

**Town of Chester
Board of Selectmen Meeting
Tuesday September 13th, 2011
Municipal Complex
Approved Minutes**

I Preliminaries

1.1 Call to Order

Chairman Landau called the meeting of the Town of Chester Board of Selectmen to order at 7:05pm.

1.2 Roll Call

Selectmen present:

Chairman Stephen Landau
Jack Cannon (arrived 7:55pm)
Joe Castricone
Joe Hagan
Michael Weider

Members of the Public present, at various times:

Jeff Adler - DuBois & King Engineers
Barbara Dollof - Welfare Officer
Jerome Giselle
Diane Gorrow - Town Attorney
Andrew Hadik - PB Member
Bob Latham
Pat Martin - BOS Administrative Assistant
Mike Oleson
Brian Remillard
Matt Rittenhouse, Tri-Town Times
Carolyn Scott
Leroy Scott
Brian Sullivan - PB Chairman

1.3 Pledge of Allegiance

Chairman Landau led the attendees in the Pledge of Allegiance.

1.4 Meeting Additions or Deletions - Chairman Landau added one discussion in non-public regarding reputation and one discussion in non-public regarding legal matters.

Chairman Landau stated that further to some discussion at last week's BOS meeting, he had reviewed the letter that Mr. Remillard had referenced. Both parties have agreed to revisit the matter and start from scratch with the issues involved.

48 1.5 Public Comment - none.

50 **II New Business**

52 **7:19pm**

54 **Appointments:**

56 **2.1 Consultation with Town Counsel**

Attendees - Jeff Adler (DuBois & King Engineers), Diane Gorrow (Town Counsel), Brian Sullivan (PB Chairman) & Andrew Hadik (PB Member)

60 Selectman Weider made a motion for the Board to enter into a meeting recess to consult
62 with Town Counsel. Selectman Castricone seconded; the roll call was unanimous in the
affirmative; so moved. The meeting was suspended at 7:08pm and the public left the
meeting room at this time.

64

8:25pm

66

Chairman Landau moved that the Board come out from their recess. Selectman Weider
68 seconded. A roll call vote was taken; Vice-Chairman Cannon abstained from both recess
votes; the rest of the BOS voted yes; so moved. The public re-entered the meeting room at
70 this time.

72 **8:27pm**

74 **2.2 Orcutt Drive**

Attendee - Tom Albano (Resident of Orcutt Drive)

76

Chairman Landau advised Mr. Albano that the BOS had just met with Attorney Gorrow, the
78 Town Engineer (Jeff Adler) and members of the PB to discuss the drainage issues on Orcutt
Drive. The Town attorney, Town engineer and the Town insurance company have stated that
80 the Town has no liability in this matter therefore the BOS would like to know what Mr.
Albano would like them to do with this issue and to open up reasonable discussion between
82 both parties. Mr. Albano stated that he has not met with his attorney yet; he reviewed
some of the items and discussion that had come up during last week's meeting with the BOS
84 and he feels that the Town does have some liability because one of the former road agent's
signed off on the driveway plans and per the current road agent (Oleson) the Town is at
86 fault due to the failure to inspect the area after the sub-division was completed; Mr.
Oleson believes that the Town owes Mr. Albano a culvert along the road per the original
88 drainage plans. Mr. Albano reiterated the problems that Vice-Chairman Cannon has with his
property in the same sub-division however Vice-Chairman Cannon's driveway, culverts and
90 drainage were put in according to the plan. Mr. Albano believes the Town has liability due to
errors, omissions and negligence on their part. Mr. Albano showed a photo of his driveway
92 and the location of the school bus stop and the potential hazard for the kids waiting for the

bus in icy winter conditions.

94 Mr. Albano feels that the Town should install a drainage swale at the side of his driveway
and if it stops the runoff during the winter then he will sign a release of liability - he
96 conceded that the Town will not pay to relocate his driveway. Chairman Landau asked Mr.
Albano again for a list of corrective action that would satisfy this issue. Chairman Landau
98 reiterated that the Town did not build the sub-division and that that developer (Abdullah)
is responsible for the misplaced driveway and subsequent drainage issues.

100
102 Mr. Albano would like to see a culvert installed under his driveway at the edge of the road
and he would like the Town engineer to come and look at the optimum position for a drainage
swale to prevent runoff onto the drive and therefore reduce the hazard in the road. Mr.
104 Albano stated that he is not laying blame with the BOS however there are issues in this
matter with the PB and former road agent. Chairman Landau asked for time for the BOS to
106 discuss and review the matter further and get back to Mr. Albano in a week. This does not
guarantee the Town will do anything because there is no money in the budget for this kind
108 of work and Chairman Landau asked Mr. Albano to keep the communication open rather than
getting lawyers involved in this matter. Mr. Albano asked for the BOS to keep moving
110 forward with resolving this matter because the weather will be changing soon.

112 **2.3 Public Comment** - Jerome Giselle, 27 Chester Street. Mr. Giselle asked why it is the
taxpayers' obligation to remedy this situation when it was the developer's engineer that
114 installed the driveway and caused the runoff problems that have caused the hazard on
Orcutt Drive. The BOS stated that the Town engineers signed off on the developers plan
116 then the developer's own engineer should have overseen the actual day to day
implementation.

118
120 Brian Remillard, 164 North Pond Road - Mr. Remillard reminded the BOS that the Town
donated a culvert at the bottom of Orcutt and North Pond Road and although he believes
122 the Town should install a culvert under Mr. Albano's driveway he is concerned that there are
other areas that have bad runoff with hazards in Town and that by remedying this problem
124 there may be a slew of additional claims.

126 **8:45pm**

128 Chairman Landau dismissed Attorney Gorrow and Mr. Adler from DuBois & King.
The BOS signed the MS5 documentation to be submitted to the State and used to set the
130 Town tax rate.

132 **III Selectmen's Business:**

134 **3.1 Round Table:**

136 *Chairman Landau:* Chairman Landau stated the BOS has received a release form in order for
the Town to receive insurance payment for an accident on Route 102 and Hansen Road that
138 happened in August 2009. The PD has no further action pending on this accident; Chairman
Landau will check that there is no further action pending by the road agent and then he will

sign the release on behalf of the BOS.

140

Chairman Landau advised the BOS that the Town is being sued by NH Electrical Co-op for abatement of taxes. Selectman Weider will forward this document to the Assessing Department for further action.

142

144

The Town has been advised by the State of the following increases to employer contributions for NH Retirement. There is an 11.09% increase for regular employees which amounts to \$42,686 and there is a 25.57% increase for PD employees and 30.90% increase for FD employees which amounts to \$34,987.

146

148

150 **3.2 Public Comment - none.**

152 **II New Business continued:**

154 **8:54pm**

156 **2.4 Welfare Case**

Attendees - Barbara Dollof (Welfare Officer) & Pat Martin (Welfare Officer)

158

Chairman Landau made a motion that the Board go into a Non-Public session under RSA 91-A: 3 II (c) matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. Selectman Castricone seconded; the roll call was unanimous in the affirmative; so moved.

160

162

164

Chairman Landau made a motion that the Board go into a Non-Public session under RSA 91-A: 3 II (e) consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled. Selectman Castricone seconded; the roll call was unanimous in the affirmative; so moved.

166

168

170

172 **10:01pm**

Chairman Landau moved that the Board come out from their Non-Public session. Selectman Castricone seconded. The roll call was unanimous in the affirmative; so moved.

174

176

Selectman Castricone moved that the non-public meeting minutes be sealed indefinitely. Chairman Landau seconded. The roll call was unanimous in the affirmative; so moved.

178

180 **IV Adjournment**

Selectman Castricone moved to adjourn the meeting at 10:02pm. Vice-Chairman Cannon seconded. The vote was unanimous in the affirmative; so moved.

182

184 Respectfully Submitted, Sarah Scanlan