

Minutes
Albany NH Selectmen's Meeting
March 19, 2014

At 4:30 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, Bill Lake, Leah Valladares and Curtis Coleman. The following business was conducted.

Jack called for an order of business regarding the appointment of a Chairman for the ensuing year. He added the first right of refusal would be on Kelly's part. Kelly refused the Chair position. Jack made a motion to appoint Rob as Chairman for the ensuing year, Kelly seconded the motion. Rob accepted the position.

Rob made a motion to appoint Dick VanDyne to the Conservation Commission for another three year term, Kelly seconded the motion and all were in favor.

Kelly made a motion to appoint Jack to the Conservation Commission as Selectmen's representative for another three year term, Rob seconded the motion and all were in favor.

Rob made a motion to appoint Adrian Simons to the Planning Board for another three year term, Jack seconded the motion and all were in favor.

Kelly made a motion to appoint Rob to the Planning Board as Selectmen's Representative with Jack as an alternate to serve in his place when he cannot make a meeting, Jack seconded the motion and all were in favor.

Rob made a motion to appoint Sheri Coleman to the Zoning Board of Adjustment for another three year term, Kelly seconded the motion and all were in favor.

Kelly asked that a letter be sent to Jamie Sabina, Cemetery Trustee, to see if he would be willing to resign as he was not able to participate in the Cemetery activities last year. Kelly reported that Cathy Ryan is willing to step up and fill his position.

Regular Business:

- Reviewed & approved March 5 minutes-Rob made a motion to approve the minutes as submitted, Kelly seconded the motion and all were in favor.
- Signed checks totaling \$ 71,286.26.
- Reviewed & approved timber warrant-Jack made a motion to approve the timber warrant, Rob seconded the motion and all were in favor.
- Reviewed & approved one septic design-Jack made a motion to approve the septic design, Kelly seconded the motion and all were in favor.
- Reviewed & approved current use application-Rob made a motion to approve the current use application, Jack seconded the motion and all were in favor.
- Reviewed & signed letter to the family of Ray Burton.
- Reviewed NHDOT driveway application.
- Reviewed letter from Mount Washington Valley Economic Council.
- Reviewed letter from Upper Saco Valley Land Trust.
- Reviewed e-mail from E 911 Field Representative-referred this e-mail to Kelly, Emergency Management Director.
- Reviewed e-mail from Jae Whitelaw regarding Fairpoint Appeal.
- Reviewed letter from FEMA.
- Reviewed letter from Frank & Muriel Wolfe.
- Reviewed letters from Tabor Circle property owners-see below

Tabor Circle letters:

The Board received a response from the property owner in Tabor Circle of whom the Board ordered to cease and desist commercial activity on the residential property without the proper approvals. The property owner maintains the position there is no commercial activity going on and if there is, he would like to Selectmen to provide proof so he may begin eviction proceedings.

The Board also received a letter from the neighbor of this property owner listing complaints of continuing commercial activity, loud noise, gasoline odor, bon fires suspected to be illegal without permit, trespassing on their behalf, parking in her driveway and on the town road, verbal abuse and physical assault. This neighbor listed the dates of her complaint activity and responses in the letter.

Kelly suggested if commercial activity is ongoing, if he could be notified, he will immediately go and take pictures. He didn't think the neighbor should

get involved by taking the pictures. Rob thought her letter should be forwarded to the property owner and a letter telling the owner he will be charged \$275 per day as soon as proof is submitted to the Selectmen's office.

Leah Valladares:

Leah presented her questions and concerns to the Board as was asked of the townspeople at town meeting. She wanted to know what the difference between the zoning ordinances and town ordinances. Rob replied the Selectmen are charged with enforcing the zoning ordinances. Leah would like to know what the town ordinances were. Kathy said the Planning Board adopts the zoning ordinances, the Selectmen enforce them but the Selectmen adopt town ordinances such as the speed limits on town roads, the noise ordinance, dog ordinance and the vending cart ordinance.

Leah would like the Board to investigate whether they may question a Planning Board decision. She went on to ask where in the zoning ordinances does it say that a person may not have a dual use on their property, such as residential and commercial. Leah added it is not written in the ordinance. Albany does not have a commercial zone, it is a commercial/residential zone. There is nothing that says residential and commercial. Rob suggested this question was for the Planning Board and he felt the Selectmen should not interfere. Leah asked Rob as Selectmen's representative, would he bring it to the Planning Board. Rob agreed he would. Rob also agreed it needed clarification as some people have a dual use and some don't. It is not consistent. Rob added the discussion needs to be with the Planning Board.

Bill said as Boards change, they take different readings of the ordinances. He felt the intent of the ordinance was to allow for multiple usage.

Rob thought the opinion to be followed should come from the town attorney.

Leah told the Board according to what she has witnessed of the Planning Board, they are not following their policies and procedures. She is wary of going before the Planning Board for Site Plan Approval because of this. She felt intimidated when she had her public hearing that did not turn out to be a public hearing after all because the Planning Board did not end up accepting her application. Now she has to pay for another public hearing when her application is deemed complete. She intends on videoing each Planning Board meeting.

Leah also told the Selectmen the Planning Board minutes from their March 10 meeting were not posted in a timely manner and according to the law.

Leah said the Planning Board gave conditional approval of a Site Plan Review with conditions they had no authority to insist upon. This was regarding being a small quantity generator and the condition said the town could inspect at any time. Rob told Leah, what it meant for the town would be that Conway Fire Chief Steve Solomon would be doing the inspections. Leah submitted the list of imposed conditions of this site plan review to NH DES and the statements of the conditions are false. She will also bring these findings to the applicant of the site plan review. Evidence of a waste removal program are not required.

Leah concluded by saying the Planning Board needs to stick to their regulations.

Bill Lake:

Bill submitted a letter to the Selectmen regarding the removal of a Planning Board member. He believes there is evidence to support the actions required to do so. Rob replied ultimately this would need to be forwarded to town counsel for comment and opinion. Rob added a second nonpublic session to the end of the agenda citing RSA 91:A-3 (c).

Curtis Coleman:

Curtis informed the Board the town roads have been posted. However, he has allowed a septic installer to travel over the roads in the morning only. He has also given permission for the loggers on Passaconaway Rd. to travel over the roads in the morning as long it is under 25 degrees. Curtis has asked to be contacted before the weight limit is to be exceeded.

Miscellaneous:

Jack attended a meeting of the Board of Directors at the North Country Council. A new executive director was introduced. Her name is Christine Frost. Jack asked her about stimulating the economy in the North Country. Other than Albany and a few Madison appearances, there is no representation from Carroll County at the North Country Council meetings. Jack suggested to plan a meeting at the Albany town hall and invite all towns from Carroll County to join in. Christine offered to try to get a meeting together. Jack asked Rob and Kelly if they would be in support of offering the town hall as a meeting place. Both Kelly and Rob agreed with the idea.

Nonpublic Session RSA 91:A-3(c)

At 5:47 p.m. Jack made a motion to move into nonpublic session citing RSA 91-A:3 II (c). Rob seconded the motion and all were in favor. Roll call was unanimous in the affirmative.

At 6:16 p.m., Kelly motioned to move into public session, seconded by Jack and all were in favor.

At 6:17 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.

Nonpublic Session RSA 91:A-3(c)

At 6:18 p.m. Rob 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 6:35 p.m., Rob motioned to move into public session, seconded by Kelly and all were in favor.

At 6:36 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. Kelly seconded the motion and all were in favor.

At 6:40 p.m., Kelly made a motion to adjourn, Rob seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Town Administrator