

Town of Lyme
Board of Selectmen
Minutes for October 27, 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), Shaun O'Keefe (Police Chief), Dina Cutting (Administrative Assistant), Patty Jenks (Town Clerk), Fred Stearns (Administrative Assistant) and Jim Jenks.
2. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of October 20th were approved as submitted.
 - b. A manifest to the value of \$10,034.58 was reviewed and signed. A separate manifest, to the value of \$2,928.09, was signed for the Overseer of Public Welfare.
 - c. An Intent-to-Cut was signed for Bruce and Megan Hammond Map 410 Lot 42
 - d. The Tax Warrant to the value of \$6,591,945 was signed. This results in a tax rate of \$20.63/\$1000.
 - e. Charles reported on the CIP Committee meeting of Tuesday 25th: the committee was still progressing and would be bringing proposals shortly.
 - f. Simon reported on the presentation from Fast Roads, the fiber optic consortium of which Lyme is a member, that he had attended with Lee Larson and Steve Campbell on Monday 24th. Contracts have been signed for the initial phases and the phase between Enfield and Orford will be in place next summer, with all town buildings connected to it.
 - g. There was a discussion on illegal dumping, especially on Shoestrapp Road. It was understood that there had been changes to the Class VI access gates at both end. Dina will investigate this and report back to the Board.
 - h. As agreed in 2010, the holidays tree on the Common will be taken down by Dartmouth on November 15 for use as the tree on Hanover Green. A replacement tree, from a donor, will be planted next spring. Bill is coordinating this.
 - i. The Hazard Mitigation Plan was approved by FEMA on October 14.
 - j. Dina reported that two appropriate people were interested in the EMD position. She was encouraging them to get information from Wally, as there was no formal job description.
 - k. The Board had received a letter from Scott Steffey regarding cutting trees on his property on Washburn Hill Road, which is a scenic road. The Board noted that as landowner he could cut his trees. However, he referred to the possibility of cutting some of his neighbor, Mr. Bailey's trees and the Board noted that he could only do so as a sub-contractor for Mr. Bailey.
 - l. The Board voted that the replacement well for the Town Offices should be given a municipal exemption and asked David to expedite the mapping of it so that all the contractors may be coordinated.

3. River Road:
 - a. Jim and Fred came in to discuss the possibility of Jim and the Town combining, both for the new road and the riverbank restoration. The Board confirmed that they were happy with this proposal but emphasized that they needed to be figured as separate bids because there was the possibility of a FEMA mitigation grant for the riverbank portion.
 - b. A letter had been received from UVLT, reporting the advice received from the State's Attorney General. This was that the only way of taking the conserved land was under the Eminent Domain Act. This required a much more extended schedule than that originally envisaged. Dina had had an initial discussion with Town Counsel and the Board discussed the necessary steps. Charles moved and Simon seconded that the following steps be taken. The motion passed unanimously.
 - i. Town Counsel to draft a letter going to all residents explaining the reason for the schedule change.
 - ii. Town Counsel to write the necessary disclosure to the landowner and to get the title search under way.
 - iii. Dina to talk further with the appraiser she had contacted. There may be a conflict of interest in which case he should be able to suggest alternative appraisers. The Board agreed that, in the interests of equitableness, any appraiser should undertake appraisals of both landowners' properties.
 - iv. The Board will meet with Town Counsel, Holden and Pete Helm as soon as possible to ensure that all parties were agreed on the necessary land to be taking.
4. The Board discussed the preliminary Selectboard budget and Capital Reserve Funds.
 - a. They agreed that the finalized version of the Selectboard budget be voted on at the meeting of November 3rd.
 - b. The Perpetual Care CRF fund was discussed, as there was a question as to why all the cemetery expenses including a portion of the big mower should not be covered from this fund. It was agreed we needed to check with Trustees of the Trust Funds and the Cemetery Commissioner as to the exact details.
5. At 10:23 AM Charles moved and Simon seconded that the Board enter Non-Public Session under 91-A:3 II(c) "matters affecting the reputation of a person". Charles, Simon, Richard and Shaun attended the non-public session.
 - a. Shaun reported on the hiring process for the second police officer, which was moving forward. He also described the proposed contract for the officer, which was being reviewed by town counsel.
 - b. The Board discussed and agreed a contract with Shaun, which needed to be reviewed by town counsel before signing.
 - c. The Board returned to public session at 11:05 AM
6. The meeting recessed at 11:13 AM to re-convene at a time and date to be confirmed, for the

purpose of meeting with town counsel.

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.
October 12, 2011	The Board sends out a town-wide mailing updating the present status of the road and their plans for proceeding on the replacement road.
October 13, 2011	Members of the public attend the regular Selectboard meeting to raise their concerns and also acknowledge the usefulness of the letter. The Board reviews Holden's proposals for the final construction documents, bid and permit application processes and agree to proceed with this.
October 21, 2011	Letter received from UVLT regarding the need to take the conservation land through the Eminent Domain law. Final construction documents received from Holden and distributed to interested bidders.
October 27, 2011	Board authorizes Town Counsel to proceed with the necessary steps to comply with the Eminent Domain law.