

Minutes

Albany NH Selectmen's Meeting

December 11, 2013

At 2:30 p.m., the Selectmen's meeting was called to order. In attendance were Jack Rose, Kelly Robitaille and Rob Nadler. Also present were Lee Grant, June Johnson, Steve Knox, Joe Ferris, Pete Howland and Brian Johnson. The following business was conducted.

Jack began the meeting by expressing his appreciation to all those who made the children's Christmas party on Saturday a smashing success. Kathy Carrier, June Johnson, Lee Grant helped set up. Rob Nadler and Cort Hansen for their contribution of gifts. Leah Valladares helped set up. Camille Rose and Ron Carmen for their efforts of gathering gifts. Josephine Howland took pictures. The ladies who ran the tables. It was the 7th annual party and about 70 kids attended. Also a thank you to Sut Marshall for the use of his sleigh.

Jack and his wife, Camille, will be attending Ray Burton's memorial service on Saturday on behalf of the town of Albany to show our respect for the time and help he has given us. It is to be held in Plymouth.

Regular Business:

- Reviewed & approved December 4 minutes-Jack made a motion to approve the minutes as submitted, Kelly seconded the motion. There were no amendment or deletions. All were in favor.
- Signed checks totaling \$ 84,881.03.
- Reviewed & approved one building permit-Jack made a motion to approve the building permit, Rob seconded the motion and all were in favor.
- Town Administrator job description-Rob hadn't reviewed the electronic copy recently and asked if Kathy could send it again. Kelly and Jack agreed saying they would like to review it again. Jack made a motion to table the approval of the job description, Rob seconded the motion and all were in favor.
- Reviewed e-mail from Jae Whitelaw regarding Fairpoint case-this was informational and no action needed to be taken.

- Reviewed letter from Tri-County CAP-Jack noted there was a new Chief Executive Officer. He does a good job and is taking over where the Trustee from the Attorney General's office left off.
- Town Administrator Report-see below.

Town Administrator Report:

Kathy informed the Board of a complaint received regarding a sign permit that had been issued. Apparently the sign permit was approved and issued under the verbal assurance that the advertised company lived on the property in order to comply with Albany's ordinances. The complainer called the number on the sign to ask them to take their dog in as it was barking. The person who answered said he didn't care, he didn't live there and he just had an agreement with the owners of the property. Jack asked Kathy to have Code Enforcement Officer, Peter Carboni, contact the person whose number is on the sign and ask if he lives there. Rob added he should prove his residency by showing a utility bill as he had just provided verbal word previously.

Kathy said the Department of Revenue (DRA) has not released their calendar of deadlines yet for the upcoming town meeting season. It usually comes in the mail. Kathy checked their website also but is not available yet.

Kathy researched the minutes from the Selectmen's meetings on November 13 and November 20 to see if there was a vote recorded to not allow logging beyond the gate on Passaconaway Rd. in the winter. Kathy reported there was no vote reflected in the minutes. Steve Knox thought there was a motion to not allow the logging beyond the gate but said he may have been mistaken.

Kathy researched the sealed bid process which the Selectmen have voted to use in order to sell the three pieces of property that have been deeded to the town. Kathy searched the Conway Daily Sun's website to see if there was a sample of an advertisement of a sealed bid but didn't find one. Kathy e-mailed the legal department of the NH Municipal Association for advertisement samples as well as a legal process. Kathy added the letter mailed out to the former owner of their rights to repurchase their property includes a statement from the law saying the property will be sold 90 to 120 days from the date the former owner receives the notice of their rights. This would delay the sale of the property until January as the letter was mailed on October 10, 2013. Steve asked Kathy if she knew which RSA that was. Kathy replied she thought it was 80:89.

Kathy told the Board they should begin to think about the town report and if they would like to dedicate it to someone this year. Rob suggested dedicating the town report to Ray Burton this year. Jack added it could be written about all the help he has been to us. Rob said he certainly helped enough.

Miscellaneous:

Rob said the Valladares property on Route 16 currently has four entrances. There were two temporary entrances that were supposed to be blocked after Coleman finished their construction. Rob is concerned that if the entrances stay open and are being used they become grandfathered. Jack told Rob the Valladares' have stated there will be one entrance and it will be modified from Kelly Drive, one common entrance for their garage and Kelly Drive. Rob replied the others were supposed to be closed after construction.

Rob thinks the Board should think about creating a policy for legal questions. Who is authorized on each board or on behalf of a board? We need to have some control over what we spend. If there is a controversy, who pays and there should be a designated person who contacts the lawyer. Jack agreed. Rob would like the Board to think about it.

Jack said the noise ordinance is going to be a Selectmen's ordinance. A public hearing must be held and it needs to be decided who is going to hold it. How much time do we have to get it on the ballot legally? Kathy thought the lawyer said it would be a Planning Board amendment to the existing ordinances since they have already begun the process. Jack said Mike Helmers had asked him. Once the changes are complete it must be decided what the next course of action is and who will hold it and when will it be done so it can legally be put on the March ballot.

Jack said the Planning Board suggested the Zoning Board of Adjustment meeting should be called via Theresa Gallagher, Planning Board secretary. Jack feels this has to be a Selectmen issue and we need to get a clear definition. Rob asked if the Selectmen appoint the secretary. Steve Knox said the Zoning Board of Adjustment does. Rob would like to ask the attorney who hires the Zoning Board of Adjustment secretary. Joe Ferris thought the RSA associated was 673. Jack asked Kathy to look it up and see what it says and get clarified who calls and orders the Zoning Board of Adjustment.

Pete Howland (Cersosimo Lumber):

Pete informed the Board that his boss, John Caveney, thought a road bond in the amount of \$400,000 was unreasonable based on the minutes from November 13, 2013 when Curtis' first estimate to fix the road was \$500,000. Curtis also indicated on December 4, 2013, there would probably be 10-15% damage to the road which would bring the amount down to \$75,000. Pete went on to say the largest bond his company has ever posted was \$50,000.

Pete told the Board if they damage the road, they will fix it. His boss John said he is willing to go anywhere from \$50,000 to \$65,000 based upon the number of other users on the road. It should be spread out over who is using it. Rob replied there are two parts to consider; one being the frost getting into the road and the normal wear and tear. It would be impossible to say what it will cost. Curtis said he took a value and discounted that value. Curtis went on to say it is hard to tell but he understands where they are coming from and he thought that method might work.

Rob did some research and came up with something from Pennsylvania. They estimate the cost to be \$50,000 per linear mile for any highway which is maintained below a level consistent with the type of highway. Curtis said the town is about \$50,000 a mile but it is impossible to come up with a number. Curtis feels \$200,000 is on the low side and the type of agreement proposed would provide what the value of the bond is. Curtis noted the company will be liable for additional damage. Rob thought if Curtis and Pete agree on the condition of the road and agree how the damage is paid for, the bond is additional. Jack asked if it was going to be a contest as to who did the damage. Curtis said it is pretty hard unless it is substantial damage then he could tell what kind of truck did it. He had been on the other side of it as it is part of the industry. Jack asked how do we control it? Curtis said video and view what Pete has and if it is unclear, then back up with another video and sign off on one or both and do periodic inspections. Rob said the agreement should say they are going to fix the road. Curtis said it would be the same situation in any town. Pete agreed.

Curtis suggested setting a road bond in an amount that Pete would be comfortable with and sign off on the rest. Pete said the road will be fixed if it gets damaged. Curtis noted the agreement should set an amount for the road bond and add if there is any damage resulting from logging operations, Cersosimo will be responsible. Kelly thought it needs to be a legal issue that is clear. Curtis thought it should be simple and there was no need to consult with the lawyer. Just write a paragraph of who is responsible for what. Rob added it would depend how it is written as to what the bond will be. Curtis noted Pete said \$75,000. Rob wanted to see the letter. Jack did also. Kelly said it needs to be on paper. Jack asked if there was a video. Pete replied

yes, there are three. Jack asked when logging will start. Pete replied by contract they could start Monday if everything is settled.

Brian Johnson of the Forest Service joined the meeting. He told the Board this operation is going to bring \$250,000 to everyone's interest. Rob said that is fine as long as it doesn't ruin the road. Brian said Pete pays 10% timber tax to Albany, as well as the town is receiving 25% of revenues brought in by the Forest Service and the payment in lieu of tax payment. Kathy told Brian the state had done away with shared revenue either three or four years ago. Brian will look into that as he shows Albany has received money from the program over the past few years. Brian said if the road is bonded and they can't put up the bond it would be a concern for the Forest Service as well as Cersosimo. Rob told Brian the town wants to be covered. Brian said he would look into their end.

Pete asked where the bond value was going to land. Jack thought a combination of the bond amount and a statement to protect the road. Rob said if there was a letter of responsibility and Curtis agrees it covers what he thinks should be covered then the town will accept the amount of \$75,000 for the road bond. Curtis felt it had to be an agreement between the company and the town. Rob reiterated a combination of the agreement from the company and a bond. Curtis asked Pete to send it to Kathy and he will look at it. Rob stated as long as the town is protected and Cersosimo will fix the road. Kelly asked if Curtis felt comfortable with that. Curtis replied he felt like he knows the road as he has been over it numerous times recently. Curtis added the videos could be open to interpretation. Curtis said he knows Pete and they both know what damage is done by trucking; am I guaranteeing total protection? No. Kelly stated he could see where there will be complaints down the road and he just wants to be comfortable. Jack thought Curtis should sign off on the video and agreement.

Rob made a motion for Pete and Curtis to inspect the video and do a visual inspection. The agreement will include, the assumption of liability will be with Cersosimo for damage to the road be repaired to comparable or better condition. A road bond will be submitted in the amount of \$75,000. Jack seconded the motion. There was no discussion. All were in favor. Pete asked if his boss should sign off. Brian asked if that satisfies the town. Jack replied yes to both. Curtis said the agreement is between the town and Cersosimo.

Pete concluded by saying the Forest Service also oversees and will be watching also.

JR____
KR____
RN____

Jack told Curtis about the additional accesses on the Valladares property and they were supposed to be closed after Coleman's finished construction. Curtis would refer the issue to the NHDOT as it is their curb cut. Rob replied there were two more openings that were curb cuts. Curtis referred again it would be NHDOT to issue state permit driveways and that is a state road. He suggested contacting Mike Lane from NHDOT. Rob asked Kathy to make contact.

At 3:25 p.m., Kelly made a motion to adjourn, Rob seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Town Administrator

DRAFT