

**BOARD OF SELECTMEN
TOWN OF MADISON
April 1, 2008
MINUTES**

Selectmen Present: Chairman John Arruda, Michael Brooks and Michel Benoit.

Others Present: Administrators Melissa Arias and Sue Stacey, Madison TV Videographer Noreen Downs and trainee Emilie Riss, Emergency Management Director Becky Knowles and Deputy Emergency Management Director Richard Clark, Town Mechanic Larry Shanks, Eidelweiss Commissioners Gloria Aspinall & Michael Smith, Pete Craugh, Edith McNair, Marc Ohlson, Beverly Klitsch, Police Chief Jamie Mullen.

Where and When Posted: Town Hall upper and lower bulletin boards, Madison & Silver Lake Post Offices on November 29, 2006.

Meeting Called To Order: By Chairman Arruda at 5:00 p.m.

APPROVAL OF MINUTES – Brooks made a **motion** to approve the minutes of the March 25, 2008 Selectmen’s Meeting, seconded by Benoit, and so voted. Minutes approved with no changes.

APPROVAL OF MANIFESTS – The first Manifest of April 1, 2008 in the amount of \$43,737.29 for accounts payable was approved on a **motion** by Brooks, seconded by Benoit, and so voted. The second Manifest of April 1, 2008 in the amount \$80,000.00 for Madison School District was approved on a **motion** by Brooks, seconded by Benoit, and so voted. The third Manifest of April 1, 2008 in the amount of \$8.00 for accounts payable was approved on a **motion** by Benoit, seconded by Brooks, and so voted.

PUBLIC COMMENTS – Peter Craugh brought up the minutes posted on the website, complimenting the staff for getting them posted so promptly.

Police Chief Jamie Mullen presented the Selectmen with his statistics for the first quarter of 2008. Mullen briefly reviewed the statistics as compared to this point last year. Eight of the traffic accidents involved deer being hit on East Madison Road. Jamie has spoken to residents along that road who feed the deer and asked for their cooperation in not feeding them any more. Arruda mentioned the drastic increase in calls for service in 2008 as compared to 2007. **END OF PUBLIC COMMENTS**

HAZARD MITIGATION PLAN – Emergency Management Director Becky Knowles and Deputy Director Richard Clark were in to talk with the Selectmen about Madison’s Hazard Mitigation Plan Proposal prepared by Jane Hubbard of Hubbard Consulting of Andover, NH. The cost of writing Madison’s Hazard Mitigation Plan is estimated at \$5,000. The Mitigation Plan needs to be completed by 2010, at the latest. Many components of the new Mitigation Plan can be applied to our Emergency Operations Plan (EOP), which is also currently out of date. While Hubbard works on the Mitigation Plan, Becky is willing to work on the EOP. The hope is to have both plans ready to submit to FEMA for review and approval by the end of the summer. The non-lapsing emergency management Warrant Article from 2005 has a remaining balance of \$4,300. The Board felt there would be \$700 somewhere in the operating budget to complete the project this year.

Motion: Arruda made a **motion** to hire Hubbard Consulting to carry out our Hazard Mitigation Plan, seconded by Brooks, and so voted.

Decision: Hubbard Consulting will be writing our Hazard Mitigation Plan.

PUBLIC INFORMATION OFFICER - Becky said there is a need to appoint and train a Public Information Officer for Madison. The outdated Emergency Operations Plan (EOP) lists the Town Administrator as this individual, so Sue and Melissa will work out the details. There is training for this position in Conway on April 17th and Becky will forward the information. The group briefly discussed the Emergency Management meeting held at Town Hall last week to ensure we are prepared for the coming spring thaw. Brooks would like the Selectmen to act quickly on appointing a Public Information Officer. Chief Mullen said certain circumstances will require the Police Chief and/or Fire Chief to be the only individual authorized to release information to the public.

MODERATOR MACHINE BILL OF SALE – Chairman Arruda (buyer) and Larry Shanks (seller) signed the Bill of Sale for the Moderator Machine that reads computer codes on town vehicles. Shanks accepted payment from this week's accounts payable.

EIDELWEISS VEHICLE INSPECTIONS – Two of the Eidelweiss Commissioners were in as a follow up to last week's discussion with the Mechanic Larry Shanks about Eidelweiss wanting Larry to inspect their vehicles. Gloria Aspinall introduced new Commissioner Michael Smith to the Selectmen. Although this was discussed last week with no firm agreement being arrived at, Larry Shanks was instructed by his supervisor to do the inspections last Friday. Arruda really wished we had the opportunity to discuss this ahead of time and not post-haste. Larry estimated the three vehicle inspections took ½ hour each. Retail cost would be \$45-50 per inspection. Sue could estimate Larry's hourly wages, including his benefit package, to come up with an hourly rate to charge Eidelweiss. The Commissioners would like to discuss utilizing Larry's services for more than just vehicle inspections. Brooks suggested having an Inter-governmental agreement with the Town and Eidelweiss, probably on an annual basis. Smith said one of his goals as a Commissioner is to take down the walls that have been built over the last decade or more that have pegged the Selectmen against the Commissioners. Aspinall would like both groups to put some thought into this and meeting again in a month or so to try and iron out the details. Arruda said our situation is getting close to warranting a full time mechanic who deals with maintenance of all Town-owned vehicles, possibly including Eidelweiss and school vehicles as well. Arruda asked the Commissioners to prepare a list of vehicles they own and any improvements that have been put into the vehicles lately. Brooks asked that future proposals and ideas be ironed out between the two Boards first before their respective Department Heads take any initiative to carry out the concept.

EIDELWEISS USING TOWN SALT/SAND AFTER SALT SHED COLLAPSE – Arruda mentioned the Town sand and salt being used by the Village District of Eidelweiss during the loss of their salt shed to a collapse. Arruda believes the material is being properly tracked with the understanding that it will be replaced but would like the Commissioners to investigate this on their end. It was also unclear whether replacement would come in the form of paying to haul in new materials or reimburse the Town for the amounts used.

EIDELWEISS TAX ABATEMENT RESPONSIBILITY – The Selectmen and Commissioners talked about the need for an agreement between the government bodies with respect to annual tax abatement refunds. Since the Town of Madison pays Eidelweiss their entire tax commitment by December 31st

annually, all Eidelweiss portions of tax abatement refund dollars should be reimbursed to the Town, along with a percentage of the interest calculation. In 2006, the Eidelweiss share of the tax abatement refunds was \$925.20 plus a percentage of the \$128.96 interest amount. In 2007, the Eidelweiss share of the tax abatement refunds was \$1,593.00 plus a percentage of the \$112.27 interest amount. Brooks wondered if this matter could be included under the cover of the same Inter-governmental Agreement; the Commissioners were not comfortable with this. Aspinall talked with Barbara Robinson at the Department of Revenue Administration and found there is no provision in Eidelweiss' overlay calculation to return any funds to Madison. Sue corresponded with Michelle Clark, Madison and Eidelweiss' representative at the Department of Revenue Administration, who says although there is no provision in the state law an agreement could be reached between the two groups. This matter will also be looked into and discussed at the next group meeting. Aspinall brought up the fact that Eidelweiss is not eligible for any State of NH Highway Block Grant funds, with Madison using Eidelweiss' road mileage toward their totals for which the Town's annual amount is computed from. Aspinall also noted that the annual funds from Town Meeting for Eidelweiss ceased a few years back. Benoit suggested the Commissioners put their thoughts down in writing and forward them to the Selectmen for review and comment, with the group meeting here at Town Hall on May 13, 2008.

EIDELWEISS DAM SAFETY – Based upon a meeting at Town Hall last Thursday, March 27th with key officials and NH Emergency Management Officials, the subject of the Eidelweiss dam was brought up. Arruda asked if the Eidelweiss report for their dam has been submitted to the State of NH Dam Bureau. Arruda gave the Commissioners the contact name and information required.

FEMA CULVERT & HEADER REQUEST FOR PROPOSAL – The Selectmen were asked to review the draft request for proposal for the FEMA culvert and header work written by Sonny Graves. A deadline date will need to be included, along with any revisions or additions from the Selectmen. A few minor adjustments/additions will be made before mailing out the proposals tomorrow with a submission deadline of April 18, 2008.

WINTER ROAD QUITCLAIM DEEDS – As requested a few weeks ago, copies of the Winter Road Quitclaim deeds were provided to the Selectmen for review and discussion on how to proceed from here. The Selectmen received a packet of information dated March 25th from David and Emilie Riss pertaining to this matter which was included in the Selectmen's weekly binders. Arruda interpreted the Riss' letter to read that no commitment is being offered for deeds or easements over their property; this was confirmed by David Riss. The Quitclaim Deed from the Ettinger family states contingencies that the road must be laid out by the Selectmen within 5 years or the deed will be rescinded. Arruda said Town Meeting voted that they don't want a road, yet they approved a warrant article to accept deeds or trail easements. Brooks interprets that Town Meeting did not want to spend any more money on laying out a road. However, Town Meeting would like to pursue the acceptance of land or easements to accomplish the same. Brooks feels the language in some of the deeds is pointless and should be reviewed. Brooks said the Town is in no position to accept the Quitclaim Deeds as written since there is no legal means to get there. However, the Selectmen could negotiate with all the landowners to accomplish the connection of point "A" to point "B" whether it's from deeds or easement deeds. Brooks feels Ettinger should be asked to remove the conditional clause of reverting back to the grantor after 5 years. After that, approach landowners on both ends to start negotiations. Brooks feels the Selectmen can begin this process on their own without legal counsel by drafting a letter to Ettinger. Brooks will draft an inquiry letter in the near future for review and signature at an upcoming meeting, including language from the Town Meeting minutes, once available. Benoit asked if similar letters should be mailed to all the involved landowners

simultaneously to fully open the lines of communication. Arruda suggested writing the Ettinger's first, copying it to all the effected landowners to keep them informed of the direction the Selectmen are trying to go in.

ATTORNEY – CLIENT RELATION MEETING – In preparation for an attorney-client relation meeting with Randy Cooper and another member of his firm (Christopher Meier), Brooks suggested coming up with a line of questions or subject matter that could be given to the attorney's prior to their meeting with the Board. April 8th has been suggested by Randy Cooper, to be categorized as meeting with Town Counsel which is exempt from the provisions of RSA 91-A.

INTERVIEWING OTHER LAW FIRMS FOR TOWN COUNSEL – Benoit said he was approached by several voters on Election Day with questions about changing Town Counsel and he feels obligated to research this. Benoit wondered if a similar letter of request should be sent to other legal firms for the purposes of interviewing prospective counsel in a business development type setting. Arruda had no problem with this idea, stating that three or more different attorneys have been used in the past several years. Brooks suggested publishing a request for Town Counsel in the Town and City Magazine and possibly the NH Bar Association publication. Brooks would like to see a formal vote taken on this, with existing Town Counsel receiving the courtesy of being informed in person of the intent of the Selectmen to look around. Benoit said he has no bias on this matter but with the amounts of money being spent recently on legal matters he would like to at least look into the matter and see where it takes us. The group decided to inform Cooper of their intentions during next week's attorney-client relation meeting.

LETTER RECEIVED FROM FRED HAM – Benoit brought up a letter received recently from Fred Ham which asks that Benoit familiarize himself with a few properties in Town. Benoit asked if he should be the one responding since he is named in the letter or if someone else should follow up. Arruda feels letters like this do warrant a response. Arruda would like to see the response letter drafted by Benoit for review and signing by the whole Board at a future meeting. The Selectmen discussed the difficulty in filling vacancies on various Boards and Committees in Town.

BOARD OF TAX & LAND APPEALS CASE – The Town has just received a hearing date for the Bedrock Realty Trust Board of Tax & Land Appeals case. The Assessor reviewed the material but is suggesting that Town Counsel Randy Cooper represent the Town at this hearing due to his extensive knowledge of the property. Melissa was asked to contact former assessing firm Nyberg Purvis tomorrow to see if they will stand behind their work from 2005, which is the year being appealed.

INSURANCE COVERAGE – For liability purposes, Sue talked with LGC today about loaning the Town backhoe to the Village District of Eidelweiss. Debbie Lewis informed Sue that Eidelweiss could borrow our backhoe for a certain period of time which would be listed on a rider to our insurance policy. Their borrowing the backhoe on an intermittent basis would not work well with a rider.

EAST SHORE DRIVE INTERSECTION – Sue will convert her draft memo to the Road Agent into a letter for the Selectmen to sign stating that the East Shore Drive intersection must be reconstructed in accordance with the Selectmen's decision after the Public Hearing on July 10, 2007. Reconstruction must be completed prior to snow flying in the fall of 2008.

AUDITORS & ACCOUNTING SOFTWARE – Based on an e-mail from Ralph Lutjen, Arruda asked Sue for clarification on the auditing practices and the accounting software being used by the Town. The

Auditor's previous negative opinion letters are based on non-compliance with GASB 34, not because our accounting software is insufficient. The group discussed how we are moving toward compliance with the requirements of GASB 34.

PURCHASE REQUISITION – The Selectmen signed a Purchase Requisition to Valladares Repair in the amount of \$571.32 for repairs to the Oshkosh. Arruda asked Larry Shanks about this Purchase Requisition which covered center bolts, wondering if this work could have been done in-house. Larry said he has done this work before on the same vehicle. Arruda asked if Larry is worked to a point where he cannot take on any more vehicle repairs. Shanks didn't feel this way. Arruda said farming out work like this is circumventing the concept of having a Highway Mechanic and wants to address this with the Road Agent. John will draft a letter addressing this issue to the Road Agent for review and signature next week.

VETERANS CREDIT APPLICATIONS – The Selectmen approved two Veteran Credit applications for map 112, lot 020 and map 109, lot 021.

TAX COLLECTOR'S ABATEMENT – The Selectmen signed Tax Collector's Abatement #2008-001 to abate \$0.57 on 2007 property taxes for Tryder (106-018).

APPOINTMENT/OATH OF OFFICE – The Selectmen signed an Oath of Office for Judith Burton to serve as an Alternate member of the Library Board of Trustees.

2008 1st QUARTER TAX FORMS – The Chairman signed the 1st Quarter 2008 NH and ME Tax forms.

REPLACEMENT LICENSE PLATE APPLICATION – The Chairman signed an application to NH DMV for replacement plate(s) on the 1982 Oshkosh.

VEHICLE TITLE APPLICATION AND REGISTRATION – The Chairman signed a title application and vehicle registration for a 1996 Dodge Ram van that was donated to the Fire Department. This vehicle will need to be added to the insurance policy.

FEMA DEADLINE REQUEST – Arruda found a reference book on FEMA deadlines and turned it over to Sue for review.

PUBLIC COMMENTS – Becky Knowles was back in as a member of the Rescue Squad. She stated the Rescue Squad has been having some issues with the new Fire Chief since he took command in December 2007. They have attempted to follow the chain of command with little success over the last three months. Earlier this week, Rescue Captain Jim Coogan was asked to report to the Fire Station where he was handed a letter of resignation to sign. Becky said a 30-year veteran of the squad has already resigned, and both she and Jim will be resigning. There are only 10 rescue members total. Becky said the Selectmen will be told that it is NIMS (National Incident Management System) compliance behind all this. Becky said NIMS has nothing to do with the day-to-day operations and administrative duties of the departments. Becky gave some history of how the Rescue Squad came about. Becky said chain of command and communication problems are causing these recent problems. Rescue members met recently with the Fire Chief and agreed to a three-month trial period, and then Jim and Becky went on vacation and upon arriving home learned that Jim's resignation letter had been drafted for him. Brooks would like to meet with the Fire Commissioners next week at 5:30 pm in non-public under RSA 91-A:3II(c) to discuss this

important issue prior to the meeting with Town Counsel. Benoit asked if individuals contemplating resignation or being pressed for resignation not make any decision within the next week until we can try to coordinate a meeting. Emilie Riss asked if these resignations could put our emergency services in a compromised position. **END OF PUBLIC COMMENTS**

NON-PUBLIC SESSION –6:57 PM – Arruda made a **motion** to go into non-public session under RSA 91-A:3II(a) to discuss a personnel matter with the Police Chief and then discuss the hiring of Recreation personnel and then discuss a follow up of last week’s non-public session on personnel, seconded by Brooks, and so voted. Roll call vote: Brooks-aye, Arruda-aye, Benoit-aye. **7:52 PM** – Benoit made a **motion** to return to public session and seal the minutes of the non-public session, seconded by Arruda, and so voted.

Meeting Adjournment: At 7:52 pm Benoit made a **motion** to adjourn the meeting, seconded by Arruda, and so voted.

Respectfully submitted,

Melissa S. Arias, Administrator
Recording Secretary