

Lyme Recreation Commission

Meeting Minutes

1/13/09

DRAFT

6:00 PM Lyme Academy Building

In attendance: Dina Cutting (chairperson) Tom Yurkosky Robert Couture Peter Mulvihill (alternate for Charles Reagan, not attending)

In attendance from the public and townspeople: LouAnn Conroy Tom Morrissey

Tom Yurkoski moved the minutes from the prior scheduled Recreation Commission meeting on January 5, 2009. Seconded by Robert Couture.

Peter Mulvihill offered changes to these minutes providing certain technical clarifications. These were discussed and then provided in written form to Tom Yurkosky (the secretary for the prior meeting) to implement the amendment. These amendments were unanimously accepted. It was agreed that Tom would then re-circulate the slightly changed minutes.

The RC then discussed various alternatives for bringing warrant articles before the Town to implement strategy #4 selected at the prior meeting. Strategy #4 called for the RC to undertake a program to improve the Chase Beach area in 2009 and to complete all of the engineering, permitting and easement requirements to eventually also complete the planned upgrade to the John Balch Memorial Field. The actual construction for the field would take place some time later in order to spread out the financial burden of the project. The permits which the RC plans to seek will allow the Town to complete construction of its project any time within 5 years of approval.

After considerable discussion the RC agreed to bring two warrant articles before the Town. It is presently anticipated that both of these warrant articles will enjoy the endorsement of the Select board and accordingly will not need to be petitioned by the RC to be presented.

The first of these two warrant articles would be to call for an amendment to last year's warrant articles 17 and 18. Articles 17 & 18 called for the outlay of funds to improve the Chase Beach area and the John Balch Memorial Field. These two warrant articles required that Post Pond is targeted to be maintained at 2' on the water gauge as the proposed design stipulated this condition. This feature of articles 17 & 18 from last year would remain in the 2009 amendment. The 2009 amendment would simply indicated that it was the Town's intention to still invest the funds in the Beach and the Field although in a different fashion. With the advent of challenges brought by a minority of citizen adversaries to the Chase improvement project, the Recreation Commission is now required to undertake far

more extensive permitting steps and mitigation efforts than first envisioned by Pathways. Accordingly, the RC anticipates that the total cost of the project will increase by in excess of 50%. Warrant articles 17 & 18 from last year permitted the RC to invest \$93,100 in tax payer funds and donated funds to complete the project. The RC now plans to invest less overall in 2009 (approximately \$63,400) including all of the tax earmarked funds and a significant portion of the donated funds. As indicated, these outlays will go toward competing the Beach project and completing all the permitting, engineering, mitigation and easements for the Beach project and the Field project. The actual re-construction of the Balch Field will not begin until more funds are raised in a capital fund (see below). The amendment to last year's articles 17 & 18 will not represent a new allocation of funds in 2009, it will merely change the fashion in which the already earmarked funds will be applied. Specifically, the renovation of the Chase Beach and picnic area will be more extensive. More funds will go toward "soft" costs of permitting, engineering and easements and the outlays will be spread out slightly in time. Sunset provisions of articles 17 & 18 will also need to be amended.

The second warrant article the RC plans to bring in 2009 will call for the creation of a capital reserve fund for the Chase Beach and John Balch Memorial Field. The RC will ask that the Town make an initial contribution of \$1,000 to that fund in 2009. Capital contributions in subsequent years will need to be of sufficient size to fund the actual re-construction costs for the John Balch Field, presently projected by Pathways at \$86,221. Construction bids received by the RC last summer were in that range, provided that the Town undertakes a significant portion of the hauling of sand fill themselves. As indicated above, the permits which the Town is seeking will lapse in five years once granted. Thus the capital reserve will need to be funded and construction completed within the five year period. It is envisioned that the ongoing Chase capital reserve fund will support all of the recreation facilities in the area not just the beach and the field (tennis courts, basketball courts, boat landing, parking lot, etc. Thus far, there has been no capital reserve for Chase and any repairs undertaken in the past have either come from operating funds or ad hoc requests for funds.

The RC agreed that Chairperson Dina Cutting would be available at the next Budget Committee meeting to discuss the RC's plans for its two warrant articles. It was further agreed that the RC would seek town attorney input on its two 2009 warrant articles to assure that they complied with DRA guidelines.

The RC agreed that they would re-approach donors who made pledges last year to support the Chase Beach and John Balch Field renovations. Donors were to be appraised of the increased costs of the project and the causes for the same. Peter Mulvihill agreed to circulate a bullet point outline for RC members to assure uniformity of message [see below]. Donors would be invited to re-affirm their pledges or to revise them downward, upward or to draw them out as they see fit. RC members agreed to solicit the same subset of donors they solicited this fall.

The RC members then discussed the status of enlisting the Upper Valley Land Trust as a candidate to hold the proposed Chaffee easement as trustee in order to satisfy the NHDES wetlands mitigation requirements. Dina Cutting indicated that Simon Carr's meeting with Upper Valley Land Trust, while encouraging, was thus far inconclusive on the question of whether the UVLT would accept an easement on Chaffee subject to the existing approved water release policy of Lyme's Conservation Commission. Dina agreed to stay abreast of Selectman Carr's discussions of this important issue with UVLT.

In a related fashion, Dina agreed to follow-up with Jim Kennedy on the question of whether NHDES might have any issue opining favorably on UVLT accepting the Chaffee easement subject to the water release polity. As indicated by Jim Kenney himself at the RC's meeting on 1/5/09, Jim did not believe that NHDES had or might have an issue with this question. Dina agreed to follow-up with Jim to assure that this was the case.

As an outside contingency, Peter Mulvihill agreed to continue discussions with a donor who indicated that they might be willing to provide alternative wetlands for an easement. Because so much work has already been invested in the Chaffee Easement, this clearly was viewed by the RC as "Plan B." Peter Mulvihill also agreed to re-visit the lead contractor's proposal for re-constructing the John Balch Field to assure that his economics remain in the range with the RC's cost forecasts.

Respectfully submitted

Peter Mulvihill 1/16/09 draft

Minutes Supplement - Donor Discussion

* The RC's original budget called the construction and completion of renovations to the field and the beach in 2008 with the following outlays:

Field Reconstruction: \$86,221

Beach Repairs/Improvements \$3,000

Pathways Engineering Fees \$9,500

Permitting Fees \$6,000

Total Project \$104,721

* Our new plan calls for improvements to the beach and re-construction of the

field but is burdened with additional permitting, legal and easement costs owing to challenges asserted by a small minority of Lyme residents. Our costs have risen as a result by in excess of 50% see below

Field Reconstruction: \$86,221 (current estimate)

Beach Repairs/Improvement (now with greater scope) \$15,000

Pathways Engineering Fees \$9,500

Change order 1 Storm water Protection \$2,500

Permitting Fees \$30,900

Wetlands Mitigation and Easement \$17,500

Project Total \$161,621

*Adversaries to the Town's plan to improve its recreational playing fields urged the NHDES to consider a large portion of the playing fields as jurisdictional wetlands and thus severely restricted for improvements, particularly the importation of fill and the raising of surfaces.

This same group has indicated that they will plan to appeal every phase of the Town's permit applications, forcing us to prepare for such challenges.

* Pathways Consultants has maintained that the area of concern is not a wetland and has only taken on wetland characteristics as a result of several years of flooding due to the beaver dams. NHDES has taken the position that they only can evaluate the current state of the area, not the state it may return to with the implementation of the CC's new water release policy of 2'. The RC and the Town of Lyme could challenge this finding, but it would be very expensive and involve the installation and monitoring of test wells over a year.

* Lyme's RC and the Select board have opted not to fight NHDES on this issue but to instead work out a mutually agreeable program for Chase and the John Balch field which will permit the improvements to take place while still satisfying State wetland statutes.

* Under this plan, Lyme and the RC will have to prepare more elaborate and expensive dredge and fill permits. Lyme and the RC will have to prepare a plan of wetland mitigation for the area. This will involve improving existing wetlands within Chase, creating new ones and providing substitute jurisdictional wetlands.

* Lyme will supply substitute wetlands by conveying into permanent conservation trust an easement on a portion of the Chaffee Wildlife Sanctuary containing

certain wetland area and upland buffers.

* Because these additional permitting issues and potential further challenges will increase the cost of the project materially, the RC is opting to phase in the project over time.

* Under the RC's revised plan, we will undertake the improvement to the Chase Beach (which will be a far greater improvement than originally planned) in 2009. The Town will also fund all of the permitting necessary for the total project (including the field improvement) in 2009. It is far more cost effective to get all the permitting out of the way at once.

* Based on the funds provided by last year's two warrant articles and by donations, we already have the funds necessary to compete this 2009 phase at a total cost of \$63,400.

* The RC now plans to fund the balance of the costs of the project (\$86,221) with donations and with funds set aside over time (the next four years) into a capital reserve fund for the entire Chase recreational area-- the beach, the field, tennis courts, basketball, etc.

* For 2009 the RC will propose that the Town fund only \$1,000 into the capital reserve fund to get the fund started. It will be the RC's plan to raise sufficient funds in that reserve to complete the field within the five year window provided for by State permits.

* If all donors roll over their pledges already made into this new plan, we should be able to reduce or funding gap to under \$46,000. This should mean that the reserve should only require annual funding in the range of \$12,000 a year for four years to fund the reconstruction of the field.

* The Chase Recreational area capital reserve fund shall have a function away from just the refurbishment of the field. It will be intended as well to provide for capital maintenance of the entire park area including the tennis courts, basketball courts, driveway, fence, etc.