

Minutes
Albany NH Selectmen's Meeting
March 5, 2008

At 4:00 p.m. the Selectmen's meeting opened with Dorothy Solomon, Robert Mathieu and Daniel Sdankus in attendance. The following business took place.

Regular Business:

- Reviewed & approved February 27 minutes
- Signed checks
- Reviewed & approved one building permit
- Reviewed LGC Public Official Schedule Bond
- Reviewed two NHDES Forestry Notifications
- Reviewed CDM withdrawal permit
- Reviewed letter from North Country Council, Inc.
- Reviewed Welfare Intake Form

At 4:15 p.m. Dan Sdankus motioned to move into non-public session in accordance with RSA 91-A:3 II (i), Dorothy Solomon Seconded and all were in favor.

At 4:35 p.m. it was determined that the minutes shall not be publicly disclosed. Bob motioned to seal the minutes, to not publicly disclose the minutes because it is determined that divulgence of the information will likely affect adversely the reputation of any person other than a member of the Board. Dorothy seconded the motion and all were in favor.

The Board reviewed the 2008 Budget line by line to come up with answers to possible inquiries from voters at town meeting. Software support was overspent because the AA received the 2008 bill from Avitar software in October 2007 and it was paid in 2007. The same holds true for Technical Support under Town Officers' Expense. Avitar is the tax collection software and the assessing software.

The Administrative Assistant line was overspent because there was one month where one employee was being paid and another being paid while training.

The welfare line is being increased because there has been an increase in applications. This line was overspent in 2007 and does not reflect the reimbursement of \$4,485.00.

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The health insurance line increased because last year only six months was budgeted and this year the budget is for 12 months. This line does not reflect the 20% that the employee pays. It shows the full amount that will be paid.

The Board addressed another possible inquiry that the Town Clerk/Tax Collector was hired also as the Selectmen's Administrative Assistant. According to RSA 669:7 I. No person shall at the same time hold any 2 of the following offices: selectman, treasurer, moderator, trustee of trust funds, collector of taxes, auditor and highway agent. No person shall at the same time hold any 2 of the following offices: town treasurer, moderator, trustee of trust funds, selectman and head of the town's police department on full-time duty. No person shall at the same time hold the offices of town treasurer and town clerk. No full-time town employee shall at the same time hold the office of selectman. No official handling funds of a town shall at the same time hold the office of auditor. No selectman, moderator, town clerk, or inspector of elections shall at the same time serve as a supervisor of the checklist. No selectman, town manager, school board member except a cooperative school board member, full-time town, village district, school district except a cooperative school district, or other associated agency employee or village district commissioner shall at the same time serve as a budget committee member-at-large under RSA 32. II. The provisions of paragraph I refer to the actual holding of office, and are not to be construed to prevent the transfer between offices of information obtained in the regular conduct of business nor to prevent the personnel in any office from furnishing clerical assistance to any other office.

As for the Selectmen having "all of their eggs in one basket," their response is that is no different than before. If something happens to Kathy, DeAnn takes over the Town Clerk/Tax Collector office. As for the Selectmen's office, it closes, just as was the case previously. Bob stated that this town doesn't have the luxury of multiple employees. A few years ago, a welfare assistant's salary was voted down. If the question is asked about one person getting two salaries, Dorothy will respond with the question, "What is the point of this question?" Dorothy feels that having Kathy as the Selectmen's Administrative Assistant is beneficial to the town because she has a firm understanding of the Town Clerk/Tax Collection office, and this will lead the Town to a brighter future because the offices will be run smoothly, efficiently, and professionally. If someone inquires why wasn't the position advertised, Bob will say that the Board hires from within first and was sensitive to the fact that this position should be filled by an Albany resident. He added that Kathy has all the qualifications that are needed and the Board hired her.

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The Board continued reviewing articles that could receive inquiries. Article 4 asks for \$3000 for capital purchases for a transit system that is in its infant stages right now. The representative from Carroll County Transit cannot appear at town meeting. It is possible that Jack Rose might speak on the issue.

The next article that was reviewed was Article 14. This article is asking for \$30,000 to replace the roof of the Covered Bridge in addition to painting it. Terry Miller of the Forest Service had called and said that the Forest Service will certainly aid in this cost but he was not sure how much they would be contributing to the project. He said he will know by town meeting and would speak of it at that time.

The final article that the Selectmen reviewed was Article 15 which asks for \$130,000 to purchase the easement from Route 16 over the Lake property to the Golden Oaks trailer park. Curtis Coleman, road agent, is working on estimates to present to the Town at the meeting. The majority of the Selectmen feel this is the cheapest way to resolve the traffic burden on Drake Hill Rd.

At 5:27 p.m. Robert Mathieu motioned to move into non-public session in accordance with RSA 91-A:3 II (i), Dan Sdankus seconded and all were in favor.

At 5:35 p.m. it was determined that the minutes shall not be publicly disclosed. Dan motioned to seal the minutes, to not publicly disclose the minutes because it is determined that divulgence of the information will likely affect adversely the reputation of any person other than a member of the Board. Dorothy seconded the motion and all were in favor.

At 5:35 p.m. Jack Rose and Steve Knox joined the meeting to discuss a report that the Planning Board received from the engineer, Burr Philips, they hired to oversee the Chocorua, LLC project. Burr supplied a preliminary report and needs more information from Chocorua, LLC's engineer. Burr forwarded a letter for the Selectmen to sign that would give Burr formal permission to seek the information that he requires in order to complete his professional opinion of the Chocorua View Estate project. He went on to say that the engineering review is estimated to be as high as \$2500, which the town would have to pay and then seek reimbursement from Mark Brown, developer of the project. Jack stated that Burr's preliminary findings show a tremendous amount of shortfall on Mark Brown's part.

Bob asked if Mark received any approvals from the Planning Board after changing the original approved plans from Bill Lake. Jack replied in the

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negative. He said that the Planning Board received plans from Mark but the plans were never approved by an engineer or DES. Jack went on to say that according to Burr Philips, the information given to the Planning Board from Chocorua LLC's engineer, has no support and in addition, the engineer overlooked other information. The pavement is not wide enough which means it is not in compliance with Town Road Standard and has no approvals. The Planning Board suggests placing a cease and desist order on Mark Brown until all permits have been approved. Bob said he would like to review the town standards and ordinances and compare it to the Burr Philips' report and then act upon each concern. Jack said the problem is that what Mark has submitted doesn't meet town specs. Dorothy asked, what if he decides to not ask the Town to take the road over. Steve replied that all subdivision roads must be up to Town specs according to the ordinances unless the road predates the ordinances, which he figures started between 1978-1981.

Jack said that the Zoning Board of Adjustment decisions must stand on their own. Not, "you did it for them; you have to do it for me."

Bob suggested sending Mark Brown a warning that the Town will not adopt his road if it is not up to Town specs and in turn, would not approve any building permits for the subdivided lots. Dorothy added that she didn't think that Mark Brown was in any position to just walk away. Jack reiterated that we need a recommendation from Burr Philips to see if the problems can be corrected. Steve said that Mark Brown failed to provide the necessary engineering work and it needs to be evaluated by Burr Philips. Bob asked if the Planning Board would allow Mark to continue working on the property if Mark allows Burr Philips to pursue the Planning Board's requests. Jack replied no, he cannot continue any work until all plans have been approved. Bob asked, then we should shut the project down completely? Jack replied, yes until Mark complies.

Steve feels that Mark is operating without approvals. He wonders if Mark is stalling until he has all of his work complete and then what? He went on to say that it was Mark's responsibility to meet deadlines and he hasn't. Dan added that Mark needs to be stopped right away. Steve said if Mark receives a cease and desist order, he will have to comply with the deficiencies. He would like to say, "we welcome you but we have ordinances in place that you must follow."

Steve stated that in future endeavors, if the Selectmen receive an application, to consult with the Planning Board before approving so that all Boards are on the same page. Jack felt that there had been enough changes in Mark's plan that he should have been made to go through a re-subdivision.

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Jack went on to ask the Board if they would place a cease and desist order on Chocorua, LLC, and Mark Brown, the developer. Bob responded that he would like to cross reference the ordinances and review Burr Philips letter.

At 6:15 p.m. Dan motioned to adjourn, Dorothy seconded and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Administrative Assistant