

## **Minutes**

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

**March 6, 2013**

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 were Steve Knox, Rob Nadler, Peter Carboni, June Johnson, Lee Grant and Janine Bean. The following business was conducted.

#### **Regular Business:**

- Reviewed & approved February 20 minutes-Jack made a motion to approve the minutes as submitted, Joe seconded the motion and all were in favor.
- Signed checks totaling \$15,531.22.
- Reviewed & approved two pistol permits.
- Reviewed and read aloud an e-mail from Colleen Cormack regarding the timeline of Albany's energy audit and worked performed along with what we saved in energy costs over the past year, 13% reduction in electricity usage, 33% reduction in propane consumption and a whopping 64% reduction in oil consumption. Sara noted it is a great savings but, last winter was a mild one, so the results may not be 100% accurate.
- Reviewed letter from Time Warner Cable.
- Reviewed letter from Tom Wagner (WMNF).

#### **Janine Bean (Conway Fire District Commissioner):**

Janine came before the Board to discuss the issue with Bald Hill Rd. After the construction was done on Bald Hill Rd. last summer, the Albany Selectmen feel the construction equipment created ripples in the pavement and the road should be paved over by the Conway Village Fire District. Curtis Coleman submitted a letter agreeing the damage had been caused by the construction equipment. He suggests paving a one inch coating over the road will take care of the problem for now. He estimates the cost to be \$12,700.

Janine said she looked at the preconstruction video and has an issue with the condition of the road. To the Commissioner's best estimate the ripples were there when the video was taken and they dispute the condition of the road. She added we have to come up with something. Jack replied the road damage had been exacerbated by the construction equipment. He feels there

may be further damage when the water tanks are replaced. Jack went on to say that engineer Dave Mercier came to the Board asking for approval to complete the water loop from Conway through Cranmore Shores, Bridge St. and over to Brookside Rd. and down Route 16. The Board approved of the project saying it was reasonable and they are willing to work with their neighbor. Jack reiterated Bald Hill Rd. was not damaged to the extent it is now. The price they came up with is \$12,700 and that is all that is being asked for.

Janine replied we show the road to be in the same condition as preconstruction. Janine added they are putting in the water loop and don't really need permission to do so. There will be fire hydrants placed every 500 feet and 20 water services for homes and businesses along the loop in addition to tees for future use. We are doing it for fire protection and have extended our precinct line to Discount II Deli to receive sewer service. We are very good neighbors and to say we are not is not fair. If we had damaged the road we would be willing to fix it. The underlying cause of the ripples is water running under the road; to pave a one inch coating would be temporary. Joe told Janine that further damage had been done to the road and it was caused by the heavy trucks sitting on the road in the warm conditions for a long period of time. That kind of heavy traffic exacerbated the problem. Janine disagreed there was any further damage due to the construction.

Janine went on to say that holding up the building permit for the water tank replacement project is not being a good neighbor. Sara didn't recall saying the Board wouldn't issue their building permit. Jack asked if it would be in the minutes. The AA said she recalled the Board looked at it as well as code enforcement officer, Peter Carboni and Planning Board member Tara Taylor who works for NHDOT and no one had any issues with it.

Jack said Coleman will do the job for \$12,700. Janine replied she had a quote for \$17,000 and they would have to do it through their contractor, but our stand is that we did not damage that road and the damage is from the water running under the road. She added it is not our problem, we didn't cause it and we shouldn't pay to have it fixed. Sara asked if the Board could agree to issue the building permit for the tank replacement. Peter has been holding the permit. Jack said this project will put additional trucks on Bald Hill Rd. Janine replied they will have bonds for the road. She asked if this requirement was in the minutes of the meeting with Dave Mercier, engineer for CVFD. The AA replied she believed it was. Janine will research the minutes.

Janine told the Board we want to get you better water, and hydrants; it makes the town better and insurances better for the businesses. We don't feel this is something we are liable. Watching the video, the ripples were there before the construction. Jack said you have four opinions that say otherwise, mine, Joe's, the road agent and a NHDOT employee. Sara suggested having a neutral third party view the video and to submit an opinion.

Janine replied her goal today is to get the building permit. Joe made a motion to approve the building permit contingent upon the submission of a bond, Sara seconded the motion and all were in favor. Peter would like to see the bond before the permit is issued saying some bonds cover the road and some cover the site. Janine said they are required by law to bond the whole project. She added the bond is to cover the work to be done to satisfaction. Joe replied that doesn't cover us or our roads and we are back to the same issue. Janine said the Commissioners don't think a one inch overlay is going to solve this problem, it's the water. Joe said what the Board is hoping for is for CVFD pay for the paving and Albany pay for fixing the sub base. Janine said if that is the problem, we should not be liable. Joe replied there were big trucks on the job. These trucks sat in the middle of the road in warm weather. Janine again said we didn't cause the damage, the water did and why would they pay for an inch of overlay if Albany was going to dig it up to fix the sub base. Janine said she wished this was covered before the project. Jack said Albany will pay for the sub base work as long as CVFD pays for the overlay because the problem was further exacerbated by the construction. Janine said there will have to be further conversation on the subject. She told the Board they are bonded on the water tank job as well as the water loop job. Joe said he would like to see the bond. Janine will have someone e-mail it to the Selectmen's office.

Peter asked for a final inspection before the tanks are to be used. Janine said when they do their final inspection, Peter will be invited along. Joe asked for a copy of the pre construction video. Janine said absolutely. Jack asked where do we go from here. Janine said she will get a copy of the bond to the office and we will have further conversation. The Commissioners meet on Friday and she will bring all of this information to the meeting. Janine left the meeting.

### **Conservation Commission:**

Jack informed the Board that on behalf of the Conservation Commission he responded to a letter received from Tom Wagner of the National Forest Service. He thanked him for his participation and the nice letter he

generated. They agreed to generate an MOU with Mike Martin, Saco River Ranger Station, for a long term agreement that we can use and maintain the entrance into the Albany forest from the National Forest. The meeting with Mike has been set for April 2. He will present a draft of an MOU for the Conservation Commission to review.

Rob Nadler informed the Board of an agreement for haying the fields with an additional two year option as long as it goes well. There is a plan to do some farming on six to ten acres. The acreage is out of the view from Route 16 and will take a few years to get it in shape because right now it is full of weeds and sumac. Sara asked if there was a cost. Rob stated there was no cost and the farming land is not as large as first proposed. Rob added this gives us a shot without risking anything. Jack said the Conservation Commission passed it unanimously. Rob said it is contingent upon approval from the Upper Saco Valley Land Trust, who owns an easement on the forest but he doesn't anticipate any problem with the approval.

Steve mentioned at the meeting the Commissioners had with Tom Wagner it was verbally agreed we would not be denied access to the forest from the National Forest entrance yet he did not see that agreement in Tom's recent letter. Jack replied he did put that in his response letter to Tom. The Conservation Commission agrees it will be part of the MOU.

Jack received an e-mail from Digit Taylor asking if Albany pays any taxes or payment in lieu of taxes to Conway for the land that is situated in Conway. The AA replied Albany is exempt from the taxes as well as Conway is exempt from the property they own in Albany. We do not pay anything in lieu of taxes either. Jack replied to Digit with the information.

At 4:20 p.m., Joe made a motion to adjourn, Sara seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Administrative Assistant