

Town of Lyme
Board of Selectmen
Minutes for December 29, 2011

1. At 8:02 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), Sue and Greg Hanlon, Donna Andersen, Duncan Macintosh, Anne Hartmann, Chris Jackson, Andrea Colgan and Chase Kling.
2. River Road:
 - a. Donna came in with a number of questions as follow-ups from the Selectboard meeting of December 8th:
 - i. Had the Board considered the possibility of a peer review of the geo-tech work? The Board had approached Pathways and Dina reported that they and their geo-tech engineers would undertake it for \$6,000 but did not yet have a timetable. The Board had not yet taken a decision on this.
 - ii. Was it true that the cost was likely to be around \$500,000? The Board explained that while this was the likely cost, the actual impact on the taxes to be raised would be in the region of \$8,000. This is because the funding would come from the Unassigned Fund Balance. This is the balance in the town funds, at the end of the year, after everything else is accounted for. The current balance is slightly over \$1,000,000 and the town’s policy would allow us to draw the money from this. Currently the main use of this balance is to reduce the amount borrowed against taxes. Using this balance for River Road would mean that we would be paying about an additional \$8,000 this year, reducing in future years.
 - iii. There was a suggestion from the public that the Board should shop around for other engineers to undertake a geotech review at less cost than Pathways. Donna also suggested that the Board should obtain a peer review from a Massachusetts contractor against the lowest bid already received from a number of contractors.
 - iv. The Board expressed their desire to undertake a full fix of River Road. They had a major concern that the current push was only to re-open the road in a temporary fashion and did not address the complete repair that the Board considered necessary. They were worried that this was already generating a negative attitude in other parts of town to the whole River Road issue.
 - v. Duncan recommended that the Board consider rolling their two existing bonds into a single bond to take advantage of the current low interest rates.
 - vi. Had the Board prepared warrant articles yet? No, they would be doing so shortly and would be reviewing them with the Budget Committee. As soon as they had such articles available they would ensure they were available to the public.
 - vii. What was the time line for the Eminent Domain procedure? This did not kick in until we had submitted an independent appraisal to the landowner/easement holder. We had not yet received that but, as soon as it did, the Eminent Domain procedure would start.

(Not noted at the meeting: the town may take possession of the land 77 days after the appraisal is submitted).

- viii. How quickly would the Board act assuming Town Meeting passed the article? The Board could not commit to a specific timeline but would intend to act very expeditiously.
- ix. What was the Board's fallback plan – should the warrant article to repair River Road fail? The Board had no current answer but would consider this.
- b. The Board discussed the issue of being requested to re-visit the same issues at multiple meetings. They agreed that requests to be placed on the agenda be made through Dina and that they should indicate the subject. This would enable the Board to be prepared for discussion of the item. They also agreed that they would designate January 26th and February 23rd as specific meetings to discuss River Road
- c. The Board discussed taking up the second geo-tech review. They were very concerned about either spending a further \$6,000 or chasing alternative opinions until they reached the opinion desired by the pressure group. Charles moved and Richard seconded that the Board not proceed with a second geo-tech review. The motion passed unanimously.
- d. The Board noted that the advice from a DOT supervisor related solely to how a single-lane road might be laid out with no reference to the actual condition of the substrata.
- e. The Board reviewed the situation regarding grants from FEMA (disaster mitigation) or NRCS:
 - i. Dina reported that, despite having the disaster mitigation application in, in October, it appeared that actual funds were not likely to be available for some significant time and would not be applicable to this project, if the work had already been undertaken. The Board asked her to work with Lance Harbour of NH Department of Safety to investigate the possibility of using this or future applications to address the issues arising for other portions of River Road.
 - ii. Dina had not received any news from NRCS on the movement of our application for funds. She will continue to press them for information.
- f. The Board reviewed the Eminent Domain schedule and asked Dina to chase the appraiser working on Carola Lea's/UVLT appraisal. As soon as she receives this she should forward this to town counsel so that the next stage may start. The Board emphasized that they wished this to proceed as quickly as possible.
- g. The Board discussed the options for a fallback plan. They agreed that, whatever approach they took, required bank stabilization. As custodians of the Town and its resources they could not walk away from the responsibilities of maintaining the resources to the best of their ability and must not defer it to later Selectboards.
- h. Scheduling:
 - Jan 18 1st Budget Committee Hearing on School and Town Budgets
 - Jan 19 Selectboard review and vote on money warrant articles.
 - Jan 25 2nd Budget Committee Hearing on School and Town Budgets (if reqd)

Jan 31 7:00 PM Informational Public Meeting LCAB.
Feb 15 Budget Committee Hearing on Money Warrant Articles.

3. Chase Kline of Orford and Andrea Colgan came in to report on their perambulation of the Lyme-Orford town line. They had found many of the blazes from the previous perambulations and had not found any issues. The Board expressed their thanks for the work involved in undertaking this. Charles moved and Simon seconded that the Board approve the report. The motion passed unanimously and the Board signed the report.
4. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of December 15th were approved as submitted.
 - b. A 2011 manifest to the value of \$16,426.68 was reviewed and signed. A separate 2011 Manifest to the value of \$2,129.43 for the Overseer of Public Welfare was reviewed and signed. A 2012 manifest to the value of \$375.00 was reviewed and signed.
 - c. The Board had checked on likely new issues with the presidential primary election and agreed it was unnecessary to attend the training sessions.
 - d. The Board approved a footer message to be attached to any messages posted on listserv. This is to be attached to messages posted by any town official or committee chair. This emphasized that town officials and committee members did not respond to listserv postings.
 - e. The Tax Exemption certificate from Dead River Co. was signed.
 - f. The Septage Disposal agreement with Hanover was signed.
 - g. The Board signed Intents-to-Cut for:

Elizabeth Belder-Ameling	Map 407 Lot 89
James Kelsey	Map 401 Lot 13.2
 - h. Simon reported on the Planning Board meeting of Thursday, December 22nd: the Board had held a public hearing regarding the planned change to the Zoning Ordinance for public wells. The Board had voted to approve the change and place it on the warrant for Town Meeting. There will be a public hearing for the master plan on January 26th.
 - i. Charles reported on the CIP Committee. It had a draft and Charles will arrange for this to be forwarded to the rest of the Selectboard for review.
 - j. Simon reported on the Anniversary Committee meeting of Friday, December 23rd. The commemorative books and DVDs had now been received. It was noted that Dartmouth Printing had billed the town \$2,892 for printing which had a true invoice cost of \$12,358, thereby giving a donation of \$9,466 to the Town, which was greatly and gratefully appreciated. One copy of the book will be given to each household and additional copies are available at \$5 each (\$7.50 including postage for out-of-town copies) and may they be picked up at the Town Clerk's office. Commemorative trees with plaques will be planted next year on the Common and at LCAB.
 - k. Dina reported on the switchover to Fairpoint DSL. Although planned for three months prior this was only now happening and was causing some problems.

- l. There had been a request for a skating rink on the Common. The Board agreed to deny this request because of the damage to the underlying plant growth, together with potential parking issues and advised the requestor that they should use the rink provided by the Recreation Commission at Post Pond, which had already been set up by volunteers.
 - m. Simon moved and Richard seconded that the Board carry over funds from the following funds. The motion passed unanimously.

\$4,000	Fire Fighting Safety Equipment Fund
\$2,316	Bessie Hall Fund
\$2,500	Operating Budget – Pike House Safety & Maintenance
 - n. Town counsel had asked whether the town wished to destroy or hold the documents from an old legal case. The Board agreed that they should hold them. Dina noted that, in this respect, the vault required tidying.
 - o. Dina reported that the law did not permit us to reclaim attorneys’ fees on court cases, but that we could reclaim the cost of duplicating briefs and sheriff’s fees in respect of service of process could be reclaimed and town counsel was now preparing a summary of these for submission to the Supreme Court following the recent ruling.
5. At 10:19 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 an employee. The motion passed by unanimous roll-call vote. The following attended part or all of the non-public session: Charles, Simon, Richard, Shaun and Dina.
 - a. Shaun advised that he had a suitable candidate for the position of the patrol officer, who was already known to the Board. After discussion, Richard proposed and Charles seconded that the town offer a full-time position to the candidate. The motion passed unanimously and Shaun was asked to prepare an offer for the Board to sign.
 - b. The Board returned to public session at 10:34 AM.
 6. At 10:35 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) (c) “matters affecting the reputation of a person”. 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 returned to public session at 10:40 AM, having voted to seal the minutes.
 7. The meeting adjourned at 10:47 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. The Board asked a second engineer whether they would be prepared to advise.

December 29, 2011	6 members of the public came in with requests, questions and comments.
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