

**BOARD OF SELECTMEN
TOWN OF MADISON
September 17, 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; Videographer Amanda Hayford; 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 Arruda, seconded by Gray to approve the minutes, as amended by Gray, of the September 3, 2024 meeting. The motion passed **3-0**.

Motion by Gray, seconded by Arruda to approve the non-public minutes per RSA 91-A:3II (a) of the September 3, 2024 meeting as written. The motion passed **3-0**.

Motion by Price, seconded by Arruda to approve the non-public minutes per RSA 91-A:3II (b), as amended by Gray, of the September 3, 2024 meeting. The motion passed **3-0**.

APPROVAL OF MANIFEST:

Motion by Arruda, seconded by Gray to approve the Manifest of September 16-25, 2024 in the amount of \$514,186.11. The manifest breakdown is as follows: \$131,435.98 for accounts payable; \$31,390.20 for payroll; \$10,086.10 for payroll liabilities;\$16,273.83 for New Hampshire Retirement System and \$325,000 for Madison Schools. The motion passed **3-0**.

PUBLIC COMMENTS: There were none.

DISCUSSION ITEMS/NEW BUSINESS:

Nick Borelli for STR Update – Borelli asked if Attorney Johnston will be assisting the ZBA attorney. Price stated Johnston is catching up as we speak. Borelli asked what the plan would be if the case at the ZBA regarding 13 Lucerne Drive sells before it gets to court. Price said that would be a question for Attorney Johnston. Borelli asked why the Town is not going after STRs for fines. Price stated that RSA 676: explains the stay on fines while in the appeal process; Borelli cites a different answer from the ZBA’s attorney.

Kathy Koziell would like to see, and Borelli agreed, that C&D letters should be sent to three brand new STRs that have not been noticed before. Arruda can see that this would mark a certain point in time to begin fining. Attorney Johnston will be asked if it makes sense to begin a C&D process.

Kathy Koziell for STR Fines – Koziell offered a spreadsheet listing all STR cases that have come before the ZBA explaining the status of each with notes as to her calculations of potential fines for zoning violations.

Arruda would like to hear Attorney Johnston's opinion if a C&D travels with a piece of property once sold.

Paul McKenna, referencing the settled Gage case, would like to see at least attorney's fees recovered next time.

Bill Dempster cited November 2023 ZBA minutes where the ZBA's attorney's opinion of collecting fines differs from Attorney Johnston's. Dempster asked for clarification.

MadTV Hope Hutchinson: TelVue Support and Studio Improvements – Hutchinson proposed to purchase a 4-year support contract with TelVue to be paid for with funds from the PEG TV ETF in the amount of \$5,890.50.

Motion by Price, seconded by Gray to sign the contract with TelVue. The motion passed **3-0**.

Once the invoice is received it will be paid and a request will be made for the funds from the Trustees of Trust Funds at a later date.

Hutchinson offered a list of improvements that MadTV would like to see happen to their office. Hutchinson said these would be paid out of the PEGTV ETF. The improvements would need to be put out to bid. Hutchinson asked if a DPW crew member would be able to assist, the Board suggesting seeing if Dave Swift may be able to help draft a proposal of work to be done.

Paul King Perambulation – King along with Tamworth Librarian Amy Carter would like to organize a perambulation of the Madison/Tamworth line. There would no charge for the work by King; he would offer his services for the coordination of the perambulation as a civic project. The Board accepted King's offer.

Snow Removal Policy – The annually updated policy was reviewed by the Board. **Motion** by Price, seconded by Arruda to accept the changes to the Snow Removal Policy. The motion passed **3-0**.

Modoc Hill Rd Culvert – The invoice for the improvements to Modoc Hill Road was received in the amount of \$89,991.00. The amount put into the ETF at Town Meeting was \$40,000 based upon an estimate received. Price spoke at length with Burnham and the additional damaged caused by the last washout with the April storm completely destroyed the road. FEMA will reimburse 75% but it still needs to be paid. There is approximately \$50,000 in the bridge block grant received in 2022. The Board agreed that the payment will be held until DPW Director Shackford can confirm that the work cited in the invoice was completed with the balance coming from the bridge block grant funds.

Request to Trustee of Trust Funds: \$8,861.82 from STR ETF -

Motion by Price, seconded by Arruda to request the withdrawal by the Trustees of Trust Funds for \$8,861.82 from the Short-Term Rental Legal Expense Expendable Trust Fund to reimburse the general fund for the legal expenses incurred defending or enforcing the Zoning Ordinance in respect to Short-Term Rentals for the invoices listed. The motion passed **3-0**.

OLD BUSINESS:

Police Cruiser Sale – Price explained that it has come to light that another payment is due on the 2021 Silverado cruiser that was agreed to be sold to Effingham. Effingham would still like to purchase the vehicle for \$30,000. They would write a check for \$11,303.58 to the leasing company and a check for \$18,696.42 to the Town.

Motion by Arruda, seconded by Price to sign the amended Bill of Sale agreeing to the split payment. The motion passed **3-0**.

Wilcox & Barton Task Order Authorization – A Task Order Authorization form has been received that would complete supplemental groundwater and drinking water sampling regarding PFAS. The amount of the proposed task order is \$16,399.30.

Motion by Price, seconded by Gray to engage Wilcox & Barton for the next step based upon the Task Order Authorization. The motion passed **3-0**.

Selectman Gray’s List – Gray will let folks know that there is a go ahead on forming a CIP group expressing her appreciation to those from various groups willing to volunteer. Price reiterated that he would be in favor of putting such a committee on as a warrant article if agreed upon by the Board.

Selectman Arruda’s List – The drawdown is very close based upon time of year and percentage used. The Transfer Station has slowed down.

Selectman Price’s List - Price offered a Rec Program update in O’Donnell’s absence mentioning that soccer starts this Thursday. The field hockey teams first game is on the 24th and they’ll be using goals given by Ossipee. Price and Brooks made a plan to line the field. Price mentioned that the DPW’s report is being placed on the website. Price was told that a call was made yesterday about the delivery date of the grader in response to his question; no call back has been known to be received.

Administrator’s List - No items.

Department Heads’ Lists:

Town Clerk/Tax Collector/Fire Chief – The state primary had a 30% voter turnout for Madison with absentee ballots anticipated to be available the beginning of October. Brooks also mentioned that the annual request from the Fryeburg Fire Department to borrow the lighting equipment for the fair has been received. The Board was agreeable to lending the equipment.

Chief Hayford – The department’s boat was taken out of the lake after the swim lines were removed with a plan for DPW to winterize, shrink wrap and store it out back. The department will be participating in special DWI patrols this weekend along with most of Carroll County.

SIGNATURE ITEMS:

Manifest

Payroll & Accounts Payable Checks

Volunteer Appointment for Samuel Bates

Purchase Requisition: 2024-GGTS-001 Northledge Tech \$4,870.44

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; **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee; and **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.

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

6:48 PM Motion by Price, seconded by Arruda to return to public session and 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; **Non-Public Session per RSA 91-A:3II (b)** The hiring of any person as a public employee; and **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.

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

Motion by Gray, seconded by Price to adjourn at 6:48 pm. The motion passed **3-0**.

NEXT SELECTMEN’S MEETING – The next Selectmen’s Meeting is scheduled for October 1, 2024 commencing at 4:30 pm at Town Hall.

Respectfully Submitted,

Linda Shackford,
Town Administrator