

Minutes must be kept of all public meetings and must be available to the public upon request not more than five business days after the public meeting. A business day means the hours of 8 am to 5 pm on Monday through Friday, excluding national and state holidays. The minimum content of meeting minutes includes: (1) names of members present; (2) other people participating (it is not necessary to list everyone present, however); (3) a brief summary of subject matter discussed; and (4) any final decisions reached or action taken. There is no legal requirement to accept or approve the minutes. Even if minutes have not yet been approved, they still must be made available not more than five business days after the public meeting. When the five business day deadline is reached before the minutes are approved, they can be made available to the public with a notation that they are a draft version.

Taken from "*Knowing the Territory*," a publication from the New Hampshire Municipal Association.

Minutes

Albany NH Selectmen's Meeting

January 14, 2015 4:00 p.m.

At 4:00 p.m., the Selectmen's meeting was called to order. In attendance were Kelly Robitaille, Jack Rose and Cathy Ryan. Also present were Sara Young-Knox, Steve Knox, Leah Valladares, Rick Hiland, Peter Carboni and Lee Grant. The following business was conducted.

Regular Business:

- Reviewed & approved January 7 minutes-Selectman Rose made a motion to approve the minutes as submitted, Chairman Robitaille seconded the motion and all were in favor.
- Signed checks totaling \$32,696.53.

Town Administrator Report:

Carla Schneider from AlpineWeb called to say the website is getting a lot of attacks and she will be placing an extra layer of protection. The e-mail incoming and outgoing servers needed to be changed. She will be e-mailing directions for the other webmail users to change their settings as well.

The budget is not finalized yet.

Albany's field representative from NH Homeland & Security said the emergency operation plan is to be updated every five years. The contact list is to be updated every two years and it is up to the town to purchase shelter equipment. Albany is not in jeopardy of losing its grant received to create the plan.

New Business:

Selectman Ryan will not be able to make the Selectmen's meeting next Wednesday, January 21.

The Town Administrator will be attending a Regional Collaboration Board meeting on Friday, January 23 at 8:30 a.m.

The Selectmen reviewed and approved one timber warrant and certification.

Old Business:

The NH Municipal Association no longer offers personnel policy reviews. The Town Administrator has contacted the firm that revised the Town Administrator job description for an estimate on how much it will cost to review and revise the personnel policy.

The Board discussed ideas as to the dedication of the 2014 town report.

PSNH looked at the tree at the bottom of the driveway and the possibility of placing a pole and street light there. A new pole would have to be replaced on the opposite side of route 16 in order to support a transformer. There may be a fee to the town. They will get back to us with more specific information.

Enforcement Issues:

The Selectmen received an e-mail from a concerned citizen regarding the logging trucks travelling at a fast speed on Passaconaway Rd. creating unnecessary noise. Pete Howland has been contacted and informed of the concern. The Selectmen will take no further action unless the speed continues.

Town Board Selectmen's Rep Reports:

Chairman Robitaille reported the Planning Board meeting on Monday went well. There was good exchange. Their budget was finalized.

The Valladares site plan review got final approval.

Selectman Rose reported the North Country Council would like to use Albany as an alternate meeting place. He is in the process of finalizing dates and times of what they want to plan.

Public Comment:

Selectmen Rose commented on the recent right to know requests and thought the request should fit the guidelines and if it goes beyond the guidelines, the Town Administrator should discard the request, calling it a nuisance. Chairman Robitaille said proper requests need to be taken seriously.

Sara Young-Knox said most of her right to know requests do fall within the law. She pointed out the personnel policy was not mentioned in the minutes but appeared at last week's meeting. She had requested the e-mail thread that the Selectmen agreed that would be done.

Chairman Robitaille replied he has asked the Town Administrator to pursue issues as part of a one on one conversation. Ms. Young-Knox thought it should be a board decision.

The discussion continued as to timely manner responses to right to know requests and what is covered by the right to know law.

Ms. Young-Knox suggested the Selectmen are talking outside of session. She pointed out a few occasions when decisions were made without Board discussion. Chairman Robitaille replied that is an accusation that never happened.

Leah Valladares stated the importance of the right to know law. It is a safeguard by giving access to public documents. Mrs. Valladares questions the motives here and if they could legally be found as harassment. Ms. Valladares thought the NH Municipal Association could answer that. She went on to say that it is the Planning Board Secretary's job to maintain all records and minutes for the Planning Board. It is, therefore, her job to forward any vote or recommendation for appointment of members onto the Selectmen. The vote taken to recommend a Planning Board member was not binding. It is not in the rules. Mrs. Valladares asked Chairman Robitaille if the Selectmen received a recommendation. He replied no. Mrs. Valladares said it needs to be in the policy and procedure. Those steps need to take place. She added the Selectmen went with what they felt and had all rights

to do so. We put you in office and we have trust in you to make these decisions.

Peter Carboni asked about the refusal of a right to know request. Rick Hiland replied as he understood it, it pertains to everything except personnel records. A reply must be given within five business days. The request cannot be refused. A requester has the right to go to Superior Court if denied. He felt the question is how to reduce the frivolous stuff. The town Mr. Hiland used to live in required a written request. Selectman Rose felt the right to know should be honored within its category but certain things fall outside of that. Mr. Hiland replied if there is no record then the reply is there is no record.

The Board discussed timely responses to right to know requests and the possibility of setting a policy for such requests. Chairman Robitaille said it needs to get under control. The Board will consult with town counsel. The Board next discussed legal fees that have accumulated over the year because of the numerous right to know requests.

Mr. Hiland would like the town to begin to move forward. Selectman Ryan said she has entered into this situation at the tail end of ill feelings and she is sorry that happened. She added that perception sometimes is not what actually is. Moving forward, she will be listening. She feels nervous about laws being open to interpretation. Selectman Ryan feels strongly about our town and moving forward. She added that yes, Selectmen are to be accountable, but are elected officials at the same time. She doesn't feel Selectmen's hands need to be tied. Someone is in the office five days a week. Selectman Ryan said she trusts that to some degree along with doing her own homework. She has stepped into this position and has decided to run for election. Selectman Ryan noted she is not the enemy, and for people to say what they want and not talk behind backs. She likes open discussion.

Mr. Hiland would like people to be able to agree to disagree and do not take it to the next level. He went on to say there are two pieces of legislation on the floor right now regarding the right to know law. One of them is the ability of a municipality to charge for time spent on replying to a right to know request.

Chairman Robitaille reported the budget will be worked on. Selectman Ryan reported she will take on emergency management position. Mrs. Valladares offered her help. Mr. Hiland offered his help.

KR____

JR____

CR____

At 5:00 p.m., Selectman Rose made a motion to adjourn, Chairman Robitaille seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Town Administrator

DRAFT