

## **Minutes**

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

**December 4, 2013**

At 3:25 p.m., the Selectmen's meeting was called to order. In attendance were Jack Rose, Kelly Robitaille and Rob Nadler. Also present were Lee Grant, June Johnson, Steve Knox, Josephine Howland and Joe Ferris. The following business was conducted.

#### **Regular Business:**

- Reviewed & approved November 20 minutes-Rob made a motion to approve the minutes as submitted, Kelly seconded the motion and all were in favor.
- Signed checks totaling \$315,455.54-Kim Guptill joined the meeting to pick up the check to the Albany School District. Kim left the meeting.
- Reviewed & approved 2014 disability insurance rates -Kelly made a motion to approve the rate, Rob seconded the motion and all were in favor.
- Reviewed Notice of Decision regarding Fairpoint Communication court action-electronic filings have been approved by the judge.
- Reviewed NHDOT driveway permit application-Bloomfield-Rob would like to ask town counsel if a town approved driveway is required in addition to the state's approval. Kathy will contact town counsel.
- Reviewed North Country Council's Annual Report.
- Discussed amount of road bond to be required of Cersosimo Lumber-see below.
- Town Administrator Report-see below.

#### **Miscellaneous:**

Susan Ticehurst returned a letter of support for the gas tax increase that was voted down in the Senate this past year.

The Carroll County Sheriff's Department has requested a letter of support for the improvement of communication technology. They have applied for a grant and need letters of support. Jack made a motion to sign the letter of support addressed to the NH Department of Safety. A copy will be mailed to Concord and the Sheriff's Department will accept the original copy.

Steve Knox discussed the gas tax, saying the state takes the money and has been upgrading the roads in southern NH. At this time there is no money for the northern part of the state. He asked if there was a formula in the proposal to cover the northern part of the state. Rob said the new tax will be going toward Route 93 and the Senate killed the recent legislation. Jack added if the gas tax were approved it would provide for northern NH.

Town counsel, Walter Mitchell, has advised Kathy that the Selectmen may use Edward Guppy's sister's address for future correspondence with Edward as all of his mailings have been returned to the office as unclaimed. Kathy has spoken to Edward's sister, Grace, and apprised her of the situation. Grace was going to visit with Edward and tell him about what was happening with his property that was taken by tax collector's deed. Kathy has not heard back from Grace but received a money order for \$500.00 from Edward with a note that said, letter of intent to follow. Two weeks ago, the Board voted to give Edward Guppy 30 days in which to return a letter of intent. Kathy suggested the Board notify Edward of his rights to repurchase his property in care of his sister Grace. This would start the 30 day time period in which he could respond with his letter of intent.

Joe said he found it disturbing that Edward was in a VA hospital and it took Joe only two minutes to find Edward's phone number and spoke to him but the town couldn't get in touch with him. Kelly asked why Joe would contact Edward and the town was doing everything to contact Edward and work with him. Kelly added Joe knew the town was interested in the property and planned to transfer it to the Conservation Commission. Jack said the town has secured the property, has spoken to Edward on more than one occasion in addition to his sister. The town has also contacted his local sheriff to obtain the process they follow in order to serve papers. Rob said we keep giving Edward lee way. Josephine Howland asked if the certified paper work had been sent to the VA hospital. Rob replied no it is not required by law but according to Edward's sister, his father's estate is currently being settled and he may have the money to pay to get his property back. We are giving him every opportunity to get his property back. Jack said we have his money order of \$500.00 and we are now waiting for his letter of intent. Jack made a motion to sign the letter of Edward's right to repurchase his property, sent to the care of his sister, Grace. Kelly seconded the motion and all were in favor.

Kelly asked if the property is turned over to the Conservation Commission, does it prevent the town from doing anything with it, such as creating a cemetery. Rob thinks it protects the land but if nothing else it allows the Conservation Commission to manage it.

**Road bond (Passaconaway Rd.):**

Kathy told the Board that Curtis has recommended a road bond in the amount of \$200,000 for the logging project to take place in the White Mountain National Forest along Passaconaway Rd. In his opinion, this would be enough to cover 40% destruction and most likely the most destruction that will take place will be 10-15% of the road. Curtis said this amount does not cap our liability. If more damage is done, the town could require the logging company to pay the remaining amount. Curtis stated if the Selectmen disagree and want to require a higher amount, they may. Curtis estimated this bond would cost about \$3,000.

Rob would like to see more than a \$200,000 bond. Steve Knox said the point had been made that from the gate up to the Covered Bridge had not been logged since the repair of that section of road. The section of road west of the Dugway picnic area had to be filled by the road agent as it was slowly sinking into the river. Travel over this portion of the road by logging trucks could cause a lot of damage in the spring. Rob thought \$3,000 was not expensive compared to the sale of the wood to be logged. He would like to incorporate the video. Kelly added the Board never said when the road would get fixed and a package is needed. Who will go to inspect the road periodically? Steve said the Board had taken a vote at a prior meeting to not allow logging during the winter months when the gate was usually closed. Jack did not recall that vote. Neither did Kelly. Jack asked Kathy to review minutes from the prior meeting. Steve said the vote would have to be rescinded.

Rob noted that Curtis initially suggested the road would cost \$500,000 to fix, so the Board may want to double the \$200,000 estimate. Kelly wants the video to be done, the bond amount set and an expiration date for the bond.

Steve noted there was heavy equipment already being brought down Passaconaway Rd. and logging roads are being opened up in preparation for the logging operations.

Jack agreed a collective agreement is needed. Rob said an amount of the bond has to be agreed upon as well as the length of the validity of the bond. Rob made a motion to ask Curtis to do a video of the road as a baseline and go for a road bond in the amount of \$400,000 to cover the entire Albany portion of Passaconaway Rd. and the duration of the bond to be either a year or the length of the project, whichever occurs first. Kelly seconded the motion and all were in favor.

Joe Ferris stated he had ridden down that gated portion of the road and it was not maintained. He thought the town may be held liable if something happened. He asked if the gate should be closed by now. Steve told Joe the gate is typically open until after deer hunting season. Joe suggested placing a sign warning the road is not maintained or the road is closed. Jack asked Kathy to bring that up with Curtis.

### **Town Administrator Report:**

Kathy would like to move forward with selling three other properties that have been taken by Tax Collector's deed. The Board had decided the properties would be sold by sealed bid. Rob would like to notify the abutters by sending them a letter. Jack motioned to notify the abutters of each property that it will be sold through the sealed bid process. Rob seconded the motion and all were in favor.

Health Officer Dan Sdankus, has inspected Perm-a-Pave. He found no evidence of improper containment of chemicals nor evidence of chemical spillage or contamination. He did have them clean up some construction debris. Dan also inspected the Waldorf School and reported they were in great shape. He does not have to inspect again until 2018.

Kathy reported the program that Mike Martin from the Forest Service had spoken about regarding 25% revenue given to state who then disperses it to the towns had been done away with by the state either three or four years ago. The name of it was share revenue.

Kathy ordered the intercom system for the Selectmen's security window.

Dave Dascoulias replaced the bulb that illuminated the American flag and turned down the light that illuminates the bottom of the driveway.

Curtis reported he has always gotten the state rate for the town's salt.

Kathy is attending a Department of Revenue (DRA) class on Thursday afternoon for the new electronic filing forms the DRA has put out.

### **Planning Board:**

Rob attended the Planning Board meeting on Monday, November 25 as Selectmen's representative. The Planning Board had concerns that Rob felt needed to be addressed. He felt the Planning Board and the Selectmen should get together because regulations and processes are not clear at this

time. He admitted e-mails and information needs to be delivered more promptly by Kathy to the Planning Board. Rob said the Planning Board had received an e-mail on the day of the meeting and an applicant had the information and a copy of the e-mail before them.

Rob felt a way to remedy this may be to make up an application and role play through the process to see where we could improve.

Josephine felt it was absolutely wrong for Kathy to give the applicant the e-mail from the town attorney. Josephine also said there had been electioneering by the Town Clerk. Rob said if there was a complaint during the last election it should have been brought forth then. His idea is to find out what we are allowed to do and do it right.

Josephine asked if it was the Town Administrator's place to ask a question of the town lawyer on behalf of an applicant. The e-mail is not common knowledge and she broke confidentiality for the Planning Board. Rob felt Kathy could contact the lawyer on behalf of the town in order to protect the town. Josephine stated the question to the lawyer was the wrong question to ask and therefore his response was not right. It is clear that Kathy broke confidentiality. Rob asked Josephine to clarify herself. Josephine said that by giving the lawyer's e-mail to the applicant was illegal. Josephine added that two of her Planning Board members stated they had been electioneered and it becomes illegal and they can get the Attorney General's office to press charges. This affects the town. Rob replied the two Boards need to work together. What is the proper way to make this happen?

Josephine said part of the problem is there needs to be a policy in place that needs to be clear and distinct what the consequences are of breaking policy. Rob said that didn't have to do with job description. Josephine replied breaking of confidentiality and electioneering needs to be said it is illegal and the consequence should be as severe as loss of job. Rob thought the reading of the law could be argued from different points of view. Jack asked Josephine what she was after. She replied a clear and concise policy in a manual with clear consequences. Rob said ideally we need to solve the problem by stating no more electioneering from here on out. We need to resolve this issue without anger and animosity. Josephine stated this is not a minor thing. Rob reiterated we need to fix the issue.

Josephine felt the Board was whitewashing the issue and Kathy has crossed many lines. Rob felt it should be fixed and let's move on. Rob added Kathy is not going to be fired for something she may have done a year ago. Steve said

there are two people that will sign affidavits and Steve left the meeting. Josephine said a policy should be put in place.

Jack asked Josephine if something should be requested from the town attorney to get a legal method of how to handle this situation. Josephine replied the town attorney should be contacted as to what should be done. The Planning Board will be meeting with their lawyer. Rob replied he would hate to have punitive action if it was not necessary. Lee Grant said the whole thing sounds passé and the Board should not dwell on it but move forward. Jack felt there were other goals here.

Rob feels it is important to move on. This is not productive. If he opens a business in Albany, the first place to go is the Selectmen's office. Kathy is the shepherd. Josephine felt Kathy broke confidentiality by passing the e-mail on to the applicant. Rob told Josephine the lawyer said e-mails are public as what the town dealt with recently when the Board had to enforce the sign ordinance. Rob asked Kathy to be more timely with information to other Boards. He thinks it is important to look at the whole process. We were told all communications are open. He doesn't want to fight and the problem needs to be brought up with town counsel and it should be resolved. It is important to get along and if there is a problem, fix it and move on. It doesn't make it fun. It is easy to get mad.

**Miscellaneous:**

Rob would like to see a calendar of upcoming deadlines and dates to be remembered. Such as submission of warrant articles, budget submission, etc. Kathy replied the Department of Revenue typically sends a calendar out but she has not received it yet but it may be available on their website. She will check.

Jack said next week's meeting will be at 4:30 p.m. No one had an objection to that.

Jack would like everyone to know the Blue Loon buses are making several shopping trips. This will benefit senior citizens as well as anyone who may not have transportation. The first one is a trip to Tilton on Monday, December 9. The second trip is to Concord and Loudon on Monday, December 16. The third and final trip is to North Conway on Tuesday, December 24.

Pete Howland joined the meeting to see if the Selectmen have voted on a road bond amount. Kathy informed Pete the Selectmen have voted on the road

JR\_\_\_\_  
KR\_\_\_\_  
RN\_\_\_\_

bond in the amount of \$400,000. Pete requested a copy of the minutes from the meeting so he may present them to his boss. Kathy will e-mail a copy of the draft minutes to Pete.

**NonPublic Session RSA 91-A:3(a):**

At 4:50 p.m. Jack made a motion to move into nonpublic session citing RSA 91-A:3 II (a). Rob seconded the motion and all were in favor. Roll call was unanimous in the affirmative.

At 4:55 p.m., Rob motioned to move into public session, seconded by Kelly and all were in favor.

At 4:56 p.m. it was determined that the minutes shall not be publicly disclosed. Jack 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. Rob seconded the motion and all were in favor.

At 4:57 p.m., Rob made a motion to adjourn, Kelly seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Town Administrator