

## **Minutes**

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

**November 16, 2011**

At 3:30 p.m., the Selectmen's meeting was called to order. In attendance were Sara Young-Knox, Jack Rose and Joe Ferris. Also present were Lee Grant, Lt. Michael Santuccio and Chief Steve Solomon. The following business was conducted.

#### **Regular Business:**

- Reviewed & approved amended November 9 minutes-Jack made a motion to approve the minutes as amended, Joe seconded the motion and all were in favor.
- Signed checks totaling \$ 3,866.84.
- Reviewed & approved one abatement.
- Reviewed & approved amended Land Use Change Tax.
- Reviewed & approved 2012-2013 medical insurance rates.
- Discussed compensation for Animal Control Officer-see below Animal Control Officer.
- Reviewed e-mail from Peter Malia.
- Reviewed North Country Council invitation to Shoreland Water Quality Protection Act update.

#### **Lt. Michael Santuccio (Carroll County Sheriff Dept.):**

Jack asked Lt. Santuccio if there was any feedback from having the Sheriff's Department patrolling Albany. Lt. Santuccio responded people are saying they like seeing the cruisers around. He asked the Board if they have any feedback or want to see the patrols going in a different direction. Jack said not to change anything and to keep doing what they are doing.

Joe asked if the Sheriff Department still has the intent to move into the Albany Town office. Lt. Santuccio replied yes but there have been a lot of recent changes in the department so it would not happen immediately. The Board thanked Lt. Santuccio for coming in and he left the meeting.

#### **Chief Solomon (Conway Fire Dept.):**

Chief Solomon gave the Board a breakdown of activity in 2011 up to the end of October. He noted there a more calls in Albany than in non precinct areas of Conway. This is in part due to calls on the Kancamagus Highway. Chief

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Solomon told the Board there were no fires in Albany in 2009 and seven fires in 2010. He gave the Board a copy of the proposed agreement saying it was the exact same agreement that had been executed in the past with a flat rate as opposed to a rate based on an assessed value formula.

Chief Solomon has proposed a rate of \$82,000 for three years, \$70,000 for the fire department and \$12,000 for ambulance. This is an increase of \$5,000. Joe noted Albany's calls had decreased over the past few years and wondered why the rate wouldn't decrease; adding he also understands budgets increase. Chief Solomon told the Board that he did have increases in his budget, namely, health insurance, fuel for the trucks, fuel to heat the building and payroll. The reason for the payroll increase was that his on call firefighters' call rate was very far behind other departments in the area.

Jack asked if the proposed rate is negotiable. Chief Solomon replied everything was negotiable but informed the Board that anything he brought back has to be approved by his Commissioners adding he couldn't go lower than the previous rate of \$77,000. Jack said he would like to see it stay the same. Joe thought even if it went up by a couple thousand it would be acceptable because Albany's call volume has reduced and budgets do rise. Chief Solomon said he thought his proposal was fair and the amount is less than if the non precinct fire formula was used. Joe asked Chief Solomon to consider a split between \$77,000 and \$82,000 bringing the figure to \$79,500. Chief Solomon replied he would put it on the Commissioner's agenda for the following day and will return to the Selectmen's meeting on November 23 with an answer. Chief Solomon told the Board the fire department offers home inspections and can help with any code enforcement issues that may arise. Joe told Chief Solomon that Albany has just hired a code enforcement officer and he will be told if he needs assistance to turn to Conway Fire Department. Chief Solomon left the meeting and will return next Wednesday at 3:30 p.m.

**Richard Slingsby (Overlook Construction Consultants):**

Richard Slingsby and Steve Knox, Planning Board Chair, joined the meeting. Richard is working with White Mountain Survey and Glen Builders as part of the Goldman subdivision on Aviation Drive. He informed the Board of the notice of agreement from the Planning Board included Jim Goldman will post a bond or open an escrow account. Jim agreed to open an escrow account with \$493,000 in cash. This includes a \$64,000 retainer amount for a 15% contingency. Cooper Cargill Chant, attorneys at law, have drafted an escrow agreement for the Board to sign. They will hold the money and disbursements will be distributed upon approval from Burr Phillips, engineer

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for the town who will inspect the project on a monthly basis. He will sign off on a percentage of the work that has been done. Burr has agreed to this and has modified his observation agreement which has boosted his fee to \$18,000 which is payable to the Town of Albany from Jim Goldman. Albany then pays Burr from these funds. He will submit invoices on a monthly basis.

Glen Builders, Mark Lucy, Richard Slingsby and Burr Phillips will get together on a periodic basis, but when the requisition is done at the end of the month everyone will have bought off on the percentage of the work that had been done. Joe asked Richard if there was a timeline for this project to be started and when each piece would be done. Richard replied the projected finish is by September. He would like to get approval now, start clearing and grubbing and push for as much work done as we can until winter shutdown then we'll wait till spring to start back up, whenever the roads open to allow for heavy equipment. He added there was a written full completion date of October 31<sup>st</sup> with substantial completion of September 30<sup>th</sup>.

Jack questioned the necessity of a monthly deduction of the bond. Richard asked why? Jack said, because a road is being built and at some point if something happened then we have a partially complete project and may not have enough funds to finish it. Richard replied the estimated probable cost was accepted by Burr Philips and Mark Lucy adding the town will have whatever percentage not completed in bank plus the contingency of 15%. Joe pointed out if there was a significant storm like the recent hurricane Irene, it would substantially undo any work that had been done and if the money is not there then it won't cover the cost to fix what had already been done and continue on. Richard said that would become a change order situation between his company and Glen Builders. Joe added things can happen.

Jack thought the funds should stay in escrow until the project is complete. Richard replied construction bonds are decreased as you hit certain milestones in the construction process. Joe added that was the case on some jobs and suggested a surety bond. Richard stated Jim Goldman preferred and chose the cash escrow option.

Joe suggested in addition to Burr Philips signing off, the road agent should be involved. Richard said this is not what the Planning Board had asked. Steve Knox could not recall if the Planning Board asked for the road agent to be involved in the inspections. He said Burr and David Maudsley, Planning Board advisor, felt it would be beneficial to have Curtis involved so in the future if there was a town issue with the road, they didn't want Curtis to say he had nothing to do with the road and wash his hands of it. We want him to say yes, we this is what we agreed to and we are on the same page.

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Jack asked if any money was allocated to fix Cook Farm Road. Steve replied no, there was more consideration for the line of sight at the end of Aviation Drive. Jack asked about the possibility of deterioration of Cook Farm Road by heavy equipment. Steve said it was not discussed by the Planning Board. Joe added the town cannot do anything about it at this point. Steve said Cook Farm Road is not an issue right now and the escrow funds are what need to be discussed.

Sara stated she would feel more comfortable if the Planning Board could take a look at the escrow agreement. She said she doesn't have a problem being the final signers but they are more knowledgeable. Richard replied it sounded like a good idea to have everyone on the same page. Steve said the Selectmen release funds so that is why the agreement is to be signed by the Board. Sara said she would feel more comfortable if there was a recommendation by the Planning Board.

Jack wanted to know why they would want to start the road at this time of year. Richard said these are professionals doing this and not going to create a situation that can't be remediated.

Steve said the Planning approved this minor subdivision according to the zoning ordinances and asked them for conditions to be met and they did. Steve thought the money to be released has nothing to do with the Planning Board. Richard added the estimate of probable cost approved by Burr Philips and Mark Lucy was accepted by the Planning Board. It was not discussed how the funds would be disbursed.

Joe made a motion to table this decision until next week so he could do some research on the issue. Steve suggested to Richard to submit a timetable for construction noting concerns about starting this project so late in year. Joe said it would help ease some concerns. Sara suggested a general timetable. Richard asked if a timetable is produced if it was necessary to get a recommendation from the Planning Board in December. Sara suggested getting an opinion from Jae Whitelaw, town counsel. Steve said outside of the financial, nothing has changed from what the Planning Board had approved. Sara asked Steve if the Planning Board had a role at this point. Steve said at this point the Planning Board had done their job. Sara did not see the need to get a recommendation from the Planning Board. Jack seconded Joe's motion to table this decision until next week and all were in favor.

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Sara made a motion to ask Jae Whitelaw, town counsel, what the common practice is for dispersing funds from a construction escrow fund, Joe seconded the motion and all were in favor. Richard told the Board that the estimate of probably cost is higher than his contract with Glen Builders so the money is there. He also added they would not deliberately create a problem for themselves. Sara told Richard they will discuss the agreement next week at 3:45 p.m. Richard thanked the Board and left the meeting.

**Animal Control Officer:**

The AA informed the Board that Joanne Gayer had gone on a few calls for Albany and she is not currently covered under our Workers' Compensation policy. The AA suggested allowing Joanne to continue taking calls for Albany and if something happens where she needs medical attention, Albany will pay for the incident. The next possibility is to put Joanne on the payroll in January and she will then be an employee and covered by our Workers' Compensation policy. Sara made a motion to keep Joanne as Albany's Animal Control Officer "at will" for the remainder of the year and then work out the details in the next few weeks for 2012, Joe seconded the motion and all were in favor.

At 4:50 p.m., Sara made a motion to adjourn, Joe seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Administrative Assistant