

Town of Lyme
Board of Selectmen
Minutes for October 6, 2011

1. At 8:03 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), Shaun O’Keefe (Police Chief), Dina Cutting (Administrative Assistant), Fred Stearns (Road Agent), Nancy Snyder (Library Trustees Chair), Betsy Eaton (Library Director) and Mardi Bowles (Library Trustees Treasurer).
2. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of September 29th were approved as submitted.
 - b. A manifest to the value of \$56,691.31 was reviewed and signed.
 - c. A Timber Tax Warrant to the value of \$22.34 was signed for Harriet Phillips Map 404 Lot 1.
 - d. Appointment warrants were signed for committee members:

Energy	Becky Lovejoy	until	March 2014
	Sue Mackenzie		March 2014
	Matt Brown		March 2013
Independence Day	Dina Cutting		March 2014
Building Maintenance	Michael Woodard		March 2012
	Frank Bowles		March 2013
	Steve Campbell		March 2013
	Don Elder		March 2014
 - e. Simon and Patty reported on the Anniversary Committee meeting of Tuesday 4th:
 - i. This was primarily concerned with the commemorative booklet, which is being handled by a publication sub-committee headed by Patty and Jeff Valance and which it is hoped might be available by Christmas.
 - ii. Simon also reported on his meeting with Bob Thebedo regarding possible commemorative trees to be planted. Bob had suggested a red maple, cutleaf maple or red oak on the Common and a crabapple or yellowwood by the Academy Building in Lyme Center. He is happy to work on this and suggested that it might be good to integrate it with Arbor Day next year.
 - f. There was a discussion on the state of the other trees on the Common and the maintenance of the small section at the High St/Route 10 intersection. The Board agreed that they should be looking at the replacement of other trees on the Common. Bob Thebedo will maintain the tree at the intersection but does not want to undertake the other work. The Board agreed that Bill should take over the mowing and that Dina should contact Mardi Bowles and the Utility Club Beautification Committee for other planting and the care thereof.
3. Fred came in to discuss his budget and other road issues:

- a. He had an estimate for \$3,165 to repair the portion of River Rd South damaged by the Irene storm. The highway crew will carry this out, with additional assistance from Jim Jenks. The Board unanimously approved that these funds be taken from the Emergency Highway Repair Fund, with the expectation that we would have a portion reimbursed from FEMA.
 - b. Fred presented his proposals for the 2012 budget. There was a general discussion on his proposals. It was agreed that both the regular and winter payrolls should be divided in to regular and overtime lines. This would mean that overtime would be more clearly shown. Dina will report on any issues involved in doing this.
 - c. There was a discussion on plowing turnarounds adjacent to Marselis Parsons' property and Edgell Bridge while the road closures were in effect. We also need to resolve whether the small trucks can legally plow through the bridge once it is fixed.
4. Nancy, Betsy and Mardi came in to discuss their proposals for the Library:
- a. There was a discussion on the proposed budget. Nancy and Mardi noted that less than 10% of their budget came from non-public funds.
 - b. They proposed that it might be more cost-effective for the town to employ a handyman, who could address many of the small issues that ended being disproportionately expensive. The Board said they had considered this in the past; the issue being that the Budget Committee had been happier seeing many small line items, rather than a consolidated line item with an additional employee. The Board will re-consider this when they are preparing their budget.
 - c. Mardi discussed the warrant articles that they would be proposing at Town Meeting. While they have the funds for the various articles, they considered that they needed Town Meeting to specifically authorize the expenditure.
5. River Road:
- a. Right-to-Know Requests:
 - i. Dina reported that we had received two RSA 91-A Right-to-Know requests from Cullenberg and Tensen PLLC, Attorneys. These refer to the 2011 closure of River Rd and the 2007 closure of Shoestrap Road. As these had to be responded to within five days, she had responded that the necessary documents would be available October 28 for River Rd and December 1 for Shoestrap Rd. It was noted that the requests were illegal in respect of some items requested and that these items would not be released.
 - ii. The Board agreed that this would require a significant amount of staff time at a period in the year when they were already very busy preparing budgets, as well as working on proposals for River Rd. It would also result in additional costs to the town.
 - iii. The Board authorized Dina to undertake the necessary overtime.
 - iv. The Board also regretted that they had had an offer from David Cullenberg to work on investigating the possible liability of the Wilder dam owners in causing the damage to River Road. With these requests from Cullenberg and Tensen PLLC the Board did not feel they could work with him.
 - b. The Board had reviewed Holden's revised proposals for River Road and agreed to proceed

with them.

- c. Simon reported on his meetings with Carola Lea and Marselis Parsons, at which he had shown them the revised proposals, which took a significant additional portion of their land. They were both agreeable to the revised layout.
 - d. Town counsel had been notified and was now working with the landowners and with UVLT on the necessary legal agreements. As Carola may be unavailable when the documents need to be signed, she is appointing another person to hold limited power of attorney.
 - e. The Board discussed the necessary steps to progress the construction of the revised layout. This requires wetlands and riverbank protection permits from DES, bids from contractors so that applications may be made to NRCS and NH Department of Safety for a FEMA mitigation grant and, based on those bids, an application to DRA to expend funds from our unassigned fund balance.
 - f. Richard proposed and Charles seconded that Holden be appointed to prepare and submit the necessary wetlands and riverbank protection permits from DES. The motion passed unanimously.
 - g. The board discussed the breakdown of the work. They agreed that the Highway Department, together with some of the local contractors should undertake the road work. Because of the need to make grant applications and submission to DRA, this work needed to be priced out as quickly as possible. The river bank stabilization, which should be scheduled for early next year, should be bid out and Dina will advertise the request for bids. The Board agreed that bids should be returned by Wednesday, November 2 at 4:00pm.
 - h. The request to DRA for authorization to expend funds requires to be signed by the Board and a majority of the Budget Committee. This should be after a joint public hearing of the Selectboard and Budget Committee and Dina was asked to notify Judy Brotman of this.
 - i. Simon had prepared an informational letter to be mailed out to the town. The Board reviewed and revised this, in the light of the decisions taken. They agreed to sign the revised letter by next Tuesday so that it could be sent in a town-wide mailing on October 11th or 12th.
6. At 10:08 AM Charles moved and Simon seconded that the Board go in to non-public session under RSA 91-A:3 II(a) "Employment of a public employee". The motion passed by unanimous roll-call vote. Charles, Simon, Richard, Dina and Shaun attended the non-public session.
 - a. Shaun reported that review board had conducted interviews for the second police officer with three potential candidates and asked the Board for permission to make a conditional offer to one of the candidates.
 - b. Simon moved and Richard seconded that Shaun be authorized to make a conditional offer to the preferred candidate, with the option to make the offer to a second candidate, should the first candidate refuse. The motion passed unanimously.
 - c. The Board returned to public session at 10:25AM.

7. The meeting adjourned at 10:26 AM.

Simon Carr
Recorder

River Road Timeline.

Date	Event: brief summary. Further information in BOS minutes at Town Offices. Note that this does not summarize the discussions at the regular Selectboard meetings
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.
September 22, 2011	Members of the public attend the regular Selectboard meeting to re-iterate their points from the informational meeting.
September 27, 2011	Mike Poirier and Lance Harbour from NH Department of Safety meet with Selectmen Charles Ragan and Simon Carr and Road Agent Fred Stearns to discuss possible emergency funding and suggest the possibility of FEMA mitigation funds. Initial information is given to the Board.
September 29, 2011	Holden produces an initial study using a shallower slope, which should reduce total costs to less than \$500,000. Work starts on modifying the existing easements to accommodate the additional land required.
September 30 and October 4, 2011	Simon Carr meets with the abutting landowners to discuss the revised layout, which they are both agreeable to.
October 6, 2011	The Board reviews the necessary steps to implement the revised layout. They authorize Holden to apply for the necessary DES permits and decide to invite bids for the work.