

Minutes

Albany NH Selectmen's Meeting

September 5, 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 were Lee Grant, June Johnson, Rob Nadler, Curtis Coleman, Rich Slingsby and Jack Whigham. The following business was conducted.

Regular Business:

- Reviewed & approved August 22 minutes-Joe made a motion to approve the minutes as submitted, Jack seconded the motion and all were in favor.
- Signed checks totaling \$251,304.29.
- Reviewed & approved one septic design.
- Signed MS-1 extension form.
- Reviewed e-mail from Conway Fire Chief Solomon.
- Reviewed invitation to MWVCC annual meeting and dinner
- Approve local health officer nomination.
- Reviewed Civil Solutions, LLC Construction Observation Report.
- Reviewed Conway Village Fire District Bald Hill Water Tank Project Manual.

Rob Nadler (Conservation Commission):

Rob came before the Board to ask for approval to expend Conservation funds. This expenditure will be for \$45,000 paid to the Trust for Public Land (TPL), to complete the purchase of the Albany Town Forest. Rob noted TPL discounted \$4,000 from the original amount because the timber harvest didn't bring as much money in as originally thought. Right now they are holding off on contracting for mowing the field as there are a few farmers interested and it may get done at no cost. Joe was concerned that if the fields were going to be used for hay by a private farmer, it may be considered a commercial use and he asked if that was allowed through the easement. Rob replied yes the easement does allow for mowing as it must stay as open space.

Sara made a motion to approve the payment of \$45,000 from the Conservation Fund to the Trust for Public Land, Joe seconded the motion and all were in favor.

Jack Whigham (Almost There):

Jack came before the Board to refute a few statements made by his neighbors, Mark and Laurie Lundblad. He noted the Conway Fire Chief inspected his restaurant and gave him a punch list of things that needed to be corrected. The majority of this list was pointed at the outside seasonal patio. This has been corrected and he is working on the interior list of violations. Jack added this situation has been frustrating and aggravating for him as well as his neighbor, Mark.

Parking across the street has taken place because patrons arrive in more than one vehicle, so the extra vehicle will park across the street in the Discount Deli II parking lot. Jack received permission to do this from the owner of Discount Deli II, Jamie.

Jack told the Board that he and Mark share a well and Mark has an easement to it. Jack never had a problem in 25 years with the previous owners. Jack said it is an artesian well with two pumps. When a problem arose on April 18, Jack called Lyons Co. Lyons pulled pumps to see if there was a leak, they didn't find any but found well to be 500 feet, much deeper than originally thought. The pumps were reinstalled. The charge was \$516, and was split between Mark and Jack.

In July, Mark ran out of water and Mark called Hartley Well Co. They pulled pumps to find Mark's to be 75 feet above Jack's and it was supposed to be five feet above. Mark called Lyon's Co. and they couldn't understand it. The \$516 was reimbursed by Lyons Co.

Mark asked Jack if his pump could be placed below Jack's. Jack agreed saying it shouldn't be a problem. Each of them paid Hartley \$468. This well is a recovering well. It can't be continually run without recovery time.

Jack said he was in Mark's house on August 4 and Mark told him that the level of the music at that time was fine. Jack said that was the only time he was in Mark's house. On August 17, Mark called the police because of the noise. They came over and asked Jack to lower the music. On August 24, Mark called the police again yet they never came over to Almost There.

Jack stated on Friday, August 31, Mark ran his sprinklers all day and washed cars until the restaurant ran out of water. At 6:20, the restaurant had to be closed down. Mark was asked if he had water and the reply was yes I have plenty of water and you have plenty of music. Jack said he never had a water problem until Mark moved in.

Jack told the Board he has been in town for 25 years, has made donations to many of Albany's causes, has served on the school board as well as the

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planning board. He added he runs a tight ship at Almost There. After all of this he has stopped having music on Saturday nights leaving just Friday nights. He doesn't think it's unreasonable to ask to play until 7 pm. Jack Rose asked how much longer he would be having music outside. Jack Whigham replied Columbus Day weekend. His patio was approved by the Planning Board as temporary and he was required to take it down for the winter. Sara noted Jack's site plan review was from 1995 and asked Jack if he had any approvals after that. Jack replied no, but he has added more parking since then and expanded the patio area.

Sara's concern was the parking and parking across the street. She would hate to see someone get hurt while crossing Route 16. Jack said he could not control that. Joe said Jack should get on the Planning Board's agenda for their next meeting on September 12. Sara thought it would be better to go through the whole site plan review process with the Planning Board but she does not see this as an emergency at this time.

Jack thanked the Board for their time and left the meeting.

Rich Slingsby (Overlook Construction Consultant):

Curtis Coleman joined Rich. Jack asked Rich what the outcome of the washout was in the Goldman subdivision and was it going back before the Planning Board. Rich said it was not going back to the Planning Board. The engineer's plans were fine they just were not executed properly. A drain that was supposed to run under the whole road was found to only run under half of it. After the washout an independent engineer was hired, a slight modification was made and Glen Builders was taking care of it at their cost.

Rich told the Board Jim Goldman was in receipt of their letter regarding the damage done to Cook Farm Rd. at the end of Aviation Dr. where construction had taken place. He said he found it interesting to see the letter dated for the same day he came into the Selectmen's office as their meeting was ending and nothing was said at that time. Rich is concerned that he has met with Albany representatives for four years and feels Jim Goldman has complied with all that has been asked of him from the Planning Board to the Selectboard. There have been opportunities to say this is what we are looking for and the feeling is everything that was asked of Jim has been done. He didn't think the road would be an issue.

Rich said he did not believe the road was used while it was posted in the spring and he feels the road was not in perfect condition to begin with. Rich added he didn't know what the Board was looking for saying paving the road would be very expensive but he is willing to meet the Board halfway. Jack

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asked for Curtis' input. Curtis did not have an opinion. Jack noted the Planning Board was completely remiss in not requiring Jim to post a bond for the protection of road damage and it will never happen again.

Rich asked the Board from what points are they looking at? This is a 52 acre lot improving the property value. Within the next few years a hangar will be added and a few houses. This will bring property tax revenue to the town. Jack replied with additional traffic on the road. Rich said there will be two houses at this point with one of them being Jim Goldman's. Jack said there would be a possibility for three houses. Rich said yes.

Jack asked to put a subcoat of asphalt over the road. Rich replied with all due respect, he would like to come up with a number and have the town do the work, because if a top coat is applied and in a year, rocks are coming through, he does not want to have to come back before the Board time and time again. Rich will agree to come up with a number. Joe said that sounded good.

Rich estimated the amount of asphalt needed in order to pave from the yield sign at Bald Hill Rd. to Brian Taylor's double mailboxes on Cook Farm Rd. He used the price of asphalt based on the engineer's figures for the Goldman subdivision coming to a total of just over \$14,000. He said he was willing to offer the town \$7,000 for the repair of Cook Farm Rd.

Joe made a motion to accept Rich's generous offer of \$7,000 for the repair of Cook Farm Rd., Sara seconded the motion and all were in favor. Rich made clear he is offering the \$7,000 and the town will do the work. He does not want to come back before the Board for this issue.

Curtis thought it was an awesome offer and we are lucky to have it. He feels people should know about this and said they have jumped through hoops for the town and then were asked for more and they are doing it.

Rich asked the Board if this was going to be it. Joe replied he couldn't think of anything but would like to tour the site tomorrow. Rich said he would be there all day. Rich and Curtis left the meeting.

Jack left the meeting at 4:20 p.m.

Joe will work the election polls from 9 to 3 on Tuesday. Sara will work from 3 to 7.

At 4:27 p.m. Sara made a motion to adjourn, Joe seconded the motion and all were in favor.

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Lee Grant asked for public comment. Sara rescinded her motion to adjourn, Joe rescinded his second.

Lee noted the ZBA granted a variance to April Gilcreast in the spring to allow her to extend the two year expiration on which to rebuild on the same footprint to ten years. A condition was that the existing buildings would be razed and completely removed. Currently the main building was razed but there are still some remnants to be removed. It has been fenced temporarily as it was previously. He would like to see April comply with what had been agreed to. Sara asked the AA to e-mail April noting the section of minutes from the ZBA meeting that notes the conditions.

At 4:32 p.m., Sara made a motion to adjourn, Joe seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Administrative Assistant