349</u> <u>328</u> <u>348</u>
One Budget Committee Members for Three Years	Carol L. Batchelder	<u>394</u>
One Fire Commissioner for Three Years	Richard Wells	<u>391</u>
Two Old Home Week Committee Members for Three Years	Jenifer Garside John Flanigan	<u>357</u> <u>406</u>
One Old Home Week Committee Member for Two Years	Cheryl Brooks	<u>412</u>

The following vacancy remains to be filled:

***** One Trustee of the Trust Funds for Three Years

Article 2. To see how the Town will vote by official ballot on the proposed amendments, as recommended by the Planning Board, to the Town Zoning Ordinance as follows:

1. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article I. Section 1.3.A – Existing Non-conforming Uses to clarify that lots of record in existence prior to the adoption of zoning, which lack the required frontage, minimum lot size, or other dimensional requirements may be developed under certain circumstances.

YES-227

NO-170

Amendment #1 PASSED

2. Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article I. Section 1.3.B – Existing Non-conforming Uses to clarify that the total permitted expansion of structures which are nonconforming as to setbacks is 50% of the existing first floor square footage of the structure at the time of passage of the amendment.

YES-235

NO-153

Amendment #2 PASSED

3. Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article II. Section 2.2.B – Zoning Board of Adjustment – Powers and Duties to amend the ordinance to be consistent with the language of RSA 674:33

YES-278

NO-102

Amendment #3 PASSED

4. Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Add Article III. Section 3.6 Groundwater Protection District to identify the Groundwater Protection District as a distinct zoning district.

YES-296

NO-98

Amendment #4 PASSED

5. Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article IV. Section 4.2.A.3 – Rural Residential District – Permitted Uses to clarify the residential and accessory uses permitted in the rural residential district.

YES-274

NO-107

Amendment #5 PASSED

6. Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article IV. Section 4.3.A.2 – Commercial District – Permitted Uses to clarify that uses permitted in the commercial district include all uses permitted in the rural residential district.

YES-284

NO-105

Amendment #6 PASSED

7. Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article IV. Section 4.4.B – Village District – Special Exceptions to clarify that site plan review is not always required.

YES-225

NO-159

Amendment #7 PASSED

8. Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article V. Section 5.5 – Height Limitations to make the section consistent with the definition of Height as to the measurement of height of a structure.

YES-286

NO-110

Amendment #8 PASSED

9. Are you in favor of the adoption of Amendment No. 9 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article V. Section 5.7 – Minimum Frontage to restrict subdivision on a Class VI road.

YES-225

NO-185

Amendment #9 PASSED

10. Are you in favor of the adoption of Amendment No. 10 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Add new: Article V. Section 5.9.J to require a driveway setback of fifteen (15) feet from a property line to be consistent with town building regulations.

YES-281

NO-116

Amendment #10 PASSED

11. Are you in favor of the adoption of Amendment No. 11 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Definitions: Amend the definition of Lot to clarify that lots of record in existence prior to the adoption of zoning may meet a lesser setback requirement.

YES-292

NO-102

Amendment #11 PASSED

12. Are you in favor of the adoption of Amendment No. 12 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Definitions: Add a definition of Special Exception for editorial purposes.

YES-264

NO-121

Amendment #12 PASSED

13. Are you in favor of the adoption of Amendment No. 13 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Definitions: Amend the definition of Variance for editorial purposes.

YES-267

NO-115

Amendment #13 PASSED

14. Are you in favor of the adoption of Amendment No. 14 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article VII: Ground Water Protection Regulations to reorganize the section and to become consistent with the Department of Environmental Services Model Groundwater Ordinance.

YES-315

NO-85

Amendment #14 PASSED

TOTAL VOTES CAST: 445

TOTAL REGISTERED VOTERS: 1658

MARCH 15, 2008

At 8:55 A.M., Moderator George Epstein asked that all Town and School candidates elected at Tuesday's election and those appointed officials please approach the podium and received the Oath of Office from Town Clerk Marcia Shackford.

Prior to reconvening the meeting at the Madison Elementary School Gym, Moderator Epstein had John Pickering witness the 2 ballot boxes to assure each was empty. Voters were asked to proceed to the Supervisors of the Checklist, check in, and receive and sign his/her YES-NO paper ballots.

One hundred eighty-two (182) voters received paper ballots.

Moderator Epstein reconvened the meeting at 9:10 a.m., by announcing the results of Tuesday's Town and School elections and explained how he will be following Roberts Rules of Order to conduct the meeting. Moderator Epstein led the voters in the Pledge of Allegiance.

Moderator Epstein explained how this meeting is historic being the first year the meeting will be broadcast live over the internet.

Moderator Epstein asked Administrator Sue Stacey for a brief explanation of unexpected costs to the Town so far in 2008. Sue explained the state of the Highway Department budget due to the extreme winter conditions through the first two months of 2008.

Moderator Epstein explained the procedure for voting on warrant articles by instructing each voter to raise his/her YES-NO paper ballot, unless the Moderator receives a proper request by five or more voters for a secret paper ballot vote.

Article 3. To see if the Town will vote to raise and appropriate the sum of one hundred sixty thousand five hundred sixty dollars (\$160,560) to complete road repairs to the roads damaged in the April 2007 flood. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the funds have been exhausted with the completion of the road repair projects as designated by FEMA or by December 31, 2013, whichever is sooner.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Michael Brooks

Seconded: John Arruda

Article 3 PASSED by a show of hand-held paper ballots.

Bruce Brooks made a motion, seconded by Clifford "Sonny" Graves, to move to Article 15. Moderator Epstein advised that the warrant had been posted with warrant articles in a particular order and cautioned the voters that this might affect the time of arrival for some voters.

Motion to proceed to Article 15 PASSED by a show of hand-held paper ballots. For results, please proceed to Article 15 in chronological order.

Article 4. To see if the Town will vote to authorize the Selectmen to enter into a four year lease agreement for one hundred thirty-five thousand nine hundred sixty dollars (\$135,960) for the purpose of leasing a Heavy Duty Highway Dump Truck and Plow Frame to raise and appropriate thirty-three thousand nine hundred ninety dollars (\$33,990) to be the first years payment. This lease agreement contains an escape clause and a buyout option at the end of the four years.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: John Arruda

Seconded: Josh Shackford

**Article 4 PASSED by a count of voters standing and showing the hand-held ballot:
YES-67; No-57**

Article 5. To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be added to the Fire Truck Capital Reserve Fund to replace the Pumper Fire Truck in 2014.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: John Arruda

Seconded: Josh Shackford

Article 5 PASSED by a show of hand-held ballots.

Article 6. To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to purchase protective gear for the Fire Department.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: John Arruda

Seconded: Josh Shackford

Article 6 PASSED by a show of hand-held ballots.

Article 7. To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be added to the Capital Reserve Fund for the purpose of repairing and restoring the Historical Society building.

Not Recommended by the Selectmen
Not Recommended by the Advisory Budget Committee

Moved to PASS OVER: Mary Lucy Seconded: Michael Brooks

Selectman Brooks explained that the reason for not recommending this article was due to the fact that the Historical Society had not provided a plan for repairs or restoration.

ARTICLE 7 PASSED OVER by a show of hand-held paper ballots.

Edward Bickford made a motion, seconded by Jon Hutchinson, to move to Article 22.

Motion to proceed to Article 22 PASSED by a show of hand-help paper ballots. For results, please proceed to Article 22 in chronological order.

Article 8. To see if the Town will vote to authorize the position of Highway Operations Administrator, to be employed by the Selectmen and to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to cover the first year startup cost and salary to be paid.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: John Arruda

Seconded: Josh Shackford

Jim Molloy made a motion, seconded by Roger Cyr, to amend the article to have the Highway Operations Administrator report to the Road Agent instead of being employed by the Selectmen.

AMENDMENT DEFEATED.

Article 8 as originally placed on the floor was DEFEATED by a show of hand-held paper ballots.

Article 9. To see if the Town will vote to raise and appropriate the sum of eight thousand six hundred fifty dollars (\$8,650) to repair the 1996 backhoe.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Michael Brooks

Seconded: Josh Shackford

Article 9 PASSED by a show of hand-held paper ballots.

Article 10. To see if the Town will vote to raise and appropriate the sum of seven thousand five hundred dollars (\$7,500) to upgrade and repair the radios used by the Highway Department.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Michael Brooks

Seconded: John Arruda

Article 10 PASSED by a show of hand-held paper ballots.

Article 11. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to complete the repairs to the Boat Ramp. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the funds have been exhausted with the completion of the Boat Ramp project or by December 31, 2013, whichever is sooner.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved:

Seconded:

Article 11 as placed on the floor. To see if the Town will vote to raise and appropriate the sum of six thousand dollars (\$6,000) to complete the repairs to the Boat Ramp. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the funds have been exhausted with the completion of the Boat Ramp project or by December 31, 2013, whichever is sooner.

Moved: Josh Shackford

Seconded: Michael Brooks

Article 11 PASSED as placed on the floor.

Article 12. To see if the Town will vote to raise and appropriate the sum of four thousand dollars (\$4,000) for the third year funding of the estimated three year Town Records Archive Project. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the funds have been exhausted with the completion of the Town Records Archive Project or by December 31, 2013, whichever is sooner.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Marcia Shackford Seconded: Josh Shackford

Article 12 PASSED by a show of hand-held paper ballots.

Article 13. To see if the Town will vote to discontinue the Highway Department Heavy Equipment Capital Reserve Fund created in 1994. Said funds, with accumulated interest to date of withdrawal, are to be transferred to the municipality's general fund.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Michael Brooks Seconded: Michel Benoit

Article 13 PASSED by as shown of hand-held paper ballots.

Article 14. To see if the Town will vote to raise and appropriate the sum of two thousand nine hundred ninety-nine dollars (\$2,999) to purchase a Moderator Machine for the mechanic.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved: Josh Shackford Seconded: Michael Brooks

Article 14 PASSED as shown by hand-held paper ballots.

Article 15. To see if the Town will vote to raise and appropriate the sum of two million one hundred seventy-one thousand three hundred eighty-seven dollars (\$2,171,387) for general Town operations with discussion and amendments to be considered line by line.

	2007 Approved	2007 Expended	2008 Proposed
Ambulance	\$ 25,000.00	\$ 24,999.96	\$ 25,500.00
Animal/Pest Control	\$ 2,950.00	\$ 3,184.08	\$ 3,275.00
Assessing	\$ 46,677.00	\$ 25,056.50	\$ 49,012.00
Building Inspection	\$ 36,050.00	\$ 31,954.71	\$ 36,810.00
Conservation Commission	\$ 2,900.00	\$ 2,794.45	\$ 2,460.00

Direct Assistance	\$ 24,600.00	\$ 27,696.64	\$ 29,185.00
Election, Registration, Vital Statistics	\$ 8,825.00	\$ 5,989.34	\$ 11,475.00
Executive	\$ 103,042.00	\$ 100,491.06	\$ 106,626.00
Financial Administration	\$ 102,170.00	\$ 92,354.00	\$ 117,803.00
Fire Rescue	\$ 80,272.00	\$ 80,656.98	\$ 112,300.00
General Government Buildings	\$ 54,225.00	\$ 92,334.84	\$ 58,350.00
General Government Equipment	\$ 11,600.00	\$ 15,071.76	\$ 21,525.00
Highway	\$ 377,481.00	\$ 378,826.49	\$ 426,375.00
Insurance	\$ 47,530.00	\$ 48,298.15	\$ 53,839.00
Interest - Tax Anticipation Notes	\$ 17,000.00	\$ 28,837.31	\$ 19,000.00
Legal	\$ 50,000.00	\$ 45,730.50	\$ 17,500.00
Library	\$ 40,458.00	\$ 40,449.03	\$ 43,937.00
Madison PEG TV	\$ 21,500.00	\$ 8,059.82	\$ 22,500.00
Notes Due	\$ 85,473.00	\$ 84,471.85	\$ 95,034.00
Parks & Recreation	\$ 55,303.00	\$ 53,135.26	\$ 53,217.00
Patriotic Purposes	\$ 750.00	\$ 653.75	\$ 750.00
Personnel Administration	\$ 255,852.00	\$ 255,736.73	\$ 318,491.00
Planning Board	\$ 18,090.00	\$ 13,077.61	\$ 19,000.00
Police	\$ 256,597.00	\$ 258,014.80	\$ 264,496.00
Solid Waste Disposal	\$ 231,010.00	\$ 230,553.79	\$ 243,557.00
Street Lighting	\$ 7,850.00	\$ 7,532.93	\$ 7,850.00
Zoning Board	\$ 14,976.00	\$ 11,998.93	\$ 11,520.00
TOTAL	\$ 1,978,181.00	\$ 1,967,961.27	\$ 2,171,387.00

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved:

Seconded:

Article 15 as placed on the floor. To see if the Town will vote to raise and appropriate the sum of two million two hundred ten thousand five hundred eighty-seven dollars (\$2,210,587) for general Town operations with discussion and amendments to be considered line by line.

	2007 Approved	2007 Expended	2008 Proposed
Ambulance	\$ 25,000.00	\$ 24,999.96	\$ 25,500.00
Animal/Pest Control	\$ 2,950.00	\$ 3,184.08	\$ 3,275.00
Assessing	\$ 46,677.00	\$ 25,056.50	\$ 49,012.00
Building Inspection	\$ 36,050.00	\$ 31,954.71	\$ 36,810.00
Conservation Commission	\$ 2,900.00	\$ 2,794.45	\$ 2,460.00
Direct Assistance	\$ 24,600.00	\$ 27,696.64	\$ 29,185.00
Election, Registration, Vital Statistics	\$ 8,825.00	\$ 5,989.34	\$ 11,475.00
Executive	\$ 103,042.00	\$ 100,491.06	\$ 106,626.00
Financial Administration	\$ 102,170.00	\$ 92,354.00	\$ 117,803.00
Fire Rescue	\$ 80,272.00	\$ 80,656.98	\$ 112,300.00
General Government Buildings	\$ 54,225.00	\$ 92,334.84	\$ 60,550.00
General Government Equipment	\$ 11,600.00	\$ 15,071.76	\$ 21,525.00
Highway	\$ 377,481.00	\$ 378,826.49	\$ 463,375.00
Insurance	\$ 47,530.00	\$ 48,298.15	\$ 53,839.00

Interest - Tax Anticipation Notes	\$ 17,000.00	\$ 28,837.31	\$ 19,000.00
Legal	\$ 50,000.00	\$ 45,730.50	\$ 17,500.00
Library	\$ 40,458.00	\$ 40,449.03	\$ 43,937.00
Madison PEG TV	\$ 21,500.00	\$ 8,059.82	\$ 22,500.00
Notes Due	\$ 85,473.00	\$ 84,471.85	\$ 95,034.00
Parks & Recreation	\$ 55,303.00	\$ 53,135.26	\$ 53,217.00
Patriotic Purposes	\$ 750.00	\$ 653.75	\$ 750.00
Personnel Administration	\$ 255,852.00	\$ 255,736.73	\$ 318,491.00
Planning Board	\$ 18,090.00	\$ 13,077.61	\$ 19,000.00
Police	\$ 256,597.00	\$ 258,014.80	\$ 264,496.00
Solid Waste Disposal	\$ 231,010.00	\$ 230,553.79	\$ 243,557.00
Street Lighting	\$ 7,850.00	\$ 7,532.93	\$ 7,850.00
Zoning Board	\$ 14,976.00	\$ 11,998.93	\$ 11,520.00
TOTAL	\$ 1,978,181.00	\$ 1,967,961.27	\$ 2,210,587.00

Moved: Josh Shackford

Seconded: John Arruda

James Molloy made a motion, seconded by Henry Forrest, to amend the total operating budget upward by a total of seven thousand eight hundred dollars (\$7,800.) for the Madison TV line.

Amendment DEFEATED.

Article 15 PASSED as placed on the floor with a total operating budget in the sum of two million two-hundred ten thousand five hundred eighty seven dollars (\$2,210,587).

Article 16. To see if the Town will vote to raise and appropriate the sum of six thousand dollars (\$6,000) to provide fireworks for Old Home Week.

Not Recommended by the Selectmen
Not Recommended by the Advisory Budget Committee

Moved: David Lyman

Seconded: James Molloy

Article 16 PASSED by a show of voters holding hand-held paper ballots: YES-80:No-61.

Article 17. By Petition. To see if the Town will vote to petition the Selectmen to lay out a new Class VI highway following the course of the existing ancient rustic roadbed that traverses the woodlot of David and Emilie Riss, thereby to restore the historic connection of the Old Winter Road to Lead Mine Road in fulfillment of ongoing public necessity and convenience. The full text of this layout petition is appended hereto and will appear below this article. If approved, this article shall designate H. Bernard Waugh, Jr., Esq., as Town Counsel for all purposes relating to the layout, including comprehensive conduct of the Selectmen's layout proceedings and comprehensive representation of the Town in any appeal process. Also if approved, this article shall designate the following five willing Madison residents to sign said layout petition on behalf of the Town: Henry N. Forrest, Carol L. Batchelder, Raymond E. Stineford, Russell E. Jones, and Robert D. King. In the event a need arises for a substitute Town Counsel in this matter, these five designees shall comprise a committee for the purpose of selecting the substitute by majority vote and such selection shall be binding upon the Selectmen. In the event the Selectmen refuse or neglect to act on the petition, these five designees are authorized to submit the petition directly to the Superior Court pursuant to RSA 231:38 I, appropriately amending the petition to address the Court instead of the Selectmen. In the event of a vacancy among the

five designees, the remaining designees shall choose a successor by majority vote. Also if approved, this article shall raise and appropriate the sum of six thousand dollars (\$6,000) to cover estimated expenses anticipated for this matter during the year 2008. Petition signed by Henry Forrest, et al.

Not Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Moved:

Seconded:

Appendix:

PETITION TO LAY OUT A CLASS VI HIGHWAY

Pursuant to RSA 231:8-12, RSA 231:15-17, and RSA 498-A, and for the accommodation of the public, the Madison Town Meeting hereby petitions the Madison Board of Selectmen to lay out a new Class VI highway following the course of the existing ancient rustic roadbed that traverses the woodlot of David and Emilie Riss as described below. This petition was approved by a majority vote taken on Article 17 at the 2008 Annual Town Meeting, and said Article designated the five undersigned willing residents to sign it as proxies for the Town.

This section of existing roadbed was the subject of David Riss's Superior Court lawsuit 02-E-0036, in which the court ruled that the Town failed to meet its burden of proof that it was a prescriptive Class VI town road. Hence the purpose of this new Class VI highway is to reconnect the Old Winter Road, so-called, with Lead Mine Road, thereby restoring its historic utility as a direct through road running between Silver Lake Village and Lead Mine Road and as an access road that serves important public needs in the entire region east of Silver Lake.

The Riss land involved is an unimproved woodlot under Current Use Taxation and is identified as Lot 10 on Tax Map 251. This 26 or 27 acre woodlot and the road running through it is further described in the deed of Donald W. Smith to David and Emilie Riss dated March 17, 1997 and recorded in the Carroll County Registry of Deeds at Book 1692, Page 703, and in earlier deeds in their chain of title.

The northwesternmost end of this proposed new section of highway is at the easterly boundary of land owned by Thomas and Margaret Ettinger identified as Lot 6 on Tax Map 245. The Ettinger portion of the historic road is depicted as "Winter Road Abandoned" on a plan entitled "Plan of Land in Madison, NH, Property of The Kennett Company" dated April 8, 1987 and recorded in the Carroll County Registry of Deeds at Plan Book 98, Page 7. On this map, it is to be noted that the edge of the treadway, rather than the centerline or the edge of the right-of-way, is used as a boundary between the Ettinger property and the Goodwin property to the west of it.

Consistent with what is already constructed on the ground, it is proposed that the centerline of the new highway connect seamlessly with the centerline of the already-constructed Ettinger portion of the historic highway, then lead southeasterly over the existing roadbed on Riss land to its existing southern terminus on Lead Mine Road. According to the Tax Map, the road's southern terminus is approximately 65 feet north of the stream that forms the southerly boundary of the Riss woodlot.

As indicated on the Tax Map, the length of the proposed new section of highway is approximately 1250 feet. The proposed width of the road is two rods, consistent with the documented width of the historic road to which it would be joined.

The entirety of the historic road in question is depicted on the 1930 and 1958 editions of the USGS Ossipee Lake Quadrangle.

The occasion for the layout of this new Class VI highway arises from the following public needs that will be served by the access from both directions that this through road will provide after the new section is laid out: firefighting; search and rescue; law enforcement, especially by Fish and Game officers; timber management and removal; tax assessing; surveying; resource conservation activities; and diverse recreational activities including hunting, horseback riding, hiking, bicycling, skiing, snowshoeing, and regulated snowmobiling. Of special significance is that this roadway is, as it has been throughout Madison's history, the only practical access into this large, relatively level, resource-rich and

strategically located part of Madison. Also of special significance is that this roadway provides by far the flattest, shortest, and most direct route of travel from Silver Lake Village to the settled portion of Lead Mine Road and thence to other rustic roads into Madison's hinterlands originating there. The public needs as outlined above are consistent with the criteria for justifying the layout of a Class VI road as set forth in case law, including Tracy v. Town of Surry, 101 NH 438, 440, 146 A. 2d 268, 270 (1958).

In regard to the issue of public need, it is noteworthy that a major part of the Goodwin parcel shown as Lot 2 on Tax Map 257 is presently inaccessible to conventional vehicles without this new section of road because of the streams and swamps that obstruct any other approaches to it. This will continue to be very significant if the anticipated sale of this land to the Nature Conservancy goes through.

Since the highway to be laid out would be Class VI, there will be no burden on the Town for construction or maintenance, leaving little more than the one-time administrative and legal expense of the layout itself. The burden on the landowner's property is likewise minimal, since the road to be laid out is only an easement, is already constructed on his woodlot, is useful to his own purposes including timber management and removal, and involves almost no adverse impact on the use of his land into the foreseeable future. In addition, this existing road is most likely already burdened by prescriptive private rights belonging to the other landowners along the Old Winter Road, leaving little significance to any further burden being placed on it by the public. Further, it is evident that the Town's tax assessing contractor, an independent professional corporation whose employees are certified and overseen by the State and whose methods are governed by the State, found no change in the woodlot's value when the court removed the road's Class VI highway status in 2005.

The petitioner believes that when this new road's value to the public's convenience and necessity as outlined above is weighed against these slight burdens on the Town and on private property, the result is a compelling conclusion that the former greatly outweighs the latter.

To facilitate this proposed layout and to ensure permanent integrity for the entire historic roadway, owners of land along the Old Winter Road north of the Riss parcel have delivered or are in the process of delivering confirmatory deeds to the Class VI roadbed where it passes through their respective parcels.

Respectfully submitted by direction of the Madison Town Meeting,

Henry N. Forrest

Carol L. Batchelder

Russell E. Jones

Raymond E. Stineford

Robert D. King

Date

Article 17 as placed on the floor: To see if the Town will vote to declare that it wishes to restore the connection of the road now or formerly known as the Old Winter Road to Lead Mine Road, and to engage the services of H. Bernard Waugh, Jr., Esquire. For the purpose of preparing and presenting a practical and legally sound plan of action that will accomplish this purpose, such plan to be presented at a properly noticed public hearing no later than November 15, 2008. And further, to engage this same attorney to make a presentation on the subject of attorney-client relationships as they apply to the Town and its boards and committees, with particular attention to the N. H. Rules of Professional Conduct, especially Section 1.13 thereof, such presentation to be included at the aforementioned public hearing or on some earlier occasion agreeable to the attorney and Selectmen. If approved, this article shall raise and appropriate six thousand dollars (\$6,000) to pay for attorney's fees incurred in these two matters.

Moved: Henry Forrest

Seconded: Robert D. King

Having received five signatures, Moderator Epstein announced this article would be voted upon by secret ballot.

After considerable discussion, Cheryl Brooks made a motion, seconded by Cheryl Littlefield, to move the article. Moderator Epstein accepted to move the article and it was so voted.

James Molloy and Michael Brooks proposed to over rule the Moderator and continue further discussion.

Amendment to overrule the moderator defeated by a show of hand-held ballots and Moderator Epstein instructed voters to proceed to either ballot box with paper ballot "B".

Article 17 DEFEATED as placed on the floor by paper ballot "B": Yes-34: NO-124.

James Buckley made a motion, seconded by Michael Brooks, that it not be permitted to reconsider Article 17 at any time during the remainder of this meeting.

Motion to restrict reconsideration of Article 17 at any time during this meeting was so voted by a show of hand-held ballots.

Article 18. By Petition. To see if the Town will vote to direct the Selectmen to discontinue all further use of legal services from attorney Susan Slack on grounds that in the Winter Road layout matter last summer, she lost sight of who her client was and gave legal advice that was consistent with a hidden policy agenda but not consistent with either the law or established Town policies. And as a safeguard against further such misunderstandings, to see if the Town will vote to adopt the following resolution:

WHEREAS, there have been instances in which Town Counsels have acted as if confused about the identity of their client and/or have blurred the distinction between legal advice and policy advocacy;

NOW, THEREFORE, BE IT RESOLVED, that the following principles shall apply to all Town Counsels when dealing with issues before the Town:

1. The client of Town Counsels shall always be the body politic of the Town as a whole, as distinct from any particular town body or faction. The only exception would be when one Town body is in an adversarial relationship with another and each is represented by its own legal counsel.

2. Town Counsels may not tailor or shade their legal advice to serve the agenda, whether exposed or hidden, of any Town body or faction, thereby in effect treating the remainder of the Town's body politic as if it were a third party or an adversary.

3. The persuasive skills of Town Counsels shall not be employed to sway voters at Town Meetings and elections.

4. To the extent that voters are the ultimate deciders of policy in Town government, Town Counsels shall make them aware of all pertinent legal considerations without prejudice.

5. All legal advice given to Town bodies regarding policy matters under their cognizance shall be given or read in open session and fully disclosed to the public in minutes, as for example in the development or revision of Town ordinances, bylaws, and regulations.
Petition signed by Henry Forrest, et al.

Not Recommended by the Selectmen

Moved to pass over: Henry Forrest

Seconded: Mark Graffam.

Article 18 PASSED OVER by a show of hand-held paper ballots.

Article 19. By Petition. To see if the Town will vote to accept the following three (3) deeds conveying Class VI highway rights along a part of the ancient historic highway known as "The Old Winter Road" in Madison, thereby to remove all doubt about the status of this part of said old town road and to protect it from future challenges that otherwise would require defenders to prove its ancient prescriptive origin: deed dated December 9, 2006, from Thomas Peter Ettinger and Margaret Foerster to Town of Madison; deed dated December 9, 2006, from Ettinger Family Holdings, Inc., to Town of Madison; and deed dated May 24, 2007, from May H. Ward to Town of Madison; all three of such original deeds having been delivered to the Town on June 8, 2007. And further, to see if the Town will vote to request the Board of Selectmen to reimburse said grantors for their deed preparation costs as provided in Article 26 of the 2007 Annual Town Meeting. Petition signed by Henry Forrest, et al.

Recommended by the Selectmen

Moved: Henry Forrest

Seconded: Susan Forrest

Michael Brooks made a motion, seconded by Susan Forrest, to amend Article 19 as follows: To see if the Town will vote to accept Easement Deeds for Class VI Highway Rights or Public Trail Easements following the existing roadbed from the terminus of the Class V Winter Road to the Lead Mine Road and to authorize the Board of Selectmen to negotiate and record the same and to reimburse said grantors for their deed preparation costs as provided in Article 26 of the 2007 Town Meeting.

After lengthy discussion, Cheryl Littlefield made a motion, seconded by Josh Shackford, to move the amendment.

Amendment PASSED by a show of hand-held paper ballots.

Article 19 PASSED AS AMENDED by a show of hand-held paper ballots.

Article 20. By Petition. To see if the Town will vote to request the Board of Selectmen to declare both the Kelsey Easement and McNair Easement portions of Solomon Harmon Road to be an Emergency Lane pursuant to RSA 231:59-a. Snowmobilers have been banned from the Kelsey Easement by court order and hence will no longer be maintaining this road. Accordingly, unless other volunteers can be found to do the work, it may become necessary for the Town to expend funds in order to maintain this road in suitable condition for use by emergency, law enforcement, and official vehicles as authorized under the terms of the Kelsey and McNair Easements. Such funds may be spent only if Emergency Lane status has been declared in the manner prescribed by law." Petition signed by Henry Forrest, et al.

Not Recommended by the Selectmen

Moved: Henry Forrest

Seconded: Susan Forrest

Attorney Cooper stated this article would be advisory only and summarized the Bedrock Realty Trust court case, prescriptive highway designation and location and definition and terms of types of vehicles that can travel over the public Kelsey Easement.

Article 20 DEFEATED by a show of hand-held paper ballots.

Article 21. To see if the Town will vote to instruct the Board of Selectmen to record the tally of the Selectmen and the Advisory Budget Committee recommendation votes on future warrant articles pursuant to RSA 32:5V(a).

Recommended by the Selectmen

Moved: John Arruda

Seconded: Josh Shackford

Article 21 PASSED by a show of hand-held paper ballots.

Article 22. By Petition. To see if the Town will vote to discontinue the election of Road Agent, and, instead, authorize the Board of Selectmen to appoint a Highway Agent. Petition signed by Lawrence Bickford, et al.

Recommended by the Selectmen

Moved: Lawrence Bickford

Seconded: Edward Bickford

Peter Craugh called for a secret paper ballot vote. In place of receiving the written signatures of five voters, Moderator Epstein asked to have five people holding paper ballots stand to show support of a secret paper ballot vote. Having seen five people stand, Moderator Epstein determined this article would be by a secret vote using paper ballot "A".

Cheryl Littlefield moved the article. Having received the two-thirds required for ending debate, Moderator Epstein instructed the voters that using the YES ballot "A" would discontinue the election of the Road Agent; the NO ballot "A" would defeat this article and the position of the Road Agent would continue to be an elected position.

Article 22 DEFEATED by secret paper ballot vote "A": Yes-72; NO-95.

Article 23. By Petition. To see if the Town will vote to raise and appropriate the sum of two thousand dollars (\$2,000) in support of the Madison chapter of the Carroll County Cal Ripkin Baseball league. Petition signed by James Curran, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Moved: Sarah Parsons

Seconded: Josh Shackford

Article 23 PASSED by a show of hand-held paper ballots.

Article 24. By Petition. To see if the Town will vote to raise and appropriate the sum of one thousand dollars (\$1,000) to help in support of the volunteer efforts of Neighbor Helping Neighbor (N.H.N.) for operating expenses. Petition signed by Paula Lessard, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Moved: Michael Sean Dunker-Bendigo Seconded: Paul Kirsch

Article 24 PASSED by a show of hand-held paper ballots.

Article 25. By Petition. To see if the Town will vote to raise and appropriate the sum of five hundred dollars (\$500) to help fund Project Prom, a start-up safety initiative, for our high school seniors. Petition signed by Jane Oberlander, et al.

Not Recommended by the Selectmen
Not Recommended by the Advisory Budget Committee

Moved: Frederick Slader Seconded: Paul Kirsch

Article 25 DEFEATED by a show of hand-held paper ballots.

Cheryl Littlefield made a motion, seconded by James Curran, to consider Articles 26, 27, 28, 29, 30, 31, 32, and 33 as a group totaling twenty-three thousand six hundred twenty dollars (\$23,620.00).

Articles 26, 27, 28, 29, 30, 31, 32, and 33 PASSED as a group.

Article 26. By Petition. To see if the Town will vote to raise and appropriate the sum of six thousand four hundred four dollars (\$6,404) for the support of White Mountain Community Health Center. Petition signed by Gloria Cote, et al.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Article 26 PASSED.

Article 27. By Petition. To see if the Town will vote to raise and appropriate the sum of two thousand six hundred dollars (\$2,600) to support Madison home delivered meals (Meals on Wheels), congregate meals, transportation and program services provided by the Gibson Center for Senior Services. Petition signed by Raymond Stineford, et al.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Article 27 PASSED.

Article 28. By Petition. To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) for the Tri-County Community Action Program for the purpose of continuing services of the Fuel Assistance Program for the residents of Madison. Petition signed by Yvonne Courtney, et al.

Recommended by the Selectmen
Recommended by the Advisory Budget Committee

Article 28 PASSED.

Article 29. By Petition. To see if the Town will vote to raise and appropriate the sum of one thousand five hundred dollars (\$1,500) in the support of the Ossipee Children's Fund providing financial assistance for Madison children. Petition signed by Robin Lurie-Meyerkopf, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Article 29 PASSED.

Article 30. By Petition. To see if the Town will vote to raise and appropriate the sum of two thousand eight hundred dollars (\$2,800) for the Early Supports & Services Program (birth to 3 years) of Children Unlimited, Inc. Petition signed by Sarah Parsons, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Article 30 PASSED.

Article 31. By Petition. To see if the Town will vote to raise and appropriate the sum of fifteen hundred dollars (\$1,500) to assist Starting Point providing crisis services to the victims of domestic and sexual violence and their children. Petition signed by Kimberly Coleman, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Article 31 PASSED.

Article 32. By Petition. To see if the Town will vote to raise and appropriate the sum of one thousand six hundred sixty-seven dollars (\$1,667) to defray the operating expense of service delivery of the Mt. Washington Valley Chapter of the American Red Cross. Petition signed by Tamara Flanigan, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Article 32 PASSED.

Article 33. By Petition. To see if the Town will vote to raise and appropriate the sum of two thousand one hundred forty-nine dollars (\$2,149) to assist the Mental Health Center of Northern Human Services. Petition signed by Nancy Martin, et al.

Recommended by the Selectmen

Recommended by the Advisory Budget Committee

Article 33 PASSED.

Article 34. To transact any other business that may legally come before this meeting.

Robert King made a motion, seconded by Kenneth Sullivan, to have it resolved, that the 2008 Annual Town meeting hereby declares its disapproval of the news article about this meeting published on March 14, 2008, in the Conway Daily Sun, in that facts and issues were distorted and sensationalized in the manner of inflammatory and abusive tabloid journalism at the expense of accuracy and understanding.

Resolution DEFEATED by a show of hand-held paper ballots.

Henry Forrest made a motion, seconded by Susan Forrest, to adjourn.
By unanimous vote, the meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Marcia E. Shackford

Marcia E. Shackford
Certified Town Clerk/Tax Collector