

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

## Selectmen’s Meeting Agenda Albany, NH October 26, 2016

Members present: Cathy Ryan, Rick Hiland and Joe Ferris  
Public: Lee Grant, June Johnson, Dorothy Solomon and Steve Knox

**Call to Order:** At 4:00 p.m., Chairman Ryan called the Selectmen’s meeting to order.

### **Pledge of Allegiance:**

### **New Business:**

- **Approval of the minutes: October 19:** Selectman Hiland made a motion to approve the minutes as submitted, Selectman Ferris seconded the motion and all were in favor.
- **Approval of consent file:** Selectman Ferris made a motion to approve the consent file as presented, Selectman Hiland seconded the motion and all were in favor.

<b>Signed checks</b>	<b>\$15,247.69</b>
<b>Signed MOU for EOP update</b>	
<b>Reviewed Community Action Report</b>	
<b>Signed Equalization Assessment Data Certificate</b>	
<b>Approved one building permit</b>	<b>Map 8 Lot 21</b>

- **Town Administrator report:** Appointments have been scheduled Thursday with Mark Hounsell at 1:00 p.m. and John Noyes from Granite State Glass at

1:30 p.m. to discuss the installations of panic hardware on the town hall doors.

An e-mail was sent to the liability insurance carrier, Primex about Albany's current town hall rental policy and waivers of fees and what liability the town holds when waiving fees. Primex called and is in the process of writing a formal response.

The Selectmen would like to know if there would be an increase to Albany's liability insurance premium if a lease is signed with NH Fish & Game for use of their buildings by the farmers contracted by the Conservation Commission.

Chairman Ryan discussed the interview questions for the lawyers. Topics discussed were conflict of interest, making good and sound decisions, putting the Board of Selectmen before other town boards and having other boards use different counsel.

**Appointments: Peter Malia (Hastings/Malia Law Firm): 4:15 p.m.**

Peter told the Board of his legal history and the other towns he represents. He discussed his fees saying he gives a discounted rate to municipalities. There will be a small hourly increase in 2017. His specialty is municipal law.

If there were a conflict, Peter would step out altogether. Peter told the Board he applies the facts to the law and gives advice from that. He never gives advice based upon what a client wants to hear. That would be unethical and he does not practice that way.

Selectman Hiland would like to receive good, sound advice. Peter said he tries to keep his clients out of trouble adding, he is also a mediator and seeks to avoid conflict and end any litigation as soon as possible. There are two other lawyers in Peter's firm that may assist him from time to time, but he will be the main contact.

Chairman Ryan asked Peter if he would put all correspondence in writing. Peter replied he thought that was the only way to do business.

Chairman Ryan asked if Peter would be able to attend town meetings. Peter replied he would. The cost would be his hourly rate.

Selectman Hiland asked Peter if he charged in portions of hours. Peter replied yes, in fifteen minute increments.

Selectman Ferris asked if Peter requests a retainer. Peter replied no.

Selectman Ferris asked if there was a conflict between town boards, would Peter make the Select Board a priority. Peter replied yes.

Peter left the meeting.

**Old Business:**

- Chief Solomon's recommendations-no action taken.
- MWVEC & NCC meeting-no action taken.
- Red listed bridges-Selectman Hiland would like to have the Forest Service come to another meeting after the election to get something agreed upon.
- Semi-annual billing-622 surveys were mailed out with the tax bills.
- Meeting with state reps.-no action taken.
- Sign ordinance-there will be a work session next Wednesday.
- Contract/lease review policy-no action taken.
- Review Fish & Game contract-the Board discussed their concerns for liability issues, budget issues and other possibilities for access to the forest and storage units. A joint meeting the Conservation Commission will be scheduled.
- Town Counsel-interviews in progress.
- Generator purchase/grant-no action taken.

**Other Business (Board reports):**

Selectman Hiland attended the Planning Board meeting on Monday. They were unsure if newly appointed John Conway had been sworn in. He was not present at the meeting so the Planning Board was didn't know if the three present members met a quorum or not. They discussed accessory dwelling units.

Chairman Ryan attended the Chamber of Commerce annual meeting and dinner. She appreciated networking with the people and businesses. There were a lot of State Representatives there as well as Selectmen.

**Paul Fitzgerald (Wescott Law):**                      **5:00 p.m.**

Paul had previously sent his profile to the Selectmen. Chairman Ryan asked Paul if he had the time and resources to take on Albany and give good and sound advice. Paul replied yes. He represents local entities and not scores of government. It give him the ability to respond in a timely manner. He spoke of his experience in the legal field.

Chairman Ryan asked Paul if he had any conflicts in the area. Paul replied they have business contacts around Albany but they do not represent any

abutting towns. He said he did take into account the distance from his office to Albany but in this day and time, technology makes it not a problem.

Chairman Ryan asked if Albany would be conferring with a team. Paul replied it would be him and Allison, who works with him routinely on municipal issues.

Chairman Ryan asked if all correspondence could be in writing. Paul said he prefers it that way, although he would not discourage a phone call with an e-mail follow-up.

Chairman Ryan asked if Paul requires a retainer and what he charges. Paul gives municipalities a discount, but there are a few options to choose from. He could charge the town a monthly retainer and adjust the amount the following year to reflect Albany's need. The easiest option would be an hourly charge. Until the relationship forms, it is difficult to say what is fair.

Chairman Ryan asked if a conflict arose between two town boards, who Paul would represent. Paul replied his allegiance would be with the Board of Selectmen as they are the Board with the most interaction. However, he would limit himself and recommend for other counsel for the other Board.

**Other Business:**

Selectman Ferris feels the need for all commercial businesses within Albany to be inspected by the Fire Chief. A list of businesses will be compiled and Chief Solomon will be contacted to see how often commercial businesses should be inspected.

Selectmen Hiland is waiting to receive a letter from the Upper Saco Valley Land Trust regarding the gifts given to the Conservation Commission.

Selectman Hiland announced Albany 250<sup>th</sup> birthday celebration to be held at the Darby Field Inn on Saturday, November 5 at 6 p.m. Reservations are required.

Selectman Hiland would like to open the conference room on Election Day in order to speak to townspeople about anything that may be on their minds.

**Correspondence:** none

**Public Comment:** none

CR\_\_\_\_

RH\_\_\_\_

JF\_\_\_\_

**Adjournment:**

At 5:25 p.m., Chairman Ryan made a motion to adjourn, Selectman Ferris seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Town Administrator