

## **Minutes**

### **Albany NH Selectmen's Meeting**

**December 18, 2013**

At 4:20 p.m., the Selectmen's meeting was called to order. In attendance were Jack Rose, Kelly Robitaille and Rob Nadler. Also present were Joe Ferris and Steve Knox.

#### **Regular Business:**

- Reviewed & approved December 11 minutes-Jack made a motion to approve the minutes as submitted, Kelly seconded the motion and all were in favor.
- Signed checks totaling \$137,825.62.
- Reviewed & approved one timber intent-Jack asked if a signed copy of the agreement with Cersosimo had been returned. Kathy replied no. Kathy told the Board they could not withhold signing the intent because the agreement had not been submitted yet. The timber bond has been received; the intent should be signed. All three Selectmen signed the intent.
- Reviewed & approved job description for Town Administrator-Rob asked about the section under town office in regards to assisting the public with tax exemptions and credits and if it is a Tax Collector function. Kathy replied no. The Town Administrator processes the applications for tax exemptions and credits for recommendation to the Board of Selectmen for approval or denial.
- Reviewed letter from the Albany School Board-see below.
- Town Administrator Report-see below.

#### **Letter from the School Board:**

The Selectmen discussed moving the bus stop at Piper Meadows to the inside of the park saying right now the bus stops partially on private property, why couldn't it be moved within the park and be fully on private property. Kelly would like to see it get done. The School Board's letter said they should be in charge of this issue, not the Board of Selectmen. Rob said he would like to offer the Board's support to the School Board on this issue. Rob would like a letter sent to the School Board saying so. Jack and Kelly agreed. Joe Ferris stated it is ultimately up to the bus company. Kathy replied it is the decision of the School Board whether or not to award a bus company with a contract also.

**Town Administrator Report:**

Kathy reported she received a phone call from a tenant in the Moulton cabins. Apparently there is no running water and the pump house has frozen up. When the tenant contacted the landlord, she was told it was up to the tenants to get it fixed. Kathy called Health Officer, Dan Sdankus for an inspection. Kelly went with Dan to inspect and said it could get worse if it continues to freeze and pipes may burst. Jack asked if the town could fix it and bill the owner and possibly lien the owner if they don't pay. Kathy said she believes it is a possibility. A lien like this will not take precedence over other liens like a property tax lien does. The town would have to get in line if the property ever sold. Kathy believes Dan should write a letter to the landlord telling them they must fix the problem and quote the law as to the minimum standard of living they must provide to their tenants, one of which is running water. They can be given a certain amount of time to comply before the Health Officer can impose fines. Jack asked if Dan needed the Selectmen's authorization to do this. Kathy replied no, this is within his jurisdiction as Health Officer.

Kathy spoke with Mike Lane from NHDOT regarding the additional driveway openings on the Valladares lot. He stated he is waiting for an application from the Valladares' and there is nothing the state can do about them excavating from their private driveway. Mike explained the state's right of way is just barely off the pavement there, because when the center lane was installed years ago, the right of way was moved. Mike told Kathy that Dave Sylvia is working on this and Tara Taylor has also been involved. Jack would like Kathy to call Dave Sylvia on this. Rob reported the neighboring businesses are using one of the driveways. It should be shut down.

Kathy e-mailed the state treasurer office regarding the shared revenue program. They concurred this was the same program the federal government was talking about and it was done away with in fiscal year 2009. Albany's last payment was 2008. Rob wants to ask the federal government to pay us directly as it was a substantial amount of money they claimed to have paid us over the past few years. Maybe we could ask Assistant Ranger Johnson, who was here last week, to look into it.

Kathy attended the Conway Library Trustee meeting on Monday night. The discussion was about changing the way Albany and Eaton are charged annually by the library. Currently Albany is charged a nonresident fee of \$70.00 and a senior citizen fee of \$35.00. Conway is proposing the Albany

and Eaton be charged in the same manner as we are charged for solid waste and the rec. center. This would mean a 500% increase in that line item. Jack would like to find out what Madison and Tamworth may charge us to use their libraries.

Andy Davis joined the meeting at 4:55 p.m.

**Andy Davis (ZBA chairperson):**

Jack told Andy there had been a question as to who should or how should we approach the Zoning Board of Adjustment (ZBA) per each necessity. Jack asked what would be the pleasure of the ZBA to make it handle most efficiently and there was a question if a secretary had been appointed. Jack understood previously it had been Kathy for a flat fee of \$25. Jack asked Andy if he felt there was a reason to change this. Jack added the only time he recalled a Planning Board referral to the ZBA was this past one time. Otherwise it had come from the Board of Selectmen. Rob stated it seemed the Planning Board was referring an applicant to the ZBA but Kathy thought she couldn't refer an applicant to the ZBA without a Notice of Decision and asked what was being appealed and this issue came out of that.

Andy said he understood there were two separate questions here. Number one is who the secretary to the ZBA is. Andy said he has always been happy with Kathy and would be happy to have her continue. If something is coming from the Planning Board, Andy went on to say he would be happy to be the contact person and will pass the information on to Kathy. Andy added things could get confusing and this keeps it clear. Rob thought that sounded perfect.

Andy would like to nominate and appoint a co-chair so when he is out of town the co-chair may be contacted. If neither are available, Andy is comfortable with Kathy taking the information. Andy thought contact information should be available on the website and if they happen to be in the town office, then Kathy can set them up. It would be nice to be directed by the website. Rob would like to figure out who is authorized on behalf of the ZBA to contact the town lawyer and possibly set up a legal line item as such. Andy said from his point of view it has not been an issue but the clearest way to deal with it even if it is the secretary or administrator, it should be authorized by the committee chair. Jack agreed. Kelly said it is all about clearing up the confusing matters. Kathy had made a decision to help out and this will eliminate it. Let's keep things clear. Jack said it probably won't come up again. Andy asked if a copy of the meeting minutes could be sent to him. Kathy agreed she would forward a copy to Andy.

**Miscellaneous:**

Steve asked the Board where they stood with the Noise Ordinance. Jack said he was waiting on amendments from Mike Helmers. There was some writing involved and then we need to decide who will call for the public hearing and it was Jack's opinion it would be the Board of Selectmen. Rob said when the Planning Board met with town counsel, Walter said it should be a Planning Board ordinance and it was still in the air.

Steve said he spoke with Dave Pandora from the town of Conway. They recently had the same issue. Dave told Steve based on their experience it could go to either board. Steve added this is not a land use issue and if it's turned over to the Planning Board they may have missed the opportunity for a public hearing. Steve added the advantage to the Selectmen doing this is there is no grandfathering and it doesn't have to go on the ballot. Rob thought it had to be approved at town meeting. Jack stated Walter said it requires town meeting vote and he thought it should be a Selectmen ordinance. Let's find out if we have enough time.

Rob understood it had to go on the ballot but didn't need a public hearing although it was advised. Steve noted Dave did not imply if it is a Selectmen ordinance it did not have to go on the ballot but after the public hearing it may be adopted. Jack replied either way Mike's revision was needed. Jack said between now and the next Selectmen meeting he will get a final copy from Mike Helmers and then get a final reading from the Local Government Center or Walter Mitchell as to how we are going to do this. Jack wants to get it enforced. Kelly said if Steve is correct there is no panic. Steve said everyone has their own interpretation. If it goes to the Planning Board, there has to be a public hearing and it has to go on the ballot. The Board of Selectmen can adopt it anytime. Jack would like to wrap it up by next meeting.

Jack attended the memorial service for Ray Burton on Saturday. It was well attended and by far a very perfect and fitting tribute to a past statesman. There were four Governors present in support of Ray's accomplishments. It was well represented by Albanians, Dorothy and Stan Solomon, as well as Steve and Sara Knox and Jack and Camille Rose. Steve added Sara had written an article on the service for the Concord Monitor.

Rob stated when putting together warrant articles for the road improvements he does not want to run out of time and would like to plan accordingly. Jack would like to consult with Curtis. Rob would like to do it while we still have time. Steve noted last year's town meeting when the bond warrant article for

JR\_\_\_\_  
KR\_\_\_\_  
RN\_\_\_\_

road maintenance had been tabled. Kathy said she found out at a workshop that if a warrant article is tabled at town meeting and the meeting adjourns, that article is dead.

**NonPublic Session RSA 91-A:3(c):**

At 5:20 p.m. Jack made a motion to move into nonpublic session citing RSA 91-A:3 II (c). Kelly seconded the motion and all were in favor. Roll call was unanimous in the affirmative.

At 5:45 p.m., Rob motioned to move into public session, seconded by Kelly and all were in favor.

At 5:46 p.m. it was determined that the minutes shall not be publicly disclosed. Jack motioned to seal the minutes, to not publicly disclose the minutes because it is determined that divulgence of the information will likely affect adversely the reputation of any person other than a member of the Board. Rob seconded the motion and all were in favor.

At 5:47 p.m., Jack made a motion to adjourn, Kelly seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Town Administrator