

Town of Lyme  
Board of Selectmen  
Minutes for January 26, 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), Shaun O'Keefe (Police Chief), Lance Goodrich (Transfer Station Attendant), Maggie Minnock, Greg and Sue Hanlon, Kate and Dave Hewitt, James Graham, Peter Mulvihill, Donna and John Andersen, Duncan Macintosh, Blake Allison, Matt Stevens, and Kristina Fjeld.
2. Before starting the business of the meeting, Charles drew the public's notice to the footnote on the Board's agenda and reminded them that the Selectboard's meeting, as all meetings in New Hampshire, was open to the public to attend and hear the Selectboard address their regular business. It was not a forum for members of the public to undertake general discussion.
3. River Road:
  - a. Greg Hanlon had an appointment to discuss the possibility of a peer review of the engineer used on River Road. The Board had considered this and had asked Pathways the cost of such a review and had subsequently rejected undertaking this. Mr. Hanlon had then approached Pathways directly who had refused to undertake the work for him. He accused the town of instructing Pathways not to work for him. Dina, as the contact with Pathways, refuted this and said he should talk to Pathways if he desired any further information as to why they did not wish to work for him.
  - b. He asked again about the Board considering opening the road to a single lane. He made claims regarding advice from the DOT engineer, Alan Hanscom, which were incorrect. The Board said that their engineer had reviewed Mr. Hanscom's advice and did not consider the road was safe to open the road.
  - c. He asked about the plan for the Town Meeting warrant articles. The Board explained that the warrant article was based on a bid, incorporating the town's road crew and several in-town contractors. If the article passed, the Board considered that they could sign the necessary agreements within a few days and have contractors with excavators starting work before mud season. They would be unable to haul stone until the end of mud season but the estimate for the whole amount of work was between 45 and 60 days.
  - d. In response to a question from a member of the public, the Board confirmed that the public meeting scheduled for Wednesday, February 1<sup>st</sup> was for the public to make comments on the proposed articles.
  - e. Later in the meeting, the Board discussed the public meeting scheduled for Wednesday, February 1<sup>st</sup>.
4. Transfer Station:
  - a. Lance came in to discuss bids from various suppliers. The Board reviewed these but took no action.

- b. Dina reported that she had received a second email from Harold Schwartz, regarding the transfer station and safety issues. This had been sent before the dumpsters had been changed from 50 to 40yd ones, which alleviated the issue. The Board considered the issue should be referred to the Safety Committee and Dina was authorized to respond to him, telling him of this.
5. Milfoil on Post Pond:
- a. Blake and Matt came in to discuss this. DES had found Eurasian Milfoil during a 2010 inspection of Post Pond. They had undertaken hand harvesting in 2010 and 2011 and had then undertaken herbicide in September 2011. DES does not generally cover the cost of treatment after the first year. However, there was a grant available up to the 50% cost of treatment which is \$3,125.00, providing there was matching funds available. This should have been applied for before the end of the year. The Board discussed the issue of signing this, without matching funds being available and agreed that advice should be taken from Town Counsel on the Board signing subject to approval at Town Meeting. As Post Pond is a great pond, under the control of the State, Town Counsel should also prepare a separate warrant article, covering the raising and appropriation of the matching funds. It was the sense of the meeting that such an article would be recommended by the Selectboard.
  - b. Blake and Matt suggested that a separate body should be created to oversee this issue, comprising abutters such as Loch Lyme Lodge and the Recreation Commission, and to plan for monitoring at the boat launch.
6. The following administrative matters were discussed and actions taken:
- a. The minutes of the session of January 19<sup>th</sup> were approved as submitted.
  - b. The final 2011 manifest to the value of \$8,625.61 was reviewed and signed. A 2012 manifest to the value of \$31,523.90 was reviewed and signed. A separate manifest for the Overseer of Public Welfare to the value of \$2,709.99 was reviewed and signed.
  - c. Intents-to-Cut were signed for:
    - i. Robert and Gretchen Wetzel                      Map 406 Lot 22.2
    - ii. John Mudge    Map 403 Lot 29.2
  - d. Dina reported that the FEMA payment of \$5,688.61 for the August 28<sup>th</sup> (Tropical Storm Irene) washout on Dorchester Road had been received.
  - e. The Board agreed to set the public hearing for the receipt of a donation for the Lyme Center Academy Building roof to be 8:00 AM Thursday, February 16<sup>th</sup>.
  - f. Simon moved and Richard seconded that the Board approve the Selectboard Policy and Procedures. The motion passed unanimously and the Board accordingly signed the Policy.
  - g. Charles reported on the Recreation Commission meeting of Monday 23<sup>rd</sup>. There had been a discussion concerning a proposed letter from the Commission to be sent out on the Lyme list serve. Town Counsel had advised the Chair that this should not be sent out until a specific date had passed. The Chair had notified the Commission members that this letter was on hold until such time as it could be discussed in a meeting. A member had very aggressively and offensively questioned this decision and had asked for the Chair's

resignation on the grounds of a conflict of interest. The Board agreed unanimously that there had been no conflict of interest and that further the procedure taken was exactly what they would expect from the Chair of any town board or committee.

- h. Simon reported on the Heritage Commission meeting of Tuesday 24<sup>th</sup>. There were still working on fund-raising for the historic buildings inventory.
  - i. Following some issues with the release of draft minutes, Simon proposed a revised procedure: the recorder should prepare the minutes and issue them to the Board, Administrative Assistant, Town Clerk, Police Chief and Selectmen's Clerk as soon as completed. The recipients should review and notify the recorder by the following day so that the recorder may make any necessary changes. The Selectmen's Clerk may then send the draft minutes out to all staff at the end of that day. The Board agreed this change in procedure.
7. At 9:26 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" to consider a hardship issue. The motion passed by unanimous roll-call vote.
- a. The Board returned to public session at 9:29 AM having voted to waive an ambulance bill of \$968 on the grounds of hardship.
8. Town Warrant:
- a. The Board reviewed Warrant Articles 8 (Backup Article to repair River Road Washout – Engineering Study only) and 14 (Withdrawal from Converse Free Library Funds for Portico Repair) and voted 3-0 to recommend these.
  - b. Dina reported that the Bessie Hall Fund is not a town trust fund. It had been correctly set up in the first place and therefore there did not need to be a warrant article for it. The interest from the fund will go directly to Trustees of the Trust Funds, who will determine whether the Selectboard or Fire Chief should be the authority to expend it.
9. The meeting adjourned at 10:27 AM.

Simon Carr  
Recorder

River Road Timeline.

<b>Date</b>	<b>Event: brief summary. Further information in BOS minutes at Town Offices. Note that this does not summarize the discussions at the regular Selectboard meetings</b>
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.
January 26, 2012	Greg Hanlon came in to question why an alternative engineer had refused to advise. The Board said that he should take that up with engineer; the town had had no hand in his decision. The proposed warrant articles were passed to the public. The Board laid out a possible timeframe should the main warrant article pass. 10 other members of the public were also present.