

Town of Lyme
Board of Selectmen
Minutes for February 9, 2012

1. At 8:00 AM Charles opened the meeting at River Road and immediately opened the public hearing for the laying out of a portion of River Road. See Public Hearing minutes for full attendance list.
2. At 9:42 AM Charles closed the public hearing and the Board returned to its regular 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), Jim Shea and Jay Smith.
3. The following administrative matters were discussed and actions taken:
 - a. The minutes of the public and non-public sessions of February 2nd were approved with minor amendments.
 - b. The Board signed a 2011 manifest to the value of \$2432.00 and a 2012 manifest to the value of \$430,908.00. This included \$350,000 for the school.
 - c. The Board signed an Intent-to-Cut for Roy and Ellen Knights Map 403 Lot 44
 - d. The Board reviewed the assessment appeal of Marcia Armstrong, 4 Creamery Lane, Map 201 Lot 117. Charles moved and Richard seconded that this appeal be refused. The motion passed unanimously.
 - e. The Board agreed to defer review of the DOT bridge inspection report until next week's meeting.
 - f. The Board agreed they would individually review the MS-7 prior to the Budget Committee hearing of Wednesday 15th.
 - g. The Board agreed that all board and committee appointments both vacant and coming up for renewal should be publicized and that they needed recommendations from all committees by the end of the first week in April.
 - h. Dina reported on staff coverage during Elise's absence, which is anticipated to last for the next six weeks. She described the split in duties between her and David and those duties, which had been passed to Patty. Dina was authorized to find temporary staff to cover 8AM-2PM Monday, Wednesday and Friday during this time.
4. At 10:07 AM the Board recessed for a discussion with Town Counsel. They returned to regular session at 11:00 AM.
 - a. Simon and Richard signed a letter that they then handed to Charles.
5. Warrant Articles:
 - a. The Board reviewed petitioned Article 17 to open one lane of River Road and town counsel's advice. They voted unanimously not to recommend the article. They also

discussed the issues with addressing the sense of Town Meeting.

- b. The Board reviewed petitioned Article 18 to relocate River Road but not to undertake the reconstruction of the riverbank. They reviewed town counsel's advice and voted unanimously not to recommend the article.
 - c. The Board discussed the warrant order, in respect of the River Road articles. Traditionally petitioned articles are listed after all regular warrant articles and they agreed to continue this practice.
6. River Road:
- a. There was further discussion on the questions raised during the public hearing. Simon will prepare a list of any further questions that we needed to get from the engineers.
 - b. Bob Barnum had submitted a spreadsheet of his costs for placing riprap on his bank, over the last few years.
7. Transfer Station:
- a. The Board signed a revised contract with Witcher, through to December 31st 2012.
 - b. There had been issues with members of the public entering dumpsters to acquire items. The Board agreed that they should re-publicize the rules regarding the disposal of items and that no items placed in dumpsters should be removed from them.
8. The meeting adjourned at 11:48 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.
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.
February 9, 2012	Board holds a public hearing on site to lay out a new portion of road. They take comments and respond to questions regarding the new road layout. Subsequently the Board votes to lay out the new road, contingent on all necessary easements being obtained.