

Town of Lyme  
Board of Selectmen  
Minutes for February 2, 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) and Jay Smith.
2. The following administrative matters were discussed and actions taken:
  - a. The minutes of the session of January 26<sup>th</sup> were approved as submitted.
  - b. There was no manifest.
  - c. Simon reported on the Planning Board meeting of Thursday 26<sup>th</sup>. The Board had approved a minor lot line adjustment. They had then set a date for a public hearing for the CIP on Thursday, February 23<sup>rd</sup>. Although created under the aegis of the Planning Board, most of the proposals within this CIP would come back to the Selectboard for actual implementation. The Board had also discussed the use of a moderator for the Master Plan hearings and agreed that David Roby should approach Jack Elliot to undertake this.
  - d. The Board signed an appointment for Mark Bollinger to the Energy Committee, to expire in March 2012. This was a late notification of an appointment and it was anticipated, he would be re-appointed after Town Meeting. Dina will also send out to all the board and committee chairs, the procedure that has now been adopted for recruiting and appointing members.
  - e. Fred came in to discuss replacing the grader tires. This will cost \$7,400 which is greater than the line item for tires. The Board considered that this should wait until after town meeting.
3. River Road:
  - a. There was a discussion on the open public meeting of Wednesday, February 1<sup>st</sup>:
    - i. There were concerns about the suggestion of splitting the repair of the bank away from the construction of the road. Dina will contact town counsel for advice on this and Simon will talk with UVLT and the abutters.
    - ii. It was noted that even with the appropriation for River Road, there would be over \$500,000 remaining in the unassigned fund balance.
  - b. Dina will arrange for the information handed out last night to be posted on the web page.
4. Transfer Station:
  - a. The Board discussed the bids from suppliers and agreed that Dina should prepare a new contract with Whitcher, based on our existing contact but with the new figures from Whitcher. This should run until December 31<sup>st</sup>, 2012 and should be reviewed by town counsel. Having this contract would enable Lance to review suppliers and options in greater depth during the year, especially considering the likely recommendations from the CIP

committee.

- b. Dina reported that Lance had obtained the possibility of a 50% grant from New Hampshire the Beautiful for additional roll-off containers. The Board considered that this would have to be pursued after town meeting.
  - c. The tow existing containers, which were six years old were in repair and needed about \$1,200 for repairs. Lance hoped to have these repaired and acquire, over time, a pool of 5 40-yd containers to better rotate them. These would cost \$3-5,000 each.
5. Eurasian Milfoil
- a. Dina reported on the contract for removal of milfoil from Post Pond. Town counsel had reported that this could be signed, subject to the necessary warrant passing at town meeting. However, the contractor required a non-refundable \$550 for permitting. There is a 90-day lead time for the permitting and, if this waited until town meeting, the contract could run in to the summer season on Post Pond. Simon proposed and Richard seconded that this funding should be paid now and should be set against the Selectmen's Contingency Fund. The motion passed unanimously.
  - b. The Board reviewed the warrant article for the milfoil contract, at \$6,250 with a 50% matching grant and voted 3-0 to approve it. They then signed the contract, conditional on the vote at town meeting.
6. At 9:13 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 9:27 AM having voted to seal the minutes.
7. Town Warrant:
- a. The Board had received a petitioned warrant article signed by 33 registered voters, asking that the town exempt certain agricultural buildings from local property taxes. This had been referred to town counsel, who had said that they do not believe the article to be lawful because there was no statutory exemption as such. The Board then voted 3-0 not to recommend the warrant article and, either they or town counsel would explain the position at town meeting.
8. The meeting adjourned at 9:48 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.