

Town of Lyme
Board of Selectmen
Minutes for December 1, 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), Patty Jenks (Town Clerk), Dina Cutting (Administrative Assistant), Kevin Robertson and Colin Robinson.
2. Emergency Management Director:
 - a. Kevin came in to discuss the Emergency Management Director role. Various aspects of the role were discussed and clarified with Kevin, including: the term period, co-ordination of communications and the possibility of a deputy EMD.
 - b. After Kevin left, the positions of the other candidates were reviewed: one had not followed up on the initial expression of interest and the other had now taken a full-time job and was prepared to step aside. Given their situations, the Board considered there would be no advantage in pursuing them further. Simon proposed and Richard seconded that Kevin be appointed as EMD until the March 2014 Town Meeting. The motion passed unanimously. It was agreed that Kevin could follow through on other details at informal meetings.
3. Colin came in with a concern about the posting of notices and minutes. He had been looking on the website for information on the special ZBA meeting scheduled for this evening and had found nothing posted since May. He considered that, even though there may have been sufficient legal postings, this was unsatisfactory in terms of getting information out to the town. The Board agreed with him and were planning to discuss it further later in the meeting.
4. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of November 17th was approved as submitted.
 - b. A manifest to the value of \$25,616.15 was reviewed and signed. A separate manifest for \$2322.53 was signed for the Overseer of Public Welfare.
 - c. Charles and Dina reported on the Recreation Commission meeting of Monday, November 21st:
 - i. The first stage of the beach work had been undertaken. The remaining topsoil and seeding would be carried out in the spring.
 - ii. The Recreation Revolving Fund was just meeting recreation expenses and the Commission were considering ways of strengthening it. It was noted that program fees were lower than surrounding towns and that the fund carried a significant number of scholarships.
 - iii. Post Pond water level had given concern this fall. The Commission asked the Selectboard to ensure that the policy of monitoring water levels and enabling beaver dam breaches to be undertaken. The Board agreed to appoint Lance Goodrich to monitor and record the pond water level, with an assistant, probably Juan Hernandez.

They should follow the Water Release Policy in breaching dams, even though the current dam is not within the Chaffee wildlife area. Lance is in contact with the landowner, who is willing for him to breach the dam and will give written permission before any breach.

- d. Charles reported on Energy Committee meeting of November 28th. There had been a discussion on their planned email newsletter. Charles had emphasized that this had to go out under Town auspices and not from a private email address. This was a re-iteration of the Board's position as discussed on November 3rd following their last newsletter.
 - e. Simon reported on the Heritage Commission meeting of November 22nd. The commission was working on plans to undertake further fund-raising towards the historic resources survey and were also developing the data sheets for the survey.
 - f. There is a Broadband planning meeting scheduled for Wednesday December 7th that Steve Campbell will attend.
 - g. Bill Waste had asked the Board's opinion on reducing the hours for the Presidential Primary Election. The Board felt that this was Bill's prerogative but that reducing hours might cause more issues that it solved.
 - h. There was a discussion on the use of the Town Offices Conference Room, given recent additional requests. The Board agreed that it should only be used for Government-based purposes.
 - i. Given recent issues with noticing of meetings and availability of minutes, the Board agreed:
 - i. All meetings shall be noticed on the town notice boards at the Lyme Center Post Office, Town Offices, Stella's and on the town web site.
 - ii. Agendas for all meetings shall be posted on the town web site as soon as available. As there is no minimum posting period this may be up to and including the day of the meeting.
 - iii. Draft electronic minutes shall be available on the town computer system shared drive by the time of the next meeting of the board or committee.
 - iv. Dina will prepare a memo to all office staff emphasizing the need for these practices to be followed.
5. Road Issues:
- a. River Road:
 - i. Grants: NRCS were not confident that our application met their disaster relief criteria, however Dina was also following up on their Erosion Control grants.
 - ii. Holden are coming in at 8:30 AM on Friday 2nd to discuss possible alternative approaches to the river bank repair with Jim Jenks and Fred Stearns. The Board agreed to meet with them, at that time.
 - iii. Dina asked whether the Board considered it was necessary to get a full appraisal on

Marcelis Parsons' portion of the new road, given that Diana had already prepared an assessment. The Board agreed that Simon should talk with Marselis to see if he's happy with taking Diana's assessment.

- b. Dina reported on possible budget lines to use to cover the excess over the Emergency Highway Repair fund.
 - c. Old Dorchester Road: on the information that we have found, it appears that this road was discontinued in 1906. The access that the Selectboard granted in 1986 had no authority in law. Town counsel now advises that the Board should take no action on any issues regarding access on the discontinued section. This is a matter for the individual landowners to resolve. However as there are 9-1-1 addresses along this road, the town should be posting a sign "Old Dorchester Road – Private Road".
 - d. The Board noted that there are other private roads with 9-1-1 addresses that also needed signs.
6. At 9:39 AM Charles moved and Simon seconded that the Board go in to non-public session under the authority of RSA 91-A:3 II(a) to consider a personnel issue. The motion passed by unanimous roll-call vote. The following attended all of the non-public session: Charles, Simon, Richard, Dina and Shaun.
 - a. The Board returned to public session at 9:44 AM having voted to not make the minutes available to the public.
 7. At 9:45 AM Charles moved and Simon seconded that the Board go in to non-public session under the authority of RSA 91-A:3 II(b) to consider hiring of a public employee. The motion passed by unanimous roll-call vote. The following attended all of the non-public session: Charles, Simon, Richard, Dina and Shaun.
 - a. Shaun updated the Board on progress in hiring a second police officer.
 - b. The Board returned to public session at 9:50 AM.
 8. At 9:51 AM Charles moved and Simon seconded that the Board go in to non-public session under the authority of RSA 91-A:3 II(c) "matters affecting the reputation of a person" to consider an application for a hardship abatement. The motion passed by unanimous roll-call vote. Charles, Simon, Richard and Dina attended the non-public session.
 - a. The Board returned to public session at 10:02 AM having voted to grant three hardship abatements.
 9. At 10:03 AM Simon moved and Charles seconded that the Board go in to non-public session under the authority of RSA 91-A:3 II(a) to consider a personnel issue. The motion passed by unanimous roll-call vote. The following attended all of the non-public session: Charles, Simon, Richard and Dina.
 - a. The Board discussed a personnel issue.
 - b. The Board returned to public session at 10:13 AM.
 10. At 10:16 AM Simon moved and Charles seconded that the Board go in to non-public session

under the authority of RSA 91-A:3 II(a) to consider a personnel issue. The motion passed by unanimous roll-call vote. The following attended part or all of the non-public session: Charles, Simon, Richard, and Dina.

- a. The Board discussed a personnel issue and possible means to resolve this and then conferred with towncounsel on ways to move forward.
 - b. The Board returned to public session at 10:43 AM.
11. At 10:45 the Board recessed, to reconvene at the town offices at 8:30 AM on Friday December 2nd to meet with Holden, Jim Jenks and Fred Stearns regarding River Road bank repair.

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.
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.
November 13, 2011	Holden meets with Fairpoint and PSNH regarding relocation of utility poles.