

**BOARD OF SELECTMEN
MINUTES**

JANUARY 4, 2011

EXECUTIVE SESSION

At about 8:30 PM, Mr. Heller called to order an Executive Session citing **Exception Three** - "To discuss strategy relating to collective bargaining or to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel."

Mr. Heller reviewed a letter from Mr. Wharton's attorney relative to a dispute over the plowing of the street called "Chestnut Street" by the Town and "Pine Street" by Mr. Wharton. Mr. Wharton, through his attorney, asks whether the residents of Chestnut/Pine Street had ever posted a \$1,000 bond to serve as surety against damages to Mr. Wharton's property caused by the Town's maintenance of the street as called for in an earlier court decree between Mr. Wharton and his neighbors and if not, asked the Town to discontinue snow-plowing the road.

Mr. Allen and Mr. Heller summarized their previous conversations with Mr. Wharton who objected to the "berm" of soil and other debris on the edge of his property occasioned by the winter snow plowing. Mr. Allen noted that the court decree enjoined Mr. Wharton from preventing neighbors from using the road and further, that the Town has agreed to plow this private way, among others. He disputed that "plowing snow" was the same as "maintaining" or repairing the road, which the Town has not voted to do.

Mr. Allen agreed to talk with the Highway Superintendent and then to meet with Mr. Wharton to discuss the marking of the street boundaries and the plowing of the street to avoid widening the right of way. Mr. O'Connell will write to Mr. Wharton and his attorney acknowledging receipt of their complaint and indicating that the Board is pursuing it. He will also check with Jim Dunbar to see if the other residents of Chestnut Street have ever posted a bond with him.

There being no further discussion, at 9:19 pm, Mr. Allen moved and Mr. O'Connell seconded the motion to adjourn Executive Session #2 and to return to open session. So voted with Mr. Allen voting "Aye," Mr. O'Connell voting "Aye," and Mr. Heller voting "Aye."

Respectfully submitted,

Peter S. O'Connell, Clerk

Date approved by Board: _____

Date Released: December 11, 2012