

Minutes

Albany NH Selectmen's Meeting

September 11, 2013

At 4:30 p.m., the Selectmen's meeting was called to order. In attendance were Jack Rose, Kelly Robitaille and Rob Nadler. Also present was Sheriff Deputy Chris Lamb. The following business was conducted.

Regular Business:

- Reviewed & approved September 4 minutes-Jack made a motion approve the minutes as submitted, Rob seconded the motion and all were in favor.
- Signed checks totaling \$8,724.75
- Reviewed & signed letter to SAU 9 to move bus stop at Piper Meadows.
- Reviewed & approved business card estimate-Jack made a motion to purchase 1000 business cards, Kelly seconded the motion and all were in favor.
- Town Administrator report-see below

Carole Cotton (Our Favorite Things):

Carole joined the meeting with numerous unnamed supporters. Jack told Carole there were numerous signs on her property that were in violation of Albany's sign ordinance. He would like her to remove the signs that were not permitted and apply for permits for signs that allowed. If the sign is outside of the ordinance, we recommend an application to the Zoning Board of Adjustment for a variance. The application Carole submitted for a 6 x 30 sign is totally outside of Albany's ordinance and it has been denied. Jack continued by saying the Town has not charged Carole anything as far as fines but the Board doesn't want her to put up any signs that don't agree with the zoning ordinance.

Peter Carboni joined the meeting at 4:50 p.m.

Carole told the Board she requested to know what numerous meant and it is ambiguous. She called and e-mailed begging to know what signs were included in the word numerous. Carole said she was told she could not be given that information and that the big sign takes up all of your allowance for your signs on your property and any other sign on your property is illegal. Carole said this was ambiguous. There are many signs Carole sells and she brings them out in the morning and back in at the time of closing.

Rob told Carole the ordinance allows for a primary sign and a number of accessory signs. If the signs are outside they should be permitted. Carole disagreed saying other places sell oars, they also should be permitted then.

One of Carole's supporters spoke up and told the Board she had nothing to gain by being here and just met Carole today. She stopped by the town hall today and spoke with Kathy to find out what was going on. She went on to say her concern was that after reading the ordinance it doesn't say anything about signs to be sold have to go inside at the end of the day. It's not really like a sign, it is for sale.

Rob said all of this is fine but we are charged with enforcing this ordinance. We have not charged any fees or fines. Carole's supporter replied that the threat was there in the letter. Rob said ideally if you read the ordinance you can interpret it in any manner you like. Rob added that maybe it would be better for everyone for a catalog of signs be created and you can choose which ones you would like to display. Carole replied there are signs she sells and she is not taking them down.

Kelly told Carole the Board doesn't go looking around for violations. Carole put up a noticeable signs that has attracted a lot of attention. People noticed it and the Board had to take action. Carole replied the sign has been taken down as of today. Kelly told Carole the Board is not trying to be the bad guys and they are just enforcing the ordinance. Carole told the Board she is wrong. Kelly told Carole we can address one sign at a time. Jack said the large sign is what triggered the whole thing without permission.

Carole again told the Board she was wrong. She came up from Florida after seeing a similar sign on the internet. She became emotional and this is where her idea came from. Carole said everyone is always in a hurry and always looking for something that we never find. This sign stops people and makes them think. Carole promised in the time she is here she will not put an emotional sign up again. Rob replied it wasn't that it was an emotional sign, it has to do with the size. He went on to say pictures have been taken. They will be reviewed and the signs that need to be taken down will be pointed out.

Carole told the Board that Kathy was very abrupt and is difficult to deal with when Carole called and she has a reputation with Mark and Shirley Mills. Rob replied that was opinionated. Carole said she has experienced it. Carole demanded to know who the two people were that complained against her property. Rob said that information has nothing to do with the violations.

Carole replied she was entitled to that information and she wanted to know who the people were that complained. Jack said as far as he was concerned it was the three Selectmen who complained.

Carole's supporter said she thought what bewildered Carole is that the sheriff was sent out to deliver the violation letter. Jack told her that only the Miami address is on file with the town and this was the only way to ensure she received the letter. Rob told Carole every county uses the sheriff's department to serve paperwork.

Carole's supporter asked if the large sign was not approved because she didn't go through the proper paperwork and asked if she may have to choose between signs. Rob said the large sign is too big and must come down. Each sign must be permitted. Carole mentioned the signs she has and which ones she takes in each night.

Jack told Carole her additional building was not approved for retail use through the Planning Board.

Peter classified her signs that are permanently mounted to the building are signs that should be permitted. Carole wanted to make sure her signs that are for sale may remain. Rob said the Board will look at the pictures and go from there. Peter said he would go so far as to say the signs for sale are merchandise. The Selectmen all agreed.

Carole's supporter said she wanted to make sure Carole would not be fined. Jack replied Carole would not be fined and the letter stated she could be fined not will be fined.

Carole and her supporters left the meeting.

Meeting with Ray Burton and Chris Clement:

The Selectmen and the Conservation Commission met with Ray Burton and DOT Commissioner Chris Clement. The Selectmen and Conservation Commission expressed their desire to acquire the abandoned DOT garage on the Kancamagus Highway. They were told the Fish and Game Department has been granted temporary permission to use the buildings for storage. Chris volunteered to call the Fish and Game Commissioner to find out what their permanent plan is and if they gained permanent permission, would they consider sharing the site with the Town of Albany. Jack was still waiting for a response as of today.

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Chris told the Boards the property was worth almost \$157,000. DOT must decide how they will dispose of the property and how they take care of the funds they acquire from the property.

Jack said Ray Burton requested that a letter be written and delivered to the upcoming GACIT hearings regarding Jack's concern over the quality of the roads and the need for improved gas tax applications in the North Country to help the road situation. He asked if the letter should come from him or the Board as a whole. Rob and Kelly thought the letter should come from the Board.

Miscellaneous:

Rob asked if the Fairpoint legal paperwork had been given to town counsel. Kathy replied it was e-mailed to legal counsel as well as the assessor.

Jack thought the Selectmen, the Planning Board and the Zoning Board of Adjustment come together for a work session on ordinance amendments be held in October. Thursday, October 17 at 7 p.m. is the tentative date that has been set.

Peter Carboni talked about the proposal of a noise ordinance saying it should cover gun fire. He suggests it should be limited to a time of day. Rob suggested the town attorney may know if we can restrict noise during the day and the possibility of a RSA that could take precedence.

Jack informed the Board a sign has been posted on a property on his road which has not been permitted. A letter of violation should be written.

At 5:35 p.m., Jack made a motion to adjourn, Kelly seconded the motion and all were in favor.

Respectfully Submitted,

Kathleen Vizard
Town Administrator

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