

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**

**May 13, 2015 4:30 p.m.**

At 4:30 p.m., the Selectmen's meeting was called to order. In attendance were Kelly Robitaille, Jack Rose and Cathy Ryan. Also present were Lee Grant, June Johnson, Dorothy Solomon, Peter Carboni, Rick Hiland, Curtis Coleman, Steve Knox and Sara Young-Knox. The following business was conducted.

Chairman Robitaille led in the pledging of allegiance.

#### **Regular Business:**

- Reviewed & approved May 6 minutes-Selectman Rose made a motion to approve the minutes as submitted, Selectman Ryan seconded the motion. Selectman Rose and Selectman Ryan were in favor. Chairman Robitaille abstained as he was not present at the May 6 meeting.
- Signed checks totaling \$6,974.80.

#### **New Business:**

Albany will qualify for Eversource's high efficiency equipment rebate program. The Rinnai water heater needs to be installed before the rebate is given.

The Selectmen signed one excavation intent.

The Selectmen signed one excavation certification and tax warrant.

Randy Leach estimated the cost of reseeded the grass in front of the chapel and rebuilding the border rock wall to be \$1,000.00. The Board would like him to come in to discuss the project. Selectman Rose would like him to submit his liability insurance certificate.

**Curtis Coleman (Road Agent):**

Selectman Rose asked Curtis about the report from the State stating the Covered Bridge is not in compliance because it is missing signs. Curtis replied they are on order and keep getting stolen.

Curtis reported he met with Sandwich Selectman, John Peasley. The prior contractor Albany used for Wonalancet would plow approximately 200' of Ferncroft Rd. into Sandwich. Albany no longer plows that section. Sandwich would like Albany to continue to plow in exchange for the Wonalancet residents to use the Sandwich solid waste facility without a fee. Selectman Rose made a motion to give Curtis the authority to make the deal on behalf of the Board of Selectmen, Chairman Robitaille seconded the motion and all were in favor.

Curtis updated the Board on spring maintenance projects he has going on.

Selectmen Rose would like to meet with Curtis to discuss the cost of building a road from the Albany Forest by the old NHDOT garage to the farmland behind it. The Conservation Commission intends to meet with the Forest Service to plan for the creation and funding for this project. Curtis agreed to come up with an estimated cost.

Curtis left the meeting.

**Andy Davis & Andrea Walsh (World Fellowship Center):**

Andy and Andrea joined the meeting along with Shawn Bergeron of Bergeron Technical Services.

Andy and Andrea have been working with Shawn Bergeron over the past five years to bring the World Fellowship Center into fire code compliance. They have worked closely with Conway Fire Chief Solomon along the way. Andy and Andrea would like clarification on the contracted role Chief Solomon plays as Fire Chief for Albany. They noted a few occasions that a reading of

code interpretation that was given by the State Fire Marshall differed from Chief Solomon. They understand the law may give Chief Solomon leeway in interpreting the codes, but would like clarification of his official role with Albany. Andy pointed out the current contract with Conway Village Fire District (CVFD) was for fire services. They would like to know if using Chief Solomon for fire code inspection is the only option available to Albany. They want to make sure they are making the right assumptions that Chief Solomon can interpret and enforce the details of fire code. Selectman Rose noted Albany also has a code enforcement officer. Chairman Robitaille understood if Chief Solomon signs off on something and then something went wrong, he may be held liable.

Shawn Bergeron said he is the Chairman of NH State Building Code Review Board. This has been his profession since 1987. Over the course of the years, he has had a good relationship with CVFD. But in a recent occurrence, Chief Solomon took it upon himself to send a sprinkler company home to Bow, NH. In Shawn's career, this has only happened twice. This event was unnecessary.

Andy and Andrea question whether Chief Solomon has the authority to inspect buildings for fire code within Albany as it is not stated in the contract. They requested the Selectmen look into this and consider using an alternate official to perform inspections.

The Board discussed scenarios as to who the responsibility ultimately falls upon. Chairman Robitaille said Albany does not pay extra for the Chief to do inspections and he does a good job. Andy and Andrea agreed he does a good job, they do not dispute that. They are questioning the contract and if he has been giving the authority from Albany to perform inspections. Shawn added that a plan needs to be developed that would require everyone's input. There is time. Andy and Andrea's plan is going to move forward. They just wanted to bring this issue to the front and have the Selectmen acknowledge their situation. Chairman Robitaille would like to consult with Chief Solomon as well as town counsel. Selectman Rose suggested reconvening after the Board has a clearer picture. Shawn thought Albany could come up with a change in jurisdiction and a better agreement. Andrea thanked the Board for their service.

Andy, Andrea and Shawn left the meeting.

Rick Hiland said the Chief also does inspections on the Planning Board side. Chairman Robitaille asked if maybe the town should consider an independent contractor. Peter Carboni said it is usually the fire chief to perform fire code

inspections. He recommended the town doesn't do anything formal or random until a proven system can be put in place.

**Old Business:**

Selectman Ryan said there is a Regional Collaboration meeting on Friday at the Tech Center. It conflicts with the NH Municipal Association's Local Official workshop to be held at the Conway Professional Building also on Friday. Selectmen Ryan and Rose will be attending the workshop. The Town Administrator will be attending the Collaboration meeting.

**Town Board Selectmen's Rep Reports:**

Chairman Robitaille attended the Planning Board meeting on Monday. It was well run and a lot was accomplished. The meeting room is going to be secured. He read aloud an e-mail from Planning Board Secretary Theresa Gallagher that read in part, "this is the best Planning Board I have worked with yet and you are all the best suited people for the job and are doing a great job for the Town of Albany."

**Public Comment:**

June Johnson said the Board is doing a fantastic job.

Selectman Rose announced the Historical Society meeting has been moved from Banners restaurant to the Historical Society museum in the Albany Chapel on Tuesday, May 19, at 11:00 a.m.

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

At 5:30 p.m. Chairman Robitaille made a motion to move into nonpublic session citing RSA 91-A:3 II (c). Selectman Rose seconded the motion and all were in favor. Roll call was unanimous in the affirmative.

At 5:45 p.m. it was determined that the minutes shall not be publicly disclosed. Selectman Rose 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. Chairman Robitaille seconded the motion and all were in favor.

At 5:46 p.m., Selectman Rose motioned to move into public session, seconded by Chairman Robitaille, all were in favor.

KR\_\_\_\_

JR\_\_\_\_

CR\_\_\_\_

At 5:47 p.m., Selectman Rose made a motion to adjourn, Chairman Robitaille seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard  
Town Administrator