

Town of Lyme
Board of Selectmen
Minutes for January 5, 2012

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), Fred Stearns (Road Agent), Jim Jenks (Derby Mountain Construction), Sue Hanlon, Donna Andersen, Duncan Macintosh and Bob Hall.
2. River Road:
 - a. Fred and Jim came in to discuss the costing for a potential bank stabilization at 1 to 1.5. Jim was concerned about some of the requirements in the quantities documents. The Board emphasized that the documents had been provided, following the meeting with Holden on December 2nd, so that they could work the quantities. Jim was not expected to sign the conditions, which were Holden's standard form. Jim and Fred agreed that they would have numbers for this option available before the January 12th meeting.
 - b. Dina submitted a petition to lay out a new portion of River Road. Simon moved and Richard seconded that the Board accept the petition. The motion passed unanimously. The Board then signed letters to the landowners, Marselis Parsons and Carola Lea, together with a copy to UVLT as the conservation easement holder, notifying them of this. They agreed to hold a public hearing on February 9th.
 - c. Fairpoint had advised Holden that they were ready to proceed with the relocation of the utility poles. However, the Board considered that they could not undertake this work until after Town Meeting had voted on the proposals.
 - d. Dina had received a message from Mr. Henselenick of NRCS that he expected to be looking at the possibility of grants from them and should be able to respond by mid-January.
 - e. Due to a conflict at LCAB, the Board agreed to ask the school to hold the informational public hearing in the school cafeteria on Tuesday, January 31st (The cafeteria is not available for Tuesday, this has now been rescheduled for Wednesday, February 1st). This meeting will be to consider the proposals for the repair of the riverbank and River Road as embodied in the warrant articles for Town Meeting.
 - f. Sue Hanlon asked whether a partial peer review to consider a single lane road could be undertaken at less cost. Because of the need to review all the documents, this would not result in any saving.
3. The following administrative matters were discussed and actions taken:
 - a. The minutes of the public meeting of December 29th was approved with two minor amendments. The non-public minutes were approved as submitted.
 - b. A 2011 manifest to the value of \$31,709.24 was reviewed and signed. A 2012 manifest to the value of \$809,682.81 was reviewed and signed. This included \$725,000.00 for the school.

- c. The Board signed an Intents-to-Cut for Tyler Rich Map 421 Lot 18
 - d. The Board signed appointments for ballot clerks for:
 - Chris Schonenberger
 - Jane Owen
 - e. Richard reported on the Conservation Commission meeting of Monday, January 2nd.
 - f. Simon reported on the Budget Committee meeting of Wednesday, January 4th: the committee had passed the school budget in a trial vote. The school was still negotiating with the teachers and, if successful, there would need to be a separate warrant article on their agreement. There had been some discussion and concern regarding the library budget and the library trustees would be asked to attend the public hearing scheduled for January 18th.
 - g. Dina reported that she had received a letter from Harold Schwartz regarding safety issues at the Transfer Station. These essentially arise from the use of 50 yd. dumpsters for the paper, but especially for the commingled containers. Bob Hall also expressed his concern about the safety issues. Dina and Lance will investigate the likely costs regarding additional staffing to load the tall containers as against additional pulls of smaller containers.
 - h. Shaun reported that Tony Swett had accepted the offer as police officer, starting January 15th. The Board expressed their pleasure and signed the letter of appointment.
 - i. The Board agreed to set up for the presidential primary next Monday at 5:00 PM. Cover on Tuesday will be:
 - Charles 7-11 AM
 - Richard 11-3 PM
 - Simon 3-7 PM.
 The take down can be as soon as possible after 7:00 PM.
4. Simon stated that, following last week's meeting he had received a private letter from on of the attendees calling him to task in an offensive manner, for having told an attendee not to interrupt and then explaining the fundamentals of NH law as it related to public meetings. The Board concurred that Simon had been absolutely correct in this and were surprised to learn of the letter. They agreed that, in future, agendas of all boards and committees should include a footer spelling out the precise requirements of public meetings.
5. At 8:58 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". 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 considered an issue regarding a tax abatement and signed a letter to the applicant.
 - b. The Board considered a request for partial abatement of interest for late taxes. Due to issues with mailing, the Board agreed to abate the partial interest, providing the taxes were paid by February 10th 2012.
 - c. The Board returned to public session at 9:09 AM.

6. The meeting adjourned at 9:15 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. The Board decided against undertaking a peer review of the geotech analysis
January 5, 2012	Road Agent and Derby Mountain Construction are still working on prices for alternative options. The Board accepts a petition to lay out a new portion of River Road inland of the damaged bank.