

Town of Lyme
Board of Selectmen
Minutes for September 22, 2011

1. At 8:00 AM Charles opened the meeting. The following attended part or all of the meeting: Charles Ragan (chair), Richard Vidal (member), Simon Carr (member), Patty Jenks (Town Clerk), Dina Cutting (Administrative Assistant), Anne and George Hartmann, Bill Ackerley, Greg and Sue Hanlon, Sallie Ramsden, Helen North, John Andersen and Nancy Papademas.
2. Anne read a statement regarding the reasons why River Road should be re-opened immediately as a single-lane road, citing the removal of trees to stabilize the bank, the lack of impact from Irene, the forthcoming closure of Edgell bridge for repairs and her opinion that the liability issue was not as much of a concern as the Board considered. There was a discussion on various aspects of this. It was noted that the Board had asked the State whether the Edgell bridge work could be deferred. Greg Hanlon raised the issue that Alan Hanscom had proposed a solution to open the road. He had done so in an email, but had not discussed this with the Board directly at any time. The Board did not consider that his advice lessened their liability in re-opening the road. John Anderson raised the issue of a loss of business for him and other businesses on the road. He also said that he considered that municipalities were held to a lower standard of liability than individuals. The Board said that they will continue to pursue both short and long-term solutions to the problem.
3. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of September 15th were approved.
 - b. There was no manifest.
 - c. Simon reported on the Budget Committee meeting of Wednesday 21st: the committee had expressed their concerns at ensuring roads were satisfactorily addressed in the budget and CRFs. The School Board will be re-negotiating the teachers' contract shortly and the committee recommended that the Board ensure they had suitable legal advice during the negotiations.
 - d. Charles reported on the Energy Committee meeting of Monday 19th: the committee had expressed their frustration that there was insufficient funding to address necessary energy-related projects.
 - e. Charles reported on the CIP Committee meeting. They were now pulling a draft together preparatory to submitting it to the Planning Board.
 - f. Simon reported briefly on the oral arguments at the NH Supreme Court on an on-going lawsuit. It had been an interesting experience, but it was not clear how the Court would move.
 - g. DOT had submitted an on-line survey. Charles will do this with Dina.
 - h. Dina reported that the legislature had amended the law on involuntarily merged lots. Property owners now had until December 31, 2016 to request a demerger.

- i. Daniels had confirmed that they would be starting the second Goose Pond Rd. bridge on October 3rd.
- j. Ford Sayre Ski Council had requested a waiver of their fee for use of LCAB. The Board saw no reason to waive this fee and rejected the request.
- k. The Board signed the fuel contracts with Dead River. The rates are \$2.369/gal propane and \$3.329/gal heating oil.
- l. Dina presented a spreadsheet of the planned expenditure from the Town Buildings Major Maintenance and Repair Fund:
 - i. It might be possible to undertake all the planned works, but the Board agreed not to approve the LCAB parking lot work, until the other work had been undertaken and we were clear on what funds were still available.
 - ii. The LCAB sign was in such a state that refurbishment was not an option. The Historians had agreed to fund the difference between the anticipated refurbishment cost of \$220 and the cost of the replacement sign. The Board thanked them for this.
- m. The Board discussed road issues:
 - i. Charles reported he had met with a FEMA representative on Wednesday 21st. The representative had agreed that Dorchester Road and the washout on River Rd, near Hidden Valley were both eligible for funds under the Irene event. This is a 75%/25% split. Charles had also shown the representative the River Rd north section. Dina had separately spoken with Michael Pourrier, again, to determine why the contiguous declaration for this event, as posted on FEMA's website, did not apply to this incident. The FEMA representatives had both agreed to meet with the town, next week, to address this issue.
 - ii. Charles reported that had asked David to apply for an emergency dredge and fill permit for the Hidden Valley are washout. However, we did not currently sufficient funds for this and work should not start until we had clarified how we were going to fund this.
 - iii. The Board discussed the request from residents to re-open River Road as a temporary single-lane road. We are waiting on the final geo-tec report, but will ask Holden again to look at the minimum basic that would be necessary to do this. If such a solution exceeds the current right-of-way, we would need to discuss this with the abutters and UVLT. Dina was asked to talk to Pete Helms to determine the next steps on this. It was noted that we would need to address the issue of where funds would come from to undertake even a limited opening of the road.
- 4. Nancy Papademas came in to talk about issues with her driveway. The Board advised her that she should put in a culvert, which would mean there less scouring between the road and her parking area.
- 5. The meeting recessed at 9:41 AM until a date and time to be confirmed, in order to meet with FEMA representatives.

Simon Carr
Recorder

River Road Timeline.

| Date | Event: brief summary. Further information in BOS minutes at Town Offices |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 30/May 1, 2011 | Heavy river flow washes out a portion of River Rd. |
| May 2, 2011 | BOS meet in emergency session. Vote to authorize tree cutting if necessary (scenic road) and vote to close road with jersey barriers. |
| May 5, 2011 | BOS appoint Holden to undertake initial investigation. |
| May 19, 2011 | Holden reported on two possible approaches for re-instating the road. Both options exceed the town's emergency highway CRF. The failure did not fall within FEMA funds. |
| May 27, 2011 | Simon and Shaun meet with Grafton County Commissioner Ray Burton, Rene Pelletier (DES Wetlands Commissioner), Steve Couture (DES), Richard Roach (Army Corps of Engineers) and Bill Rossignol (Holden). It was made clear there were no state or federal funds available, also that no work could extend the bank in to the river. The advice was to move the road and stabilize the bank. |
| June 10, 2011 | Mailing to all residents confirming that the road will currently remain closed. A public meeting will be held September 14 to lay out all the options, but any votes will have to wait until Town Meeting. |
| June 16 and June 23, 2011 | Citizens request that the road be re-opened to single-track traffic. BOS review the costs and ask Holden to consider this option. |
| June 22, 2011 | NRCS visits the Tullar Farm and views the road. |
| June 23, 2011 | Holden reports that the road is not safe, even as a single-line road. NRCS writes to Shirley Tullar giving her possible grant program information. Also concurs in not re-opening the road. |
| June 27, 2011 | Shirley Tullar passes NRCS information to Selectman Simon Carr. |
| June 28 and June 29, 2011 | BOS staff (Dina) contact NRCS, submit initial verbal notification of application for funds, subsequently followed up with emailed notification to ensure application is within 60 day limit. |
| July 5, 2011 | NRCS staff visits the site and discuss the procedures with staff in respect of the town application for funds. Peter Holden and Simon Carr meet with the adjoining landowners and Upper Valley Land Trust to discuss the possible relocation of the road and the effect of this on their land. Following their provisional agreement, Holden will now prepare a proposed scope of work for submission to the Board. |
| July 14, 2011 | The Board meets with Bill Rossignol (Holden) to review which trees should be removed to ensure the stability of the riverbank. |
| July 15, 2011 | Coos and Grafton counties are declared disaster areas for the May 26-30 rain event, but this does not cover the earlier event. The Board will endeavor to see if they can obtain a waiver, which would cover the earlier event. |
| August 4, 2011 | Collis Adams (DES) meets with the Board and Bill Rossignol (Holden) and accepts the schedule of trees to be removed with minor amendments. |
| August 11, 2011 | Planning Board holds a public hearing for removing trees affecting the bank stability and agrees to do so with conditions. |
| August 25, 2011 | Holden presents an initial solution to the Board. |

| | |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| August 27, 2011 | Tropical Storm Irene has major impact on Vermont, but no impact on River Rd and limited impact in the rest of Lyme |
| September 1, 2011 | Holden presents further alternatives to the Board. Tree-cutting commences. |
| September 14, 2011 | Holden presents options and costs to a town informational meeting. Comments and reaction from the public were noted and will be addressed by the Board. |