

**Town of Lyme**  
**Board of Selectmen**  
Minutes for February 16, 2012

1. At 8:03 AM Charles opened the meeting and immediately opened the public hearing for the acceptance of a donation to the town. The following attended the hearing: Charles Ragan (chair), Simon Carr (member), Richard Vidal (member), Dina Cutting (Administrative Assistant), Patty Jenks (Town Clerk) and Don Elder.
2. At 8:05 AM Charles closed the public hearing and the Board returned to its regular meeting.
3. Lyme Center Academy Building:
  - a. Richard moved and Charles seconded that the Board accept the donation on behalf of the town. The motion passed unanimously.
  - b. The color for the new roof was considered and it was agreed that it should be the same color as the standing seam extension at the rear of the building.
4. Don had come in to discuss a 9-1-1 issue on Mud Turtle Pond Rd. Orford had numbering from the north end of the road (junction with Rte 25A) and Lyme had numbering starting from the south end (junction with Whipple Hill Rd). This meant that there were duplicate numbers for some properties. As the Lyme properties were only accessible from the Orford end, the Board agreed that Lyme should use the numbering from the Orford end.
5. The following administrative matters were discussed and actions taken:
  - a. The minutes of the public session and public hearing of February 9<sup>th</sup> were approved as submitted.
  - b. There was no manifest.
  - c. Dina reported that the State was proceeding with the Edgell bridge repair. There had been some damage to the cladding. To repair this would take the expenditure over the original budget figure, but remaining within the contingency amount. The Board agree this work should be undertaken.
  - d. The review of the DOT bridge inspection report was deferred until all members had read it.
  - e. The Board reviewed a letter from a resident to the Tax Collector asking that interest for late payment of taxes should be waived. The Board concurred with the Tax Collector that there was no reason to waive this interest and denied the request.
  - f. Simon, Richard and Dina reported on the Budget Committee hearing of Wednesday February 15<sup>th</sup>:
    - i. Simon had presented the money warrant articles and explained the financial and

legal issues to them. The public had wished to focus more on whether the road should or should not be re-opened. The Budget Committee had voted along the same lines as the Selectboard on all

- ii. Earl Strout had proposed that the budget committee should form some sub-committees for in-depth study of different town departments. There was some discussion on this and concern that this could result in the budget committee in attempting to run departments rather than reviewing the departments' costs.
  - g. Simon reported on the Planning Board meeting of Thursday February 9<sup>th</sup>. The Board had met with Jack Elliott who would moderate the public hearings of the Master Plan. There will be a hearing for the CIP on Thursday February 23<sup>rd</sup>.
  - h. It was agreed to ask Bill Waste to come in next Thursday, February 23<sup>rd</sup> to discuss possible town meeting issues.
  - i. The list of Forest Fire Wardens was signed for submission to the State.
  - j. The Board agreed that Dina should be work and be paid overtime as necessary during the current staff shortage.
  - k. Dina reported that she had advertised for part-time staff but had not yet received any response.
2. River Road:
- a. Further information had been received from Holden, as required for the wetlands permit. They will also be providing costs for the supervision portion of the work, if passed at town meeting.
3. At 8:57 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. Charles, Richard, Simon and Dina attended the non-public session.
- a. Dina updated the Board on the current staffing situation.
  - b. The Board returned to public session at 9:05 AM.
4. The meeting adjourned at 9:08 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.
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.