

Minutes

Albany NH Selectmen's Meeting

August 8, 2012

At 3:30 p.m., the Selectmen's meeting was called to order. In attendance were Joe Ferris, Jack Rose and Sara Young-Knox. Also present was Norman Tregenza. The following business was conducted.

Regular Business:

- Reviewed & approved August 1 minutes-Sara amended the minutes under **Steve Parker** to read Community Block grants *would not* be available instead of *may be* available. Sara motioned to approve the minutes as amended. Joe seconded the motion and all were in favor.
- Signed checks totaling \$44,858.72.
- Reviewed & tabled Animal Rescue League contract-Joe motioned to table the contract, Jack seconded the motion and all were in favor.
- Reviewed letter from the Town of Conway regarding potential regional impact.

Norman Tregenza:

Norman came before the Board as he is running for State Representative. He would like to know if he is elected, what issues the Board would like to be addressed. Sara told Norman delinquent taxes on mobile homes have become an issue and she knows that Albany is not the only town facing this issue. Joe said the town has no way to collect and their hands are tied. Sara suggested maybe legislature could introduce a bill that would allow the park owners to collect a portion of the taxes over the course of the year along with lot rent. It could then be put into an escrow account and paid when the taxes are due. Sara added the taxes on mobile homes are typically low anyway, so it would only be a few additional dollars monthly.

Jack told Norman he would like to see the state highway budget be distributed a little more evenly as our area of Route 16 is one of the most heavily travelled highways with the highest death rate yet no help has come from NHDOT to improve it. It would save lives. Norman agreed saying he has attended meetings held by DOT3 which covers almost all of Carroll County. They discussed the local highways and it is something that will be reinvestigated if he is reelected. Norman added he has been learning how everything works and has been talking to the Chairman of the Ways and

Means Committee as well as the Chairman of the Budget Committee. Norman said there is room for improvement.

Norman concluded by telling the Board that every year since 2005 taxes had been raised and money was spent on non-structural things leaving a deficit. That was the old way of doing things. Since he has been in office the budget has been reduced by 11%, a little over a billion dollars and about 40 different business regulations have been reduced. He would like to continue his work. Norman thanked the Board for their service to the Town and left his business cards for them. Norman left the meeting.

Mike Martin (USFS):

Mike joined the meeting to discuss the incident that occurred on the Passaconaway Rd. injuring a woman by means of a falling tree limb. Because PSNH does not run electricity out that way, the trees do not get cut back. This responsibility is left to the Town. Joe asked Mike if the Forest Service could help the Town with cutting back the trees. Mike said he did a little digging to see if there was a maintenance agreement with the Town. He did not find one. He said we are technically talking just a few feet off the road to cover the right of way. Mike said it boils down to liability. The Forest Service has to do tree assessments in the spring and fall in the campgrounds and places where people congregate. Mike said he needs to have an established program in order to spend money. The Forest Service covers 13 communities and if they help Albany, they would have to also help the other 12 communities if asked. There has to be consistency.

Sara asked if the Forest Service could lend their expertise to Albany's Road Agent. Mike replied they could not mark any trees as a hazard because if it falls before it is cut they are liable. Sara asked Mike if he could make someone available to do a walk through with Curtis or his crew. Mike said Rick Alimi could probably work with Curtis and advise him. He will have Rick contact Curtis.

Sara asked Mike when the logging will begin. Mike said the successful bidder on the Douglas Brook cut is Cersosimo Lumber and he has not heard from them yet as to when they will start. Mike told the Board that next year the Northeast Swift will be advertised and by early spring should have successful bidder and will know a begin date then. Sara noted the Board discussed having the logger bond the road. Mike said he would like to know that ahead of time with details and time restrictions so the logger can prepare for it. Jack asked how long they will be cutting. Mike replied it could be up to 5 years and a strategy and coordination needed to be

developed. Jack has a concern for the removal of the barriers protecting the covered bridge. Mike replied the biggest concern to the bridge is traffic coming from the Kancamagus side. The Board thanked Mike for his time and he left the meeting.

Bill Lake joined the meeting as well as Mark and Laurie Lundblad.

Mark and Laurie Lundblad:

Mark and Laurie are the owners of Albany Auto on Route 16. They also live on the property behind the business. Mark said he has an issue with the ordinances as they do not include a noise ordinance. Mark feels his neighboring business, Almost There is a nuisance. The music is being played outside very loudly and for longer and longer periods of time. He has spent the past three years trying to work things out but he has had enough.

Mark also felt that after the Board received the complaint last week, he should have been contacted and apparently someone from the Selectmen office contacted Jack Whigham, owner of Almost There instead. Joe said he went and spoke with Jack to see what was going on. Jack told Joe he recently let his manager go. Laurie told Joe that this has been going on a lot longer than the time his manager had been working there.

Both Mark and Laurie say they have been trying to resolve this in a neighborly fashion but nothing has been done. Mark says Almost There does not have enough parking spots so patrons have been parking on his property and damage has been done. He does not want to put up unsightly “no parking” signs. He did leave a pile of mulch as it is more aesthetic but people drive over it. Someone backed into Mark’s business sign. Almost There’s delivery trucks park across Mark’s driveway and it is damaging his parking lot. Mark said patrons are also parking across the street at DII. He said Almost There’s parking lot should accommodate the amount of people he can serve.

Jack Rose asked Mark when the last time he spoke with Jack was. Mark replied last week. He invited Jack into his house while the music was playing and showed him how loud he had to have his television in order to hear it and yet the house continued to shake because of the bass sound coming from the music at the restaurant. Jack had it turned down but the following night it was just as loud. Mark again said he has been trying to resolve this in a neighborly way. He doesn’t want to put Jack out of business or have him closed down. Mark’s customers in his garage can’t have a conversation with him because of the loud music; therefore it is affecting his business. Mark said he begins working at 5 a.m. and when he finishes he

likes to go to his home to relax but cannot on Fridays and Saturdays when the music is playing. He and Laurie have gone out on these days just to avoid the noise. Mark added this is not fair for him to have to leave his home.

Mark told the Board other towns have noise ordinances and so should Albany. Joe told Mark the Board and Planning Board has been working on the ordinances.

Mark said when customers are leaving Almost There it is like a dragway as the motorcycles and cars speed out of there. Mark also witnessed a fight between two employees behind Almost There at 2 a.m. This was frustrating to Mark as he starts work at 5 a.m.

Another issue Mark has with Almost There is they are on a shared well. Mark has been running out of water. He said Almost There is approved for an 86 seat restaurant and septic system and parking lot. Mark figures there are about 200 people being served there. Mark said there are about 10 parking spots being taken up by the outdoor patio which is housing the music and outdoor dining.

Mark said Jack also filled in wetlands and re ran a brook behind the restaurant while enlarging his parking area. Mark claimed this was done without proper permits and the parking area goes to his property line that he had surveyed two years ago. Mark said there is garbage from the restaurant on his property. He said he has his garbage cleaned up when a bear has gotten into his dumpster and Jack should do this as well.

Mark said Jack supposedly had someone work on their shared well but he still continued to have problems, so Mark hired a well company to investigate at a cost of \$1000. The well company found Mark's pump to be above the water and 75' above Jack's pump when it should be five feet above. Mark said he spent another \$1000 to have both pumps pulled and put his pump below Jack's. Mark said he cannot live with these burdens.

Mark would like to find out when and if Jack was approved for the outdoor patio adding he should have a permit for that as it is reducing his parking spots. Additional parking should not be allowed across the street. It endangers patrons crossing the street after alcohol consumption. The patio area started out as a small 4x8 smoking area and has grown year by year. Joe told Mark that Jack can't exceed his seating capacity. Jack Rose told Mark that Conway Fire Chief Solomon was contacted to do a fire and safety inspection. Joe said that will clarify the capacity. Sara told Mark the Health

Officer could address the trash problem. Jack Rose said maybe the music should be moved back inside. Mark and Laurie agreed that would be a huge help.

Joe suggested putting up jersey barriers to prevent the overflow of parking onto his property. Mark said he is not trying to shut the business down. He just is not getting results by being neighborly and cannot deal with it anymore. Joe said, put up a barrier for now and Chief Solomon has been asked to do an inspection and the health officer will be contacted regarding the trash. Mark and Laurie left the meeting.

Bill Lake:

Bill read in the town column that the owner, Steve Parker, of the newly named Piper Meadows has agreed to provide the Board with a copy of the park's rules and regulations. Bill is pleased the town is addressing some of the park's issues. Joe told Bill they are trying to assist Steve to get things cleared up down there. Bill said he would like to be a part of some of the meetings as it affects him as well. He has issues on what happens daily there. Trash has been a big issue along Nickerson Rd. Jack asked Bill if he had spoken to Steve. Bill replied no. Joe told Bill maybe he could put some of his concerns in writing and the Board could present them to Steve. Bill thought that sounded good and left the meeting.

Taxing trailers:

Jack revisited assessing and taxing trailers that have become immobile and therefore permanent structures. He believes the property owners should be notified of the assessment and taxed. Jack suggested that the code enforcement officer take an inventory and to give to the assessors. Joe thought they should be assessed if it is apparent they haven't been moved in years unless it has a current plate and sticker on it.

Tri-State Transit Conference:

Jack received an invitation to the Tri-State Transit Conference. It falls into the category that he and Rob Nadler have been involved in with the North Country Council. He would like to know if the Town would be interested in participating. The cost is \$75. Jack did not know if Rob was interested. The Board agreed to have Jack attend the conference and see if Rob was interested.

JF____
JR____
SYK____

At 4:56 p.m. Sara made a motion to adjourn, Joe seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Administrative Assistant

DRAFT