

Chichester Board of Selectmen

Minutes of Non-Public Meeting #3

Tuesday, April 21, 2015

Members Present: Chairman Richard DeBold, Michael Paveglio, Jeffrey Jordan and Town Administrator Jodi Pinard.

Non-Public Session 91-A:3 II (e) *Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled* **to review meeting minutes**

A motion was made by Mr. Paveglio and seconded by Mr. DeBold to enter into non-public session under RSA 91-A:3 II (e). DeBold Aye, Paveglio Aye, Jordan Aye. **Motion Passes.**

Minutes of March 15, 2011 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of March 29, 2011 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of July 26, 2011 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of September 20, 2011 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of October 11, 2011 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of January 24, 2012 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of May 1, 2012 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of May 15, 2012 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of August 20, 2013 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of September 3, 2013 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of January 28, 2014 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of February 4, 2014 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of August 19, 2014 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

Minutes of August 26, 2014 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

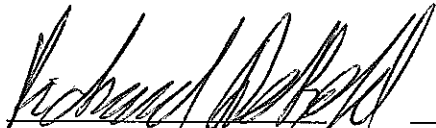
Minutes of September 23, 2014 were reviewed. The circumstances for sealing minutes no longer apply the minutes were declared open.

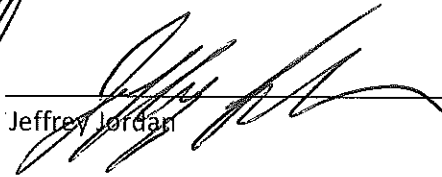
A motion was made by Mr. Paveglio and seconded by Mr. Jordan to exit non-public session DeBold Aye, Paveglio Aye, Jordan Aye. **Motion Passes**

Respectfully submitted,


Jodi Pinard

Not approved until signed.


Richard DeBold


Jeffrey Jordan

Mike Paveglio

Chichester Board of Selectmen
Minutes of Non-Public Session
March 15, 2011

Members present: Jeffrey Jordan, Richard DeBold, Mike Pavaglio
Others Present: Nancy Tanner (Town Administrator)

Pursuant to RSA 91-A:3 II(e) Selectmen DeBold made a motion seconded by Mr. Pavaglio to go into nonpublic session for the purpose of discussing pending litigation. Roll call vote was unanimous.

Nancy received notice from Attorney Mayer that Signs 4 Jesus has filed suit against the Town. The suit was briefly discussed as well as the Planning Board's motion to reconsider. Mr. Jordan is the ex-officio on the Planning Board. He asked if the Selectmen would like to issue an opinion letter to the Planning Board. DeBold and Pavaglio would like to think about that – no decision. The Town has not been officially served yet.

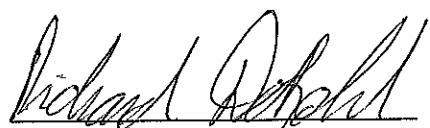
Pursuant to RSA 91-A:3 Mr. Pavaglio made a motion seconded by Mr. Jordan to seal the minutes indefinitely. Motion passes unanimously.

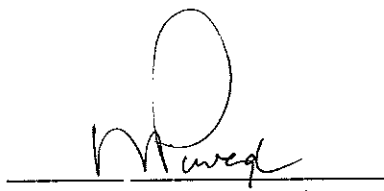
Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Pavaglio to end the non-public session at 9:30pm. Roll call vote was unanimous.

Respectfully submitted,

Not Yet Approved

Nancy Tanner


Richard DeBold, Chairman


D. Michael Pavaglio


Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Non-Public Session #2
March 29, 2011

Members present: Jeffrey Jordan, Richard DeBold, Mike Paveglio
Others Present: Nancy Tanner (Town Administrator)

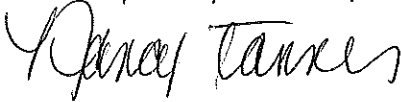
Pursuant to RSA 91-A:3 II (e) Mr. DeBold made a motion seconded by Mr. Paveglio to enter into non-public session for the purpose of discussing a legal matter at 8:08. Roll call vote was unanimous.
Nancy wanted to update the Selectmen on the pending lawsuit from Signs 4 Jesus.

Nancy spoke to Attorney Bart Mayer who has received word that Signs 4 Jesus has filed an injunction in addition to the lawsuit. Attorney Mayer did not know what the injunction was for and has not yet been served.

Pursuant to RSA 91-A Mr. Paveglio made a motion seconded by Mr. Jordan to seal the minutes indefinitely.

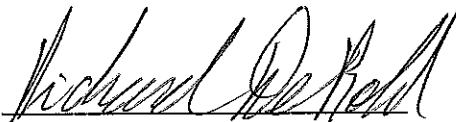
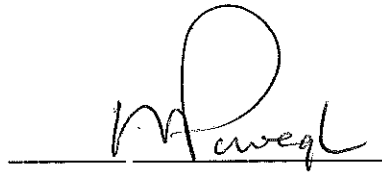
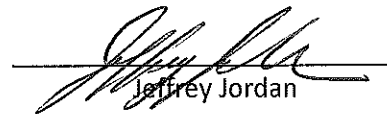
Pursuant to RSA 91-A Mr. Paveglio made a motion seconded by Mr. Jordan to exit the non-public session at 8:20pm. Roll call vote was unanimous.

Respectfully submitted,



Nancy Tanner

~~Not Yet~~ Approved


Richard DeBold, Chairman
D. Michael Paveglio
Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Non-Public Session
July 26, 2011

Members present: Richard DeBold, Mike Paveglio, Jeffrey Jordan
Others Present: Nancy Tanner (Town Administrator)

Pursuant to RSA 91-A:3 II(e) Mr. DeBold made a motion seconded by Mr. Paveglio for a non-public session to discuss a legal matter at 9:20. Roll call vote was unanimous.


Nancy received a call from Local Government Center. In November 2010 one of our Police Officers was at fault in an accident. LGC negotiated a settlement of \$15,000. The Selectmen are in favor of settling unless Chief Clarke has an issue with it. Nancy will follow up with Chief Clarke. Then notify LGC.

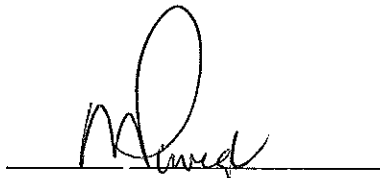
Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Paveglio to seal the minutes indefinitely. Motion passes.

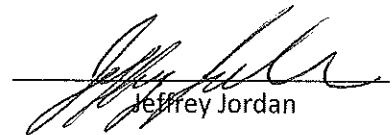
Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Paveglio to exit the nonpublic session at 9:30. Roll call vote was unanimous.

Respectfully submitted,

Nancy Tanner


Richard DeBold, Chairman


D. Michael Paveglio


Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Non-Public Session
September 20, 2011

Members present: Richard DeBold, Jeffrey Jordan, Mike Paveglio
Others Present: Nancy Tanner (Town Administrator)

Pursuant to RSA 91-A:3 II(e) Mr. DeBold made a motion seconded by Mr. Paveglio for a non-public session to discuss a legal matter. Roll call vote was unanimous.

The Town received an order from the Court denying Signs 4 Jesus' motion for Attorney Fees and Costs.

Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Paveglio to seal the minutes indefinitely. Motion passed.

Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Paveglio to exit the nonpublic session. Roll call vote was unanimous.

Respectfully submitted,



Nancy Tanner

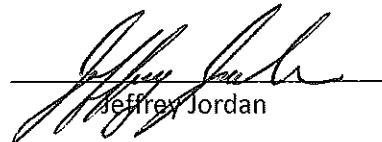
~~Not~~ Approved



Richard DeBold, Chairman



D. Michael Paveglio



Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Non-Public Session #2
October 11, 2011

Members present: Richard DeBold, Jeffrey Jordan, Mike Pavaglio
Others Present: Nancy Tanner (Town Administrator), Chief Clarke

Pursuant to RSA 91-A:3 II (e) a motion was made by Mr. DeBold and seconded by Mr. Pavaglio at 6:55 to enter into a non-public session. Roll call vote was unanimous.

Chief Clarke updated the Selectmen on the investigation into the Town Hall break-in. He has some credible leads.

Pursuant to RSA 91-A Mr. DeBold made a motion seconded by Mr. Pavaglio to seal the minutes indefinitely.

Pursuant to RSA 91-A Mr. DeBold made a motion seconded by Mr. Pavaglio to exit the non-public session at 7:03. Roll call vote was unanimous.

Respectfully submitted,

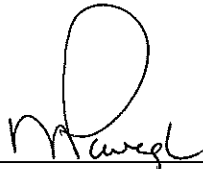


Nancy Tanner

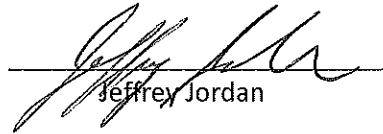
~~Not Yet~~ Approved



Richard DeBold, Chairman



D. Michael Pavaglio



Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Non-Public session
January 24, 2012

Members present: Richard DeBold, Mike Paveglio, Jeff Jordan
Others Present: Nancy Tanner (Town Administrator)

Pursuant to RSA 91-A:3 II (e) Mr. DeBold made a motion at 8:25 seconded by Mr. Paveglio to enter into non-public session to discuss a legal matter. The roll call vote was unanimous.

On January 13th one of our drivers had an accident with John Daniels. The Police report cited our driver as being at fault. Local Government Center is handling the claim. Nancy received a call from Mrs. Daniels, who said that LGC approved a car rental for seven days; however they will not cover the cost of the insurance on the rental. Mrs. Daniels wanted to know if the Town would pay for the insurance which is about \$30/day. Nancy consulted LGC and Attorney Mayer regarding the ramifications of paying more than we are legally obligated to do. Both said it was not a good idea to start paying and administering the claim ourselves. It is advised to let the insurance company handle the claim. The Selectmen sympathize with the Daniels', but agree to let the insurance handle the claim. Nancy will communicate with Mrs. Daniels tomorrow.

Nancy also let the Selectmen know there is a meeting next week with LGC assigned counsel regarding the Martel V Town of Chichester law suit. Nancy and Chief Clarke will attend.

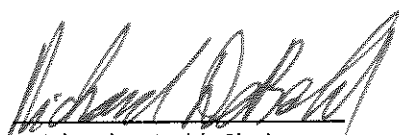
Pursuant to RSA 91-A:3 Mr. DeBold made a motion seconded by Mr. Paveglio to seal the minutes indefinitely.


Pursuant to RSA 91-A:3 Mr. Paveglio made a motion at 9:00 seconded by Mr. DeBold to exit the non-public session. The roll call vote was unanimous.

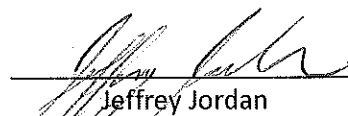
Respectfully submitted,

~~XXXXXX~~ Approved

Nancy Tanner


Richard DeBold, Chairman


D. Michael Paveglio


Jeffrey Jordan

Chichester Board of Selectmen
Minutes of Meeting *Non-Public Session*
May 15, 2012

Members present: Mike Pavaglio, Jeff Jordan, Richard DeBold
Others present: Nancy Tanner (Town Administrator)

Legal issue: Pursuant to RSA 91-A:3 II (e) Mr. Pavaglio made a motion seconded by Mr. Jordan to enter into a non-public session to discuss a legal matter. Roll call vote was unanimous.

Nancy has had legal consultation with Bart Mayer regarding the claims against the Town of water contamination. Bart has reviewed the 1997 study and tests. In order to be fairly sure the contamination is still from the Town and not the State (or any other source) we should seek the advice of a hydro geologist. The Selectmen would like to have our attorney explore hiring a hydro geologist to review the field work from 1997 and see if it is even plausible that the contamination is from the Town. Nancy will follow-up.

Pursuant to RSA 91-A:3 Mr. Pavaglio made a motion seconded by Mr. DeBold to seal the minutes indefinitely. Motion passes.

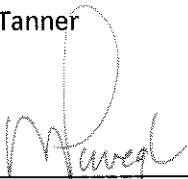
Pursuant to RSA 91-A:3 II Mr. Pavaglio made a motion seconded by Mr. Jordan to exit the non-public session at 9:02. Roll call vote was unanimous.

Respectfully submitted,

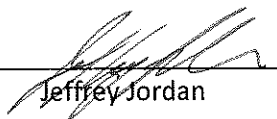


Nancy Tanner

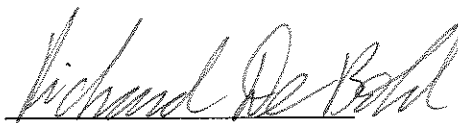
~~Not~~ Approved



D. Michael Pavaglio, Chairman



Jeffrey Jordan



Richard DeBold

Chichester Board of Selectmen

Minute of Non-Public Session

Tuesday, August 20, 2013

Members Present: Chairman Jeffrey Jordan, Richard DeBold, Mike Pavaglio, Town Administrator Jodi Pinard, and Admin Asst Jamie A Pike.

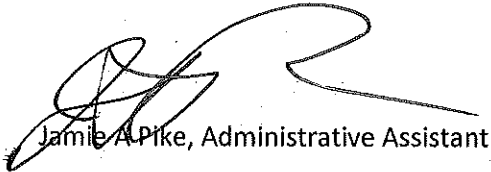
A motion was made by Mr. Jordan and seconded by Mr. Pavaglio to enter a non-public session pursuant to RSA 91A:3, II(e) to discuss pending litigation. Jordan, Aye; DeBold, Aye; Pavaglio, Aye. **Motion passes.**

Mr. Pike distributed a filed lawsuit against the Town and employee Paul Locke for a vehicle accident dating back to January 2012. The suit is for bodily injury damages resulting from the accident.

Being no further discussion, a motion was made by Mr. Jordan and seconded by Mr. Pavaglio to seal the minutes of this session indefinitely. **Motion passes.**

A motion was made by Mr. Pavaglio and seconded by Mr. DeBold to exit the non-public session. Jordan, Aye; DeBold, Aye; Pavaglio, Aye. **Motion passes.**

Respectfully submitted,

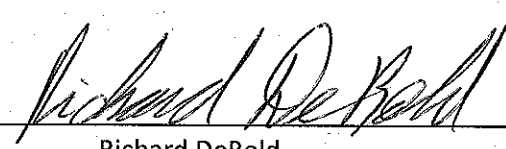


Jamie A Pike, Administrative Assistant

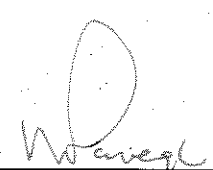
Not Approved until signed.



Jeffrey Jordan



Richard DeBold



D. Michael Pavaglio

Chichester Board of Selectmen

Minute of Non-Public Session

Tuesday, September 3, 2013

Members Present: Chairman Jeffrey Jordan, Richard DeBold, Mike Pavaglio, Town Administrator Jodi Pinard

A motion was made by Mr. Jordan and seconded by Mr. Pavaglio to enter a non-public session pursuant to RSA 91A:3, II(e) to discuss pending litigation. Jordan, Aye; DeBold, Aye; Pavaglio, Aye. **Motion passes.**

Mrs. Pinard updated the selectmen on the recent lawsuit filed against the town and a former employee. The lawyer stated that this was going to be in settlement phase as he did not believe that the lawsuit would be thrown out after reading all of the police reports. He stated that he would be requesting the defendant's medical records and would most likely depose him. He stated that he would keep the town informed.

Being no further discussion, a motion was made by Mr. Jordan and seconded by Mr. Pavaglio to seal the minutes of this session indefinitely. **Motion passes.**

A motion was made by Mr. Pavaglio and seconded by Mr. DeBold to exit the non-public session. Jordan, Aye; DeBold, Aye; Pavaglio, Aye. **Motion passes.**

Respectfully submitted,

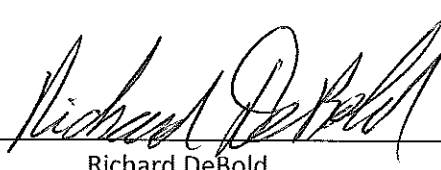


Jodi Pinard, Town Administrator

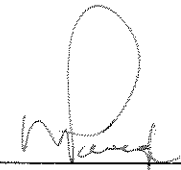
Not Approved until signed.



Jeffrey Jordan



Richard DeBold



D. Michael Pavaglio

Chichester Board of Selectmen
Minutes of Non-Public Session
May 1, 2012

Members present: Mike Pavaglio, Jeff Jordan
Others present for all or part of the meeting: Nancy Tanner (Town Administrator)

Pursuant to RSA 91-A:3 II (e) Mr. Pavaglio made a motion seconded by Mr. Jordan to enter into a non-public session to discuss a legal matter. Roll call vote was unanimous.

Nancy had a phone conversation with Attorney Bart Mayer regarding the claim against the Town for well contamination.

The Attorney feels that the Town has provided the Harkness' with potable water through a filtration system. Selectmen Pavaglio brought forward the point that he is not sure the system is adequate as it is very slow.

The Attorney feels that for the new claim (Thompson) the Town should spend the money to hire an engineer to see exactly what we are responsible for. It is reasonable to believe the contamination may be caused by the State's salting of Route 28. However, there needs to be some closure to the situation or the claims will continue to come in for years to come.

No decisions were made. Nancy will continue to follow-up with research.

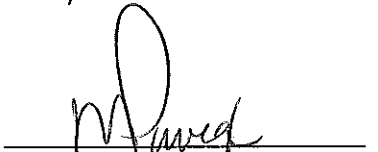
Pursuant to RSA 91-A:3 II Mr. Pavaglio made a motion seconded by Mr. Jordan to seal the minutes indefinitely.

Pursuant to RSA 91-A:3 II Mr. Pavaglio made a motion seconded by Mr. Jordan to exit the non-public session at 8:15. Motion passes.

Respectfully submitted,



Nancy Tanner



D. Michael Pavaglio, Chairman



Jeffrey Jordan

Absent
Richard DeBold

Chichester Board of Selectmen

Minute of Non-Public Session

Tuesday, January 28, 2014

Members Present: Richard DeBold, Michael Pavaglio, Jeffrey Jordan, Town Administrator Jodi Pinard

A motion was made by Mr. Pavaglio and seconded by Mr. DeBold to enter into non-public session under RSA 91-A: 3 (e) Consideration or negotiation of pending litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof, because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with anybody or board shall not constitute a threatened or filed litigation against public body for purposes of this subparagraph. Jordan Aye, DeBold Aye, Pavaglio Aye. **Motion Passes**

The selectmen discussed the Wyndleigh Trust v. Town of Chichester as we are having issues with the previous assessor will he still be responsible for defending his findings in this case.

Mrs. Pinard state that yes he is and that he has been corresponding with our attorney when needed.

A motion was made by Mr. Pavaglio and seconded by Mr. DeBold to seal the non-public meeting minutes. Jordan Aye, DeBold Aye, Pavaglio Aye. **Motion Passes**

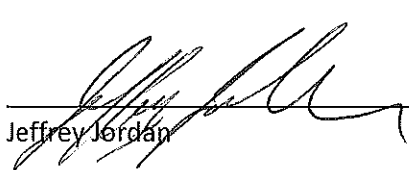
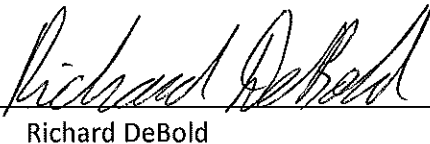
A motion was made by Mr. DeBold and seconded by Mr. Pavaglio to exit non-public session under RSA 91-A: 3 (e). Jordan Aye, DeBold Aye, Pavaglio Aye. **Motion Passes**

Respectfully submitted,



Jodi Pinard, Town Administrator

Not Approved until signed.


Jeffrey Jordan
Richard DeBold

D. Michael Pavaglio

Chichester Board of Selectmen

Minute of Non-Public Session

Tuesday, February 4, 2014

Members Present: Richard DeBold, Jeffrey Jordan, Town Administrator Jodi Pinard

A motion was made by Mr. DeBold and seconded by Mr. Jordan to enter into non-public session under RSA 91-A: 3 (e) Consideration or negotiation of pending litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof, because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with anybody or board shall not constitute a threatened or filed litigation against public body for purposes of this subparagraph. Jordan Aye, DeBold Aye. **Motion Passes**

The selectmen discussed the moving forward with a letter stating the town will move forward with legal action to CNHAS for failure to submit a complaint USPAP Manual to the DRA for 2013 Revaluation if CNHAS does not comply with DRA's requests.

Mrs. Pinard state that the town attorney is drafting a letter.

A motion was made by Mr. DeBold and seconded by Mr. Jordan to seal the non-public meeting minutes. Jordan Aye, DeBold Aye. **Motion Passes**

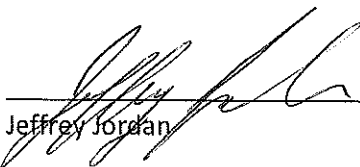
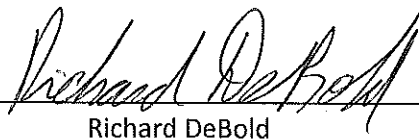
A motion was made by Mr. DeBold and seconded by Mr. Jordan to exit non-public session under RSA 91-A: 3 (e). Jordan Aye, DeBold Aye. **Motion Passes**

Respectfully submitted,



Jodi Pinard, Town Administrator

Not Approved until signed.


Jeffrey Jordan
Richard DeBold

D. Michael Paveglio

Chichester Board of Selectmen

Minutes of Non-Public Meeting

August 19, 2014

Members Present: D Michael Pavaglio, Jeffrey Jordan, and Jamie A Pike, Administrative Assistant.

A motion was made by Mr. Pavaglio and seconded by Mr. Jordan to enter into a non-public session pursuant to RSA 91-A:3, II(e) to discuss pending litigation. Roll Call Pavaglio Yea, Jordan Yea **Motion passes.**

Others Present: Ms. Pinard was present by teleconference.

Discussion: A settlement offer has been made in the 2012 Abatement Appeal of Wyndleigh Trust for property located at 320 Dover Road, represented as Map 3 Lot 47. Previously the Board granted an abatement in the amount of \$151,300 on 04/09/2013. The abatement resulted in an assessed value of \$802,800. The owner appealed this decision to Superior Court. Through the representative attorneys, a settlement offer was presented at \$739,977, resulting in a further abatement of \$62,823. This will result in an additional refund of \$1,266.51 + interest. This is far less than the costs associated with taking the case to trial.

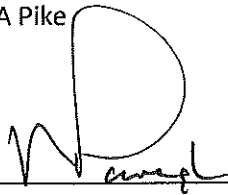
The Board agreed to allow Attorney Mayer settle the case and accept the final value of \$739,977 for the 2012 tax year. The 2013 valuation stands at \$633,100.

A motion was made by Mr. Pavaglio and seconded by Mr. Jordan to seal the minutes of the non-public session indefinitely. **Motion passes.**

A motion was made by Mr. Pavaglio and seconded by Mr. Jordan to exit the non-public session. Roll Call Pavaglio Yea, Jordan Yea **Motion passes.**

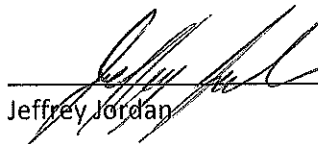
Respectfully submitted,

Jamie A Pike



D Michael Pavaglio

Not approved until signed.



Jeffrey Jordan

Chichester Board of Selectmen

Non-Public Minutes of Meeting

Tuesday, August 26, 2014

A motion was made by Mr. DeBold and seconded by Mr. Pavaglio to enter into 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 public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.* DeBold Aye, Pavaglio Aye, Jordan Aye. **Motion Passes**

Mrs. Pinard informed the board that she had received a call from Attorney Livernoise who represents the town in the Daniels v. Town of Chichester case. The trial is upcoming in the fall but Property Liability Trust would like the town to go to mediation with this case. It is felt that the town was liable as it was our truck that hit the vehicle as it exited the highway garage. It seems that it is a matter of how much for damages. They are hoping to head into mediation in late September or early October and would like a selectman to be present at the mediation. Our attorney has said he is more than willing to meet with the board if you would like to.

A motion was made by Mr. DeBold and seconded by Mr. Pavaglio to exit at pm non-public session under RSA 91-A:3 II (e). DeBold Aye, Pavaglio Aye, Jordan Aye. **Motion Passes**

A motion was made by Mr. DeBold and seconded by Mr. Pavaglio to seal the nonpublic meeting minutes indefinitely. DeBold Aye, Pavaglio, Jordan Aye. **Motion Passes**

Respectfully submitted,

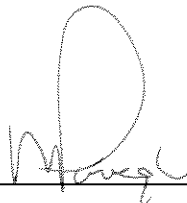


Jodi Pinard, Town Administrator

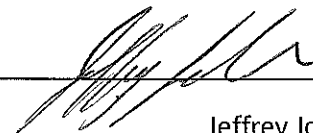
Not approved until signed



Richard DeBold, Chair



D. Michael Pavaglio



Jeffrey Jordan

Chichester Board of Selectmen

Non-Public Minutes of Meeting

Tuesday, September 23, 2014

A motion was made by Mr. Pavaglio and seconded by Mr. Jordan to enter into 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 public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled.* Pavaglio Aye, Jordan Aye. **Motion Passes**

The board is in consensus of the \$27,500 settlement in the Daniels case.

A motion was made by Mr. Pavaglio and seconded by Mr. Jordan to seal the nonpublic meeting minutes indefinitely. DeBold Aye, Pavaglio, Jordan Aye. **Motion Passes**

A motion was made by Mr. and seconded by Mr. to exit at 7:28pm non-public session under RSA 91-A:3 II (e). Pavaglio Aye, Jordan Aye. **Motion Passes**

Respectfully submitted,

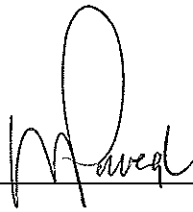


Jodi Pinard, Town Administrator

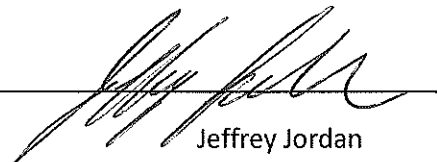
Not approved until signed



Richard DeBold, Chair



D. Michael Pavaglio



Jeffrey Jordan