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Minutes

Albany NH Selectmen's Meeting

May 7, 2008

At 4:00 p.m., the Selectmen's meeting opened with Dan Sdankus, Bob Mathieu and Jack Rose in attendance. Many residents also attended the meeting. The following business was conducted:

Regular Business:

- Reviewed & approved April 23 minutes
- Signed checks
- Reviewed letter from NHDOT to Bill Lake citing conditions of approval for driveway permit—See below—**Bill Lake**
- Reviewed & approved three Intent to Excavate applications
- Reviewed & approve one Supplemental Timber Intent application
- Reviewed & approved one Timber Tax Warrant
- Reviewed e-mail letter from Dick & Shirley Van Dyne
- Reviewed estimate from Web Maintain
- Reviewed letters of complaint from Wildwood resident and property owner of their neighbor's untidy yard, unruly noise and vicious dog—AA will mail a registered letter of warning to the landlord
- Reviewed e-mail from Steve Knox inviting the Board to attend the next Planning Board meeting to discuss RSA 674:40- Bob, Dan and Jack will all attend
- Approved office terms for Planning Board as proposed by Steve Knox, Albany Planning Board Chair
- Reviewed request from Steve Knox, Albany Planning Board Chair, to pay alternates to the Board--it was noted that alternate members do get paid for each Planning Board meeting
- Reviewed Time Warner notification of franchise fee payment due to the town
- Reviewed and re-signed TDBanknorth signature card (Jack)
- Reviewed letter from Pike Industries
- Reviewed NHDRA letter of equalization ratio
- Reviewed letter from the Committee for Public Transportation in the North Country
- Reviewed & approved contribution of \$50.00 for letter from LGC concerning a statewide litigation for a retirement issue
- Reviewed agenda & registration from NH Health Officers' Association Conference—Dan and Bob will attend
- Reviewed USDA Report on maintenance projects

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- Reviewed invitation to North Country Transit Transportation Coordination Meetings
- Reviewed letter from NH Charitable Foundation
- Reviewed letter from Town of Conway concerning pandemic training— Bob said he would attend and notify Brian Taylor-Albany Emergency Manager
- Respond to telephone inquiry from the World Fellowship Center to share the electricity cost of two street lights-Bob asked the AA to seek information as to if there is an agreement in place that World Fellowship pays for these street lights, so as to not breach any agreement.

Peter Malia:

Peter came before the Board to discuss RSA 674:40. This issue was raised by Steve Knox, Planning Board Chair. It says in order to create a town road, the Planning Board has to vote and approve it. Peter says that if the legislative body approves the road by majority and the Planning Board denies it, then the legislative body must approve it by a 2/3 vote. He went on to say that he took an objective look at Article 15. He looked at the law and it is not black and white. He concluded that RSA 674:40 would not apply to this article. There are four ways to create a road. Dedication and acceptance, prescriptive, highway layout and highways constructed on town-owned land. He feels that Article 15 would fall under highways constructed on town-owned land. The article passed and an easement is sufficient. It doesn't have to be owned at the time of the vote. The article does not apply to construction over town land. It would apply if it was dedicated and accepted.

Jack said the Planning Board would be justified if they could provide their input. He added that this road creates a subdivision in which the Planning Board has the right to review. Bob said he appreciated Jack's view but many members of the Planning Board might be biased as they had cited Article 15 as a reason for joining the Planning Board. Bob added that he felt that the Selectmen were being ethical by listening to all concerns and taking the Town's legal advice.

Peter thought that is sounded as though the Planning Board might seek an alternative legal opinion. He recommended a few lawyers to Steve Knox, Planning Board, chairman. Furthermore, Peter said that is his opinion that there is no authority for the Planning Board to be involved. Jack thought that Article 15 should be overturned and if it were not, then the Board holds the responsibility to make sure the process is legal and correct. Dan said he thought that the road should go forth. The Town would benefit and Dan also

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feels that the Planning Board would try to squash it. Peter added that unless someone challenges the Article, it should go forth.

Curtis had met with Paul King, engineer, Bill Lake and Brad Donaldson. He stated that the DOT had questions associated with the driveway permit application. Paul will go over the questions and will prepare whatever is needed. Curtis said he should have it in one week.

Bill said that as soon as Paul King's plans are submitted, the state will then approve the driveway permit. Bill will be granted a permit for gravel, once the culvert is in that will take care of the drainage issue and then Bill said he will beautify it. Bob asked about the connection to Golden Oaks. Curtis said that the cul de sac was moved to make it fit better. It was moved more onto Brad's property. Bill said the specs for the road width are 22 feet wide with a 3 feet shoulder. Paul King is working on the flare radius and an engineering drawing is being made. There are no utilities. The town will retain an easement. Any utilities will go overhead for a while.

Curtis said he walked the property and it is an awesome access. It is flat but needs a little bit of work. Bill noted that he will create a culvert system for drainage. He will use more sub-base material to raise the road. Curtis said that the gravel pit floor is good for drainage.

Jack said he questions the whole project. He believes it deserves Planning Board review. Jack made a motion to put the subject on the floor for discussion. Dan seconded the motion. Bill said that he will follow the state guidelines and that the state has the authority to grant the driveway permit unless the access is a public highway. Curtis thinks that the Selectmen have the right to not send it to the Planning Board for approval. Dan agreed with Curtis. Bob added that the voters approved the article and that there were no restrictions and the Board will take charge. Jack motioned to take a vote to send the plans to the Planning Board for approval. Dan seconded and Jack voted for Planning Board approval. Dan and Bob voted against Planning Board approval. Vote failed. Dan said this cleared town counsel review and DOT doesn't have any major problems with it. Peter asked if the Board would like him to prepare the legal documents in order to move forth with the purchase of the easement. Curtis added that Paul King will submit his work within one week. Peter asked for a description of the property from Paul and he will give it a rough draft.

Cathy Ryan said she would have liked to have seen this issue go before the Planning Board for approval. But she added that this Board was voted in by

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the residents and she has full faith that they will make the right choices. Bob thanked Cathy for her support. He feels that he's been objective. Curtis added that he thinks that it's good that it is not going before the Planning Board because it is transparent what is going on. He went on to say that Bob has taken heat where it was not warranted. Mr. Fisk stood to say that there is no conspiracy, people have the right to speak. Bob interrupted and said that we should not continue on this venue.

Letters of Complaint:

Bob asked the AA to send a certified letter to Les Horn, owner of said property to ask him to clean it up.

The Board approved to the Planning Board terms. The Board will attend the invitation from the Planning Board to meet with them on May 14, 2008.

The Board approved to send \$50 to the LGC for support of litigation for the retirement system. Dan and Bob will attend the NH Health Conference.

Friendly inquiry to split the electric bill with the World Fellowship Center for two street lights. Bob said it will have to go before town meeting first and we should inquire as to if there is an existing agreement so we don't breach it.

At 5:50 p.m., Dan motioned to adjourn, Jack seconded and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Administrative Assistant