

Minutes

Albany NH Selectmen's Meeting

January 21, 2014

At 4:25 p.m., the Selectmen's meeting was called to order. In attendance were Jack Rose, Kelly Robitaille and Rob Nadler. Also present were Josephine Howland, Lee Grant, Steve Knox, Joe Ferris and Leah Valladares. The following business was conducted.

Regular Business:

- Reviewed & approved January 15 minutes-Jack made a motion to approve the minutes as submitted, Kelly seconded the motion and all were in favor.
- Signed checks totaling \$1,793.72.
- Reviewed & approved two pistol permits-Jack made a motion to approve two pistol permits, Rob seconded the motion and all were in favor.
- Discussed Mitchell Municipal Group invoice-see below.

Mitchell Municipal Group invoice:

Jack received an e-mail from Josephine Howland, Planning Board Chairperson, regarding charges to the Planning Board's budget from Mitchell Municipal Group. Rob asked if the Planning Board had a legal line in their budget. Jack replied yes. Rob said the Planning Board asked for the meeting and the Planning Board should be responsible for the expense. Josephine explained the reason the Planning Board called the meeting with Walter Mitchell was the missteps that had been made by the Selectmen office. Rob replied he did not understand it that way and it could be said the lawyer came to meeting for missteps by the Planning Board. Josephine disagreed and thought it was the missteps of the town employee. It is a matter of principal and ignoring what the lawyer said is wrong. Rob replied the only way to resolve the issue is to contact the lawyer again. Jack added that meeting could've been held over the phone. Rob said that meeting was a nonpublic session called by the Planning Board and Selectmen Rob and Jack attended.

Rob stated his interpretation of the meeting was different than that of Josephine's and to argue it, we would have to spend more money. Rob addressed each item Josephine listed in her e-mail to Jack. Kathy has been

authorized by the Board to contact the lawyer and the Board is reviewing policies as to who is authorized from each Board to contact town counsel.

As to Kathy asking the wrong question of town counsel, Rob replied he would like to see the Planning Board minutes; there is no record of a decision. Josephine said it was the wrong question. Rob reiterated when he was at the meeting, he asked to see the decision from the Planning Board and never saw it. Josephine said it is a change of use and the applicant must go before the Zoning Board of Adjustment for a variance. Rob replied he never saw that in the minutes.

Rob went on to say that as far as broken confidentiality, Kathy should not have done that. It has been addressed and closed.

Josephine said they had to have that meeting because of the missteps by the Selectmen's office. Rob said there are different interpretations. The Selectmen did not call the attorney for a personal visit and ultimately the funds come from the same pot. The Planning Board has a legal budget. Josephine told the Board this charge make them go way over their budget. Rob advised Josephine to double the funds this year. The whole issue is a non-issue. Why are we arguing about it? Rob made a motion to keep the bill from Mitchell Municipal Group as a cost assigned to the Planning Board, Jack seconded the motion and all were in favor.

Miscellaneous:

Jack reported he received the draft noise ordinance and amended noise ordinance from Mike Helmers. Jack commended the Planning Board on the great job they did. Because there has been confusion about how to address the noise ordinance and it may have enforcement issues, it was decided it should be a Selectmen's ordinance. Rob thought rather than rush this through, we should take this year to work on it and get it done right. Josephine agreed saying talk to Mitchell Municipal Group and get it right. The references to the law in it right now are not right. Jack said the Board will review the final draft, work on it and have Mitchell Municipal Group review it for a final opinion. Rob made a motion to hold off on passing the noise ordinance this year, Kelly seconded the motion and all were in favor.

Public Comment:

Jack asked for public comment. Leah Valladares pointed out from minutes from a prior Selectmen meeting that the Selectmen said she has four driveway openings and asked what they were referring to. Rob said the

current opening on Kelly Drive, the widening of that opening, the opening just south of the cupola store and another behind that store. Leah told the Board the opening beside and behind the cupola store is not her property. Leah showed the Board an engineer drawing of her property.

Kelly said this is a state issue and NHDOT should be taking care of this. Rob said it looks like the plowing is being done on Leah's land. Leah said she is just going by the pins outlining her property and as long as she has lived there it has been plowed. Jack thought they were plowing on her land and it should be taken up with the property owner and the state.

Steve asked if there is an update on the Guppy property taken by Tax Collector's deed. Kathy told Steve a certified letter of Guppy's rights to repurchase the land was sent in care of his sister. That letter had been received and there has been no contact from him or his sister. Steve said the law says he must reply within 30 days and asked when the letter was received. Kathy could not remember the date the letter was received. Jack told Steve the Board was trying to help him out. Rob added that Guppy's father's estate was in probate and the Board was told he may have enough money after it is settled to pay the back taxes and get his property back. Steve thought the town shouldn't wait forever either as a probate case may take over a year.

Leah asked if it was required that the property to put out to bid. Kathy replied no. Jack said Guppy has the right to get it back but if he doesn't, the town intends on transferring it over to the Conservation Commission to be part of the town forest.

Kelly asked about the tent that has been placed at Albany Auto and should they have a permit for that. Josephine thought it was questionable and it could possibly be considered permanent. Kelly thought it looked like it was intended to be there for a while. Jack suggested the Board speak to Peter Carboni about it.

At 4:47 p.m., Jack made a motion to adjourn, Kelly seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Town Administrator

JR____
KR____
RN____