

Minutes
Albany NH Selectmen's Meeting
March 19, 2008

At 4:00 p.m. the Selectmen's meeting opened with Robert Mathieu and Daniel Sdankus in attendance. Peter Malia also joined the meeting. The following business was conducted:

Appointments: Joe Ferris 4:30 p.m.

Regular Business:

- Reviewed & approved March 12 minutes
- Signed checks
- Reviewed Standard Dredge and Fill Application

Miscellaneous:

The AA informed the Board the Dorothy Solomon would no longer serve as Albany's representative to Valley Vision.

Bob informed Dan that there will be a Health Officer's meeting in Conway on April 17th. This meeting will be held by the state and it requires a representative from each town. As health officer, Bob will not be able to attend and asked Dan to attend. Dan will be on his honeymoon at that time and won't be able to attend. Brian Taylor will be asked to attend in their absence. Bob also said that he will not seek re-election next year when his term on the Board of Selectmen ends.

Joe Ferris:

Joe Ferris along with over 40 residents voiced their concern over the vote on Article 15 at town meeting on March 11. The voters passed this article by secret ballot 55-54. Joe said he was part of a group called the Concerned Citizens of Albany. He presented the Selectmen with a petition signed by 135 Albany voters. This petition posed a number of questions that the group would like answered prior to May 1 and prior to the Board paying out any of the appropriated \$130,000.

Bob said that the Board would not re-hash the arguments for or against the article but would like to address the group's concerns. First of all, Bob said, he would like to clarify some rumors. The first rumor was that Bob had been out in the Golden Oaks community to personally petition residents. Bob

vehemently denied such action. He said that he never stepped one foot into the Golden Oaks Community. The second rumor Bob addressed was that he or Dan would profit privately from this project. Bob pointed out that no Selectmen cannot take on any project associated with the Town over \$600. Finally, Bob said he would listen to the people's concerns but asked that they not make this a personal issue.

Joe Ferris asked the Board if the Town of Albany has an access permit associated with this easement. Bob replied that the Town has been working on this project for five years with the road committee. Tom O'Reilly had recommended Drake Hill Road as a project. Bob went on to say that every aspect will have the proper approvals from the state and there will be a binding agreement with Brad Donaldson and Bill Lake before the project begins.

Again, Joe Ferris asked the question, "Do we have a state permit?" Bob replied that the Board must investigate the current permit. Joe said that he understood the current permit, it allowed for 10 homes with 20 cars, and this is a very dangerous portion of route 16.

Marc Donaldson said that it has come to his attention the Town has no permit. He added that this project could cost more than the \$130,000 that was appropriated. He went on to say that he is of the understanding that Bill Lake's permit is not transferable and the state will require the Town to do a study costing upwards of \$60,000, in addition to making turning lanes. Marc said if we have been misinformed he feels it would constitute a recall or amendment of Article 15. Lastly, he said he would like some answers.

Curtis responded to Marc by saying that if it's required there will be a traffic study done, but this is a low impact area and he didn't think that it would be a large expense to the Town. He added that the Town must agree with Brad and Bill and this agreement will be ironclad to protect ourselves 110%. Curtis feels the costs are pretty stable but if the costs double or triple, this project won't happen. If we can't reach a deal with Brad and Bill, it's a dead deal.

Tom O'Reilly said this project is to solve a huge problem. It's a liability to the Town and it's the Town's responsibility to have safe, passable roads. This road is dangerous. Cathy Ryan added that this problem was created because the mobile home park was established before the zoning ordinances were implemented.

Mark Patterson said that we, the residents, don't feel that the Board has done due diligence. He went on to say that we need good information, the

driveway permit and having questions answered. He would like to see all the pertinent information laid out before the group.

Bob replied that the Board understands the concerns yet says they've done everything to please most citizens. He said the road project started potential problems. With the internal controls that have been placed in recent years, the Board discovered misguided funds. Now the Board can see exactly where to place funds for the roads. Joe Ferris stated that the group's concern was the questions on the petition.

Kathy Carrier stated that there is information given today that was not given at the meeting. She went on to say that the prior information given at town meeting is what people voted on. She feels that the voters were misinformed.

Curtis said that he highly doubted that a turning lane would be needed. He said this is minimal but if the state comes back and requires a turning lane although he highly doubts it, then the deal would be off. He added that the Town does not own the property as of yet so they certainly can't acquire a permit.

Sally Kratt wanted to make a motion that the Board does not go forth with this project until the group's concerns are addressed. She added that they would feel better about the situation. Bob replied that the Board must address these issues with the other Board member that was not in attendance at that time. He added that there are a lot of issues to cover and the Board will not be cutting a check any time soon.

Harry Richardson asked if all parties understand that there's only a certain amount of money that the Town will spend on this project. Bob replied that if the final figure is \$160,000, they will have to come back to the Town next year.

Carol Bell asked the Board if there was a hidden agenda to close the park if it were sold and everyone evicted.

Paul Bell said we would believe you if you said you had a permit.

Steve Knox asked what was the decision to not build this road to town specifications. Curtis responded that in order to keep costs down, the foundation would be built first. Steve said that he feels this action undermines the Planning Board as they hold others to make roads up to town specifications. Bob said that the Board is in the position to build roads to suit the Town and each case must stand on its own merit. Steve asked what the Town's argument would be. Bob replied that it is a classic case and would be

the same argument as the case of Abenaki Way. Curtis said that the Town has taken over all of these roads in Town and they are not up to town specification. This is just one answer to a problem. He added that this problem has been talked about month after month for approximately 10 years now. Bob said that this is where people must attend the budget hearing.

Harry Richardson said that if over a period of time, this road will be up to town specification, this implies the cost will be higher than the original \$130,000. He added that he genuinely believes that the voters have not been given the appropriate information.

Bob Munroe asked if there were any viable facts for grants. Bob replied that Josephine Howland has volunteered her services to research and write a grant for federal funding. It would be a 80-20 deal if successful. Tara Taylor said that the STP grant would be unattainable this year and asked if the Town would wait to hear about the grant before proceeding with project. Bob replied that Josephine is on it and she is researching all avenues.

Harry Richardson said that if Drake Hill Road is a major safety issue, how will this project solve the problem on Drake Hill Road. Bob replied that by reducing the traffic creates less risk and it was the best solution to the problem.

Mark Patterson asked that before checks are issued, would a performance bond be required of Bill Lake. Bob replied that these are issues that will be worked on. He doesn't want the road started and then deal with these issues and he'd hate to see it dropped off. The bonding will be under consideration.

Tom O'Reilly stated that the Board has been thinking about this for a long time.

Bill Lake said that there isn't a town road in this town that is up to town specifications.

Noah Coleman said that it's ultimately up to the voters.

Bill Lake stated that, that's not the deal for the price. Asphalt alone will scare you. Over the years, it will be up to town specifications. Our town specifications are strict. He added that the group voted in this Board of Selectmen and that they should let them do their job.

Bob said he is willing to hear everyone at the Board's meetings and welcomes them in whenever they would like.

Joe Ferris asked if this road would be a Class VI to start with. Curtis replied that Bill has agreed to build a good base road but no, it won't be a Class VI. He went on to say, the Town buys the easement, Bill will build a road then it's a town owned road. Jim Guyer asked who would build the road and should it go out to bid. Bob replied that the building of the road would be part of the deal with Bill.

Richard VanDyne spoke out next. He said that the Town voted for this article and under the supervision of the Board of Selectmen and Curtis Coleman, Road Agent, they will iron out the details. Ultimately this will be up to the approval of the Selectmen and Road Agent.

Cathy Ryan stated that she was on the Albany Planning Board when there was little or no zoning. She says she's a layman when it comes to building roads and classifications of those roads. So, street specifications were set into place and if they are too tough, have them changed with the Planning Board. We need to build these roads to last so that we aren't continually putting money into them later on. She continued to say that she also felt misled, but she felt that some of the questions have been answered and hoped that the rest of the questions should be answered by May 1. She wanted to know how the citizens would be informed of these answers because there is just so much interest in this subject.

Bob replied that we just appropriated money to upgrade our current website, so that would be a source, along with Dorothy's column and the Board could possibly place an advertisement in the paper for a particular issue and finally all Albany residents are more than welcome to attend the weekly Selectmen's meetings.

Stan Solomon asked, with overising costs, what part would the owners of these properties have? Bob replied that the Board must address the owners in the future.

Steve Knox asked that the Selectmen not proceed with this project until a lot of these questions have been answered. Bob replied that there are questions that will be answered; we are not agreeing to answer all of the questions without the other Board member being present. The Board doesn't have extra money to spend on this project. The Board sees that by informing the citizens, it keeps the Town running smoothly. It is well managed and the Board would like to continue managing with you people.

Jim Guyer expressed his dismay about the reference to speed on Drake Hill Road. He asked if anyone had called the Carroll County Sheriff's Department? He added that everyone is concerned with safety, but he

doesn't believe this project can be complete at \$148,000. He asked what happens when the price is up to \$150,000 or \$500,000 even.

Mark Patterson reiterated his concern for bonding and legal issues. Bob replied Town Counsel will work with the Board and Curtis Coleman. Mark said that Peter Malia has the legal expertise in this area and he hoped that the Board would use this expertise. Bob stated that yes the Board will be using Peter Malia.

Curtis said that the discussion earlier about the Town money being issued; Money would be paid out on performance and timely manner not bonding. Mark Patterson said there should be a performance bond so that the Town will have recourse. Bob replied that the Board will look into it and take Peter Malia's advice.

Bill Lake chimed in that he will not seek a performance bond, there will be no waiting period. The Town has the authority to do this. He said that we haven't even gotten to first base on this and the bond will drive the price up.

Mark Patterson continued and asked the Board if they will not require Bill to post a bond and if they have to take it like it is. Bob replied that this is a discussion they will continue to examine to ensure the project continues. He added that the project will not go forth till everything and every cost is set.

Mark Patterson asked Peter Malia if it were legal for the Board to continue forth on this project and if it would be recommended. Peter replied to keep in mind that Article 15 passed and it is OK to ask questions but unless it is overturned, it is valid. The Selectmen have the responsibility to make it happen. He admitted that not a lot of legal work went into the Article, with now breakdown of how much the easement was and how much the construction of the road would be. He said the group raises good issues that need to be addressed. He continued that the driveway permit issue will be determined although the more prominent issue would be the road that Golden Oaks will be responsible for to tie into the easement. He said he would discuss with the Selectmen the bonding issue but it had not been part of the plan in order to keep costs down.

At 6:00 p.m., Bob motioned to adjourn, Dan seconded and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Administrative Assistant