

Minutes must be kept of all public meetings and must be available to the public upon request not more than five business days after the public meeting. A business day means the hours of 8 am to 5 pm on Monday through Friday, excluding national and state holidays. The minimum content of meeting minutes includes: (1) names of members present; (2) other people participating (it is not necessary to list everyone present, however); (3) a brief summary of subject matter discussed; and (4) any final decisions reached or action taken. There is no legal requirement to accept or approve the minutes. Even if minutes have not yet been approved, they still must be made available not more than five business days after the public meeting. When the five business day deadline is reached before the minutes are approved, they can be made available to the public with a notation that they are a draft version.

Taken from "*Knowing the Territory*," a publication from the New Hampshire Municipal Association.

## **Minutes**

### Albany NH Selectmen's Meeting

June 24, 2014

At 4:30 p.m., the Selectmen's meeting was called to order. In attendance were Rob Nadler and Jack Rose. The following business was conducted.

#### **Regular Business:**

- Review & approve June 18 minutes-tabled until July 2.
- Signed checks totaling \$5,306.10.

#### **Town Administrator Report:**

Albany has received its payment in lieu of taxes from the federal government. The amount received this year is \$105,051.00

#### **New Business:**

Rob asked Kathy to report to Curtis that Moat View Dr. has sustained damage due to a driveway being constructed. Jack asked Kathy to also report to Curtis that a culvert on Bald Hill Rd. has risen, creating a speed bump.

#### **Old Business:**

Kathy had forwarded the sealed bid information to town counsel for review and recommendation. Today she received a response with a different format to follow.

### **Website Planning:**

Carla visited the Selectmen's office today. She reconnected the calendar feature on the website. She is going to do some more research on calendar technical issues.

Carla prefers using generic e-mail addresses for the website rather than board member names. She said it is easier to change a password than an e-mail address, but she will add the e-mail addresses as requested. This is something she will do when she is back at her office. She will let Kathy know when it is set up and e-mail directions for board members to access their e-mail and their page on the Albany website for updating.

### **Mark Morrill (NHDOT District 3 Engineer):**

Mark and Assistant District Engineer, Susan Soucie joined the meeting at 4:45 p.m.

Rob told Mark that Albany has approximately 40 commercial properties on Route 16 and he is unclear as to what authority DOT has and what authority Albany has for driveway permitting and rights of way. Who enforces what? Mark replied as soon as they receive a driveway application, it is forwarded to the municipality so they have a heads up. Mark went on to say it is a joint venture and DOT has criteria to be met such as sight distance and drainage.

Rob noted as an example, when Nickerson Rd. was built, the attorney said it did not need a town permit, just a state permit, but the plan could not be recorded without town approval. Does the town have any authority? Susan replied it is the policy of DOT to issue permits from their perspective. The state issuing a permit is a permit to construct an access to the state highway. Not land use. We fax the application and want your input as a joint effort. If it is a renewal, we may process it and turn it around quickly. We are trying to work as a group and give the town time to respond but we are bound by law. If it is a lot of record, we cannot deny access to the state road. Ultimately we have to issue it but we can put conditions on it.

Rob asked what the state setbacks are on Route 16. If there is merchandise or signage in the setback, who is to enforce that? And where is it measured from? Susan asked if the office has a layout of Route 16 with the setbacks.

Kathy replied no. Susan said the district is not enforcing, the police are, but if there are questions, call the district. She will have a map of Route 16 with the state setbacks sent to the Selectmen's office.

Rob asked about an access to the town forest and if a permit would be needed for a driveway to a parking area. Susan replied yes it would be needed. A permit is required for any access to a state highway. Even if it is an alteration of a driveway. She read the definition of alteration from driveway permitting policy as follows: "Alteration" means any work on a driveway including, but not limited to: (1) Paving and repaving, (2) Regrading, (3) Widening, (4) Changing its use, (5) Changes in existing drainage affecting the highway and (6) Reconstruction. Susan also stated when town roads that lead to a state road repaves, we require road staff to perform a field review. Rob asked what would happen if there were an existing permitted driveway that drained onto Route 16. Mark replied it would be reassessed if a new driveway application was submitted.

Rob asked where the state's responsibility is and where is the town's? From looking at the state's policy, it looks like the planning board or road agent could enforce an issue. Mark replied the municipal portion would be keeping a safe sight distance. We would want to have 400' during all seasons. Mark's interpretation would be the town would be responsible for enforcing sight distance on state roads.

Susan asked when the state is sending copies of applications to the town, which venue would be quickest for review. Kathy replied whatever was easiest for the state. Although if it were in digital format, it could be forwarded to the Planning Board Chair and Road Agent quicker than if it were received through the mail as it is now.

Rob asked if Route 16 would be paved this year. Susan replied no, it will have to wait until next year. Jack asked if the rumble strip test will take place next year too and where exactly it would take place. He understood it would be in the Madison portion of Route 16. Mark told Jack the pavement has to be ¾" overlay in order to place the rumble strips. Jack would like to know where it will be.

Susan asked the Selectmen how long DOT should wait for input from the town before issuing a driveway permit. Their engineers have 60 days to approve but could notify an applicant that additional information is needed. Rob would like to talk with the Planning Board Chair for input and potentially the road agent. Rob told Susan if she has information ahead of time to notify the office.

Mark and Susan left the meeting.

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

At 5:06 p.m. Jack made a motion to move into nonpublic session citing RSA 91-A:3 II (c). Rob seconded the motion and all were in favor. Roll call was unanimous in the affirmative.

At 5:29 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 5:30 p.m., Rob motioned to move into public session, seconded by Jack and all were in favor.

**Enforcement Issues:**

Rob asked Kathy to write a letter to the property owner at 2628 NH Route 16 and have him remove his political sign. According to Albany's sign ordinance, political signs may only be posted up to three weeks prior to the election. The state primary will be held on September 9.

At 5:40 p.m., Jack made a motion to adjourn, Rob seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Town Administrator