

Town of Lyme
Board of Selectmen
Minutes for December 8, 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) and Dina Cutting (Administrative Assistant).
Public attending: Stan and Harriet Rosenberg, Dick Ramsden, Dolores Drew, Donna and John Andersen, Walter Wetherell, Kristina Olenec, Isabel Farmer, Rudy Farmer, Terry Smith, Faith Catlin, Greg and Sue Hanlon, Pat Supper, Anna Super, James Graham, Duncan Macintosh, Barbara Lynch, Ursula Slate, Bob Sweitzer, Tom Turkington and Jim Kenyon (Valley News).
2. River Road:
 - a. Stan had come in to ask the Board to consider re-opening the road as a single line road. The Board explained that the professional and legal advice they had received was that, because the damage was not visible, the Board could not cover themselves by posting “Travel at Your Own Risk” signs and would still be liable should there be any accident caused by the road failure. Other affected residents stated that they considered the Board should ignore this advice. There was discussion on possible costs for the road and the reasons why the Board was unable to proceed on work until Town Meeting. Residents expressed doubt that Town Meeting would vote to authorize the expense and that even if it did work would not start for several months after the meeting.
 - b. Donna read the meeting a letter her brother, who is a co-owner with her of Breakfast on the Connecticut, had written to the Board. This concerned the loss of business due to the road closure and threatened litigation unless the road was immediately reopened as at least a single lane road. She explained that part of the issue that had triggered this was that she had been unable to talk with the Town’s assessor, Diana Calder, before she left the area and was unhappy to learn that she was not returning until early March.
 - c. Subsequent to the discussion with the public, the Board continued with other business and then returned to the issues raised:
 - i. Dina reported on the NH Department of Safety mitigation grant workshops scheduled for Tuesday and Wednesday, December 13th and 14th in Concord and Monday December 19th in Plymouth. It was agreed that Dina should attend these. She had not yet received any further information on the NRCS Erosion control grants.
 - ii. Simon reported on his meeting with Marselis Parsons. He does not feel any need to have an independent assessment and is very happy to work with the town on an agreement. The line of the road and the extent of the ROW had been discussed, together with the utility pole locations.
 - iii. The meeting between Holden, Jim Jenks and Fred Stearns was discussed. We were now waiting on Jim and Fred’s costing for the quantities in using the 1 to 1.5 slope. It was noted that this would still require the eminent domain procedure although for a smaller area.

- h. Simon and Patty reported on 250th Committee meeting of Tuesday, December 6th. The cover for the commemorative book had been agreed. It is planned to give a book to each household and, if the print run can be arranged, charge for additional copies.
 - i. Dina confirmed that the agreement for phased payments for cemetery lots was now in place and public wished to take advantage of this should contact her.
 - j. The DRA report monitoring the assessor's work on the certification year re-assessment had been received. 6 or less is acceptable. Diana had scored 0 on all properties reported which is excellent.
 - k. There had been an issue with the Selectmen's office accepting tax payments. Dina had checked this with the auditor and this is not acceptable. She is therefore arranging for a drop box to be fitted in the entrance hallway for the public to drop tax collector and town clerk items off when their office is not open.
4. At 10:22 AM Charles moved and Richard 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 two personnel issues and possible means to resolve them.
 - b. The Board returned to public session at 10:41 AM.
5. The meeting adjourned at 10:42 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.
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.
December 2, 2011	Holden meet with the Selectboard, Road Agent and Derby Mountain Construction to consider possible options for the bank repair.
December 8, 2011	23 members of the public come in again to request the road be opened to single lane traffic.