

Town of Lyme
Board of Selectmen
Minutes for January 12, 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), Dina Cutting (Administrative Assistant), Patty Jenks (Town Clerk), Fred Stearns (Road Agent), Jim Jenks (Derby Mountain Construction), Adair Mulligan, Lance Goodrich, and Wayne Tullar.
2. At 8:00 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.
 - a. At 8:15 AM the Board returned to public session having voted to seal the minutes.
3. Lance came in to discuss several issues with the transfer station:
 - a. Matt Thebedo had now resigned. The Board authorized Dina to advertise for a replacement part/time operative.
 - b. Co-mingled glass and recyclable containers had now become much more expensive to process. Accordingly, Lance proposed to bring in a separate glass bin. Disposal of this would be \$15/ton with the normal haul charges. The current rates for co-mingled containers were now lower so it did not look likely that there would be any saving next year.
 - c. Lance and Dina reported on the operation of the transfer station for 2011. They were still working on the numbers but estimated the total operation cost for the year around \$14,000. This compared with over \$80,000 before pay-per-throw had been implemented. The Board congratulated Lance on his good efforts in this respect.
 - d. A new annual contract from Witcher should be available for signature next week.
 - e. Simon had a report of trash, a mattress and box spring on Grafton Turnpike. Fred was asked to bring in the bedding and Simon asked the Board to authorize the disposal of the trash in blue bags free-of-charge. The Board agreed this.
4. River Road:
 - a. Fred and Jim came in to discuss the costing for a potential bank stabilization at 1 to 1.5. This came to \$677,947.00 using Holden’s work sheets. They felt there were savings that they could make but not sufficient that would bring it below the cost of the 1 to 3 slope, especially as the permit application had been submitted at that angle and would require an amendment with added cost for the steeper slope. Accordingly the Board agreed that they would work with the 1 to 3 slope.
5. At 9:00 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.
 - a. The Board returned to public session at 9:08 AM having voted to waive the interest and fees on an outstanding 2009 tax bill.

6. The following administrative matters were discussed and actions taken:
 - a. The minutes of the meeting of January 12th were approved as submitted.
 - b. A 2011 manifest to the value of \$6,974.14 was reviewed and signed. A 2012 manifest to the value of \$370,838.26 was reviewed and signed. This included \$350,000.00 for the school.
 - c. The Board signed Intents-to-Cut for:
 - i. Loch Lyme Lodge Map 408 Lots 19, 20 & 22
 - ii. David Roby Sr. Map 410 Lot 41
 - d. The Board signed the recertification for Tree City USA.
 - e. The Capital Improvement Program committee had submitted their report, which the Board reviewed and Simon agreed to take forward to the Planning Board, which is the body to accept it. The Board expressed their thanks to the CIP for their hard work on this and will write to thank them.
 - f. Cemetery Commission:
 - i. There was a discussion on the legal situation regarding the Cemetery and the Board agreed that they would plan on resolving the issues over the next year, with a view to taking some revisions to 2013 Town Meeting.
 - ii. Jennifer Cooke had submitted her resignation, which the Board accepted, with thanks for her work on the Cemetery Commission.
 - g. The Board approved the draft Selectboard report, with one additional paragraph.
 - h. The FEMA report for the damage caused by Hurricane Irene was noted. FEMA had paid \$2,786.46 towards the Dorchester and River Road damage. This was the full 75% of the allowable expenditure.
 - i. Richard reported on the Town Building Committee meeting of Tuesday, January 10th:
 - i. The town offices well had been drilled to 280ft. There had been some issues with excavating for the pipes, because of ledge and some horizontal boring was needed.
 - ii. An anonymous donor had offered to fund the cost of a new roof for the Lyme Center Academy Building and this was now going out to bid.
 - j. Dina reported on advice from town counsel regarding non-public sessions held under RSA 91-A. This refers to a recent Supreme Court case, which holds that boards should not discuss letters or emails from their attorney, or telephone conversations with their attorney, unless the attorney is present, either in person or on the telephone.
 - k. The Board confirmed that they would ask town counsel to be present for Town Meeting.
 - l. The USPS had applied for the use of LCAB for a public meeting on the closure of Lyme Center Post Office, on Monday, February 6. The Board unanimously voted to waive the fees.
7. The Board reviewed the draft warrant for Town Meeting:

- a. One article on River Road was held over for review at the next Board meeting.
 - b. The Board voted unanimously to approve all other money articles.
 - c. Because Town Meeting is very late this year, there was some concern about the applicable dates for the notices for the final public hearing for warrant money articles. The deadline for submission of petitioned warrant articles is Tuesday, February 7th. The Board may review any petitioned money warrant articles on Thursday, February 9th and the final public hearing of the Budget Committee for money warrant articles is Wednesday, February 15th.
8. The meeting adjourned at 11:11 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.
January 12, 2012	Road Agent and Derby Mountain Construction submit an alternative price for 1 to 1.5 slope. The Board agree that they should continue with the 1 to 3 slope originally priced.