

Town of Lyme
Board of Selectmen
Minutes for December 15, 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), Bob Coyle and Sallie Ramsden.

2. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of December 8th was approved as submitted.
 - b. A manifest to the value of \$18,136.30 was reviewed and signed.
 - c. The Board signed an Intent-to-Cut for Rob and Jane Meyer Map 416 Lot 12
 - d. The Board noted that Bill Waste did not intend to run again for the position of Town Moderator. He would be announcing this shortly and was suggesting that anyone interested might wish to ‘shadow’ him at the presidential primary on Tuesday, January 10th.
 - e. Patty asked whether she should confirm with the 8th grade to provide dinner for election officials at the presidential primary. The Board considered that she should do so.
 - f. Simon reported on the Planning Board meeting of Thursday, December 8th: there had been a request to address a zoning ordinance issue that affected the public water supply on one property. The Board decided to address the issue of public water supplies on all properties in town and had agreed to hold a public hearing on December 22nd. The master plan was proceeding. They were also considering a public forum on appropriate usage on Route 10.
 - g. Charles reported on the CIP Committee meeting of Tuesday, December 13th. They were proceeding with the plan and would be able to submit it in the near future.
 - h. Richard reported on the Building Maintenance Committee meeting of Tuesday, December 13th. They had discussed prioritization of major items.
 - i. Simon reported on the Budget Committee meeting of Wednesday, December 14th. The school had presented their budget. This was 6.9% above this year’s budget. However a significant portion of this was due to two special needs children who had come in to town in the past year. Without those two, the likely increase would be in the region of 3%.
 - j. The Board noted that the NH Supreme Court had dismissed the motion to re-hear filed by Morrissey et al. The costs to the town, to date, were \$36,793.12 and Dina was asked to confirm to town counsel that we should pursue reclaiming these.
 - k. The Board authorized the loan of the Melanie Adams painting to an in-town exhibition of her work.
 - l. Transfer Station:
 - i. The Board authorized that fees for waste removed from a resident’s home on health and

- safety grounds should be waived.
- ii. A resident had brought in C&D waste and refused to pay for it. The Board agreed to write to him warning that he would be prosecuted for illegal dumping if he did this again.
 - m. Dick Jones reported that the state transportation committee had deferred work on East Thetford Bridge for a further year until 2017.
 - n. Dina reported that the DOT block grant for 2012 was anticipated to be \$86,130 which was the same as this year.
 - o. The Board discussed the Post Pond water release policy and agreed that town employees could only operate directly under it, even if the dam they were addressing was not within the Chaffee Wildlife Sanctuary. Other residents of Post Pond must make their own arrangements with the property owner should they wish to breach any dam.
3. Bob Coyle came in to discuss an issue with taxes. The Board asked him to complete the necessary paperwork at which point they would review it.
 4. River Road:
 - i. Edgell Bridge: The State had advised that there was a section of drainage immediately north of the bridge which they wished to have repaired with catch-basins, rather than grating. Dina will talk to the state's supervisor, Steve Johnson, regarding this.
 5. At 9:08 AM Charles moved and Simon seconded that the Board go in to non-public session under the authority of RSA 91-A:3 II(e) to consider a legal 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. Dina reported on her communications with town attorneys regarding an on-going legal case.
 - b. She also advised that no legal issues should be addressed in any email.
 - c. The Board returned to public session at 9:15AM.
 6. The meeting adjourned at 9:42 AM. There will be no Selectboard meeting on Thursday 22nd.

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. The Board asked a second engineer whether they would be prepared to advise. |