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**CONFIDENTIAL  
EXECUTIVE SESSION**

**Grafton Planning Board  
June 14, 2010**

Present for the Joint meeting **Executive Session** were Planning Board members Chairman Bruce W. Spinney III, Vice Chairman Robert Hassinger, Clerk Stephen Qualey and Keith Christensen and present for the Board of Selectmen were Mary Ann Cotton, Brook Padgett, and David Ross. Also present was Town Counsel Ginney Sinkel Kremer, Town Planner, Stephen Bishop and Assistant Planner, Ann Morgan.

Mr. Bishop informed the Boards that Town Counsel has been working on a settlement with Attorney Eric Loeffler who represents USF&G , surety bond holder for J. T. Callahan III and the "Oakmont Farms" Subdivision.

Attorney Kremer stated that she has recommended a settlement of this claim to the Town for a payment of \$132,292.00 with the understanding that the Town will undertake the completion of all outstanding road and utility construction items as set forth in the estimate prepared by Graves Engineering. Attorney Kremer explained that prior to the exchange for the release of the bond, Mr. Callahan will have to execute a deed conveying all right, title and interest in all roadways and easements to the Town. Attorney Kremer also noted that she believes that the settlement offer includes all that the Town could possibly receive from the bond. Mr. Bishop added that the amount of the settlement reflects the review by Graves Engineering and the Town Engineering Department, which was also verified by an engineer from Travelers Insurance; hydrant rental fees, about \$30,000.00 reimbursement for Sewer construction expenses, and reimbursement for the past winter street plowing of the subdivision.

Mary Ann Cotton asked how the "Oakmont Farms" subdivision residents felt about this settlement. Mr. Bishop stated the settlement monies include all items left on the punch list plus a 20% contingency. Ms. Kremer also informed the Board that if the Planning Board does not agree with this settlement, the statute of limitations will be running out under subdivision control law, and she will need to file a Civil Action suit instead. Ms. Cotton also asked where the Town was with respect to the existing easements. Mr. Bishop pointed out that the homeowners he has spoken to agreed to do whatever was needed in order for the Town acceptance to proceed.

Mr. Qualey asked if a contractor has been lined up to finish the subdivision work. Mr. Bishop remarked that the work will probably go out to bid through the DPW.

Mr. Hassinger expressed reservations on the Town's position to take the easements from the property owners to clear the subdivisions, and whether there were enough funds to handle any issues with the homeowners with easements.

Chairman Spinney received unanimous consent from the Board of Selectmen, Mr. Bishop and Attorney Kremer that this settlement was a good deal. Mr. Bishop stated that some of the homeowners have already removed their encumbrances' and that he is confident that the rest of the homeowners will comply, with the prospect of the subdivision finally being accepted by the Town.

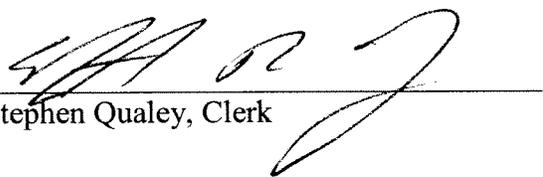
**MOTION** by Mr. Christensen, **SECOND** by Mr. Qualey, to accept the terms of the settlement agreement as drafted.

**DISCUSSION:** Mr. Hassinger added that the agreement include all easements delivered to the Town before the Planning Board would issue a determination of completeness.

**MOTION** carried 4 to 0 by roll call vote: Christensen-aye; Spinney-aye; Hassinger-aye; Qualey-aye.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Christensen, to leave **Executive Session** and return to the open session agenda. **MOTION** carried 4 to 0 by roll call vote: Qualey-aye; Hassinger-aye; Spinney-aye; Christensen-aye.

**MOTION** by Mr. Padgett, **SECOND** by Ms. Cotton, to leave **Executive Session** and return to the open session agenda of the Planning Board meeting. **MOTION** carried unanimously 3 to 0 by roll call vote: Padgett-aye; Cotton-aye; Ross-aye.

  
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Stephen Qualey, Clerk