

**Town of Lyme**  
**Board of Selectmen**  
Minutes for November 10, 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) and Duncan MacIntosh.
2. Duncan came in to ask for further details following the most recent letter, concerning River Road. The Board clarified the issues that undertaking a Eminent Domain procedure meant that the town would be unable to proceed until after a vote at Town Meeting. He was concerned about the lack of information flowing from the Board and urged that they undertake more informational letters.
3. The following administrative matters were discussed and actions taken:
  - a. The minutes of the meeting of November 3<sup>rd</sup> was approved as submitted.
  - b. A manifest to the value of \$309,701.34 was reviewed and signed. This included \$250,000 for the school.
  - c. An Intent-to-Cut was signed for Ben Kilham Map 415 Lot 28.
  - d. Charles, Simon, Richard and Dina had all attended the Budget Committee meeting of Wednesday November 9<sup>th</sup>, when the Selectboard budget had been presented. The meeting was discussed in general.
  - e. There are presentational meetings scheduled by DOT for the State's ten year transportation improvement plan on Nov 15<sup>th</sup> and 30<sup>th</sup>. It was agreed to check with Dick Jones whether he planned to attend one.
  - f. Municipal Network meeting on November 17<sup>th</sup>. Simon explained the basic structure of the meeting, which he planned to attend. Richard may also be available.
  - g. A Cemetery lot sale to Gibb and Mary Cornwell was signed.
  - h. The Hazardous Waste Collection agreement was signed with UVLSRPC.
  - i. The Board signed the LGC Health Trust renewal for 2012 and agreed that they would plan on reviewing the programs in depth next year.
  - j. It was noted that Worker's comp modification factor had increased slightly from .83 to .86 this year.
  - k. The Board agreed to the necessary three year undertaking with LGC co ensure the increase in liability rate was limited to a maximum of 9%.
  - l. Shaun presented proposed plans for a replacement footbridge on the Grant Brook trail, developed by Wesley Ulman for his Eagle Scout project. The Board agreed that this was a very good project that they were happy to endorse, although they had no permitting role.

- m. Dina reported the new town offices/Pike House well will be drilled next week.
  - n. Dina reported the bulk of the work to the beach area had been done. There was one outstanding swale that needed addressing and topsoil and seeding would not be carried out till the spring.
4. Road Issues:
- a. River Road:
    - i. We had received notifications from DES, incorrectly address to the Town of Lyman. This had now been resolved. Patty will forward the necessary notification to the Conservation Commission.
    - ii. The initial grant applications had now been submitted to NRCS and NH Department of Safety.
    - iii. Disclosure letters relating to the Eminent Domain procedure were signed. To be sent to Carola Lea, Tim Caldwell acting as her limited power of Attorney, UVLT and NH Department of Agriculture.
  - b. Shoestrap Road: Dina confirmed that the 2007 Town Meeting vote changed its category to Class VI with no special conditions. Fred has removed the padlocks and will place signs stating “Class VI Road – Travel at Your Own Risk”. The agreed to write a memo to Fred, emphasizing the obligation not to undertake any maintenance of the Class VI portion.
5. Capital Reserve Funds:
- a. Charles had obtained the proposed replacement periods for heavy equipment. The Board reviewed them and discussed several issues surrounding replacement of vehicles and heavy equipment.
  - b. Based on the revised schedules for heavy equipment and vehicles, the Board discussed and agreed a proposed schedule of CRF appropriations to be taken to the Budget Committee next week.
6. The meeting adjourned at 10:57 AM.

Simon Carr  
Recorder

River Road Timeline.

<b>Date</b>	<b>Event: brief summary. Further information in BOS minutes at Town Offices. Note that this does not summarize the discussions at the regular Selectboard meetings</b>
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.
November 1, 2011	Board meets with Town Counsel, UVLT and Holden to confirm procedures for Eminent Domain and to agree the necessary land areas. Dredge and Fill permit applications are sent to DES.
November 3, 2011	The Board signs a further letter to be mailed town-wide, concerning progress.
November 10, 2011	The Board signs the Written Disclosure notices to the landowner and easement holders, putting the Eminent Domain process in motion.