

Town of Lyme  
Board of Selectmen  
Minutes for March 1, 2012

1. At 8:03 AM Charles opened the meeting. The following part or all of the meeting: Charles Ragan (chair), Simon Carr (member), Richard Vidal (member), Dina Cutting (Administrative Assistant), Patty Jenks (Town Clerk), Shaun O'Keefe (Police Chief), Fred Stearns (Road Agent) and Jae Smith.
2. Fred came in to discuss highway issues:
  - a. Plowing through the Edgell Bridge, now that the State had re-opened it and advised on suitable loads; including advising that the 1-ton town trucks (at 9 and 10 ton gross vehicle weight) should not pass over it. Dina had contacted a number of towns to check on their procedures; Swanzey and Cornish did not plow through their covered bridges. Cornish and Hopkinton used small trucks, but with no load of sand or salt. It was agreed that the present 3 ton limit should remain and that for the remainder of this winter season, Fred should plow down to the southern end and make an arrangement with Charlie Waterbury and Orford to plow down to the northern end.
  - b. He had received a bill for \$3,290.98 for camshaft repair work to the 2008 International. This was after some of the work had been done under warranty. Simon moved and Charles seconded that the money be paid out of the Emergency Major Equipment Rebuilding Trust Fund. The motion passed unanimously.
  - c. There was a discussion on better tracking of the operating costs both of vehicles and roads. Dina had set up the necessary spreadsheets but these were not being completed. The Budget Committee is likely to be addressing this much more strongly in the coming year and the more information that could be shown, the better.
  - d. There were concerns about the amount of salt still being taken. Fred was also concerned about the risk of theft from the gas tanks. The use of gates at the entrance, at a cost of between \$1,500 and \$3,000 was discussed. Fred will pursue installing these
3. The following administrative matters were discussed and actions taken:
  - a. The minutes of the public session of February 23<sup>rd</sup> were approved as submitted.
  - b. A manifest to the value of \$365,684.44 was reviewed and signed. This included \$350,000 for the school. A separate manifest for the Supervisor of Public Welfare was also signed.
  - c. There was a discussion on the list of open appointments to boards and committees. It was emphasized that this was to expand membership, not to replace existing members who had come to the end of their term.
  - d. Dina reported on the Recreation Commission meeting of Monday, February 27<sup>th</sup>:
    - i. Since there had been no cross-country skiing the Commission had agreed to offer refunds.

- ii. There was an issue on the minuting of the previous meeting and the continuation of that meeting after the meeting had been adjourned by the chair prior to her leaving. Dina emphasized that public meetings must be public and must comply with the relevant RSAs. The Board considered this and agreed that they would take steps with town counsel, should there be any further issues.
  - e. Simon reported on the meeting of the Planning Board meeting of February 23<sup>rd</sup>: This had consisted of a public hearing to adopt the CIP Committee report. There had been some questions regarding merging of Capital Reserve Funds and the hearing had been continued to the next meeting of March 22<sup>nd</sup>.
  - f. Simon reported on the meeting of the Heritage Commission meeting of February 28<sup>th</sup>: they were proceeding with a town-wide heritage inventory. The total cost of this was \$14,500 of which they now had commitments for \$9,700. They had asked the Board to sign a contract with their consultant. Simon would pass this to the Board for signature as soon as the final issues had been resolved.
  - g. Dina asked about the old town computers, of which there were seven to be disposed of. The Board agreed that Harvey or David Robbins should first clear the drives and install only the basic Windows operating system. They could then be offered to the staff. If it was necessary for Harvey to undertake the cleaning work, then we should charge \$20/computer. Once staff needs had been satisfied, then Harvey could dispose of remaining computers to needy members of the public and finally to listserv.
2. River Road:
- a. Patty reported on an email she had received from Bill Waste, concerning voice-without-vote at Little Town Meeting and Town Meeting. The Board agreed that they had no problem on public, who were not registered voters, but who had an interest in River Road, being permitted to speak at these meetings.
3. With the completion of the repair of Edgell Bridge, the state had brought in a couple of the knee braces that had been replaced. It was proposed that these be displayed in the entrance hall together with a descriptive plaque. Charles and Richard will pursue the erection of the braces.
4. 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. Charles, Richard, Simon and Dina attended the non-public session.
- a. The Board returned to public session at 9:26 AM, having voted to seal the minutes.
5. The meeting adjourned at 9:29 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 3, 2011	On the advice of Ray Burton, the town asks Alan Hanscom, NH Road Engineer for advice on closing the road.
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 24, 2011	Alan Hanscom responds with suggestion for opening a single-track road. Does not give opinion on substrata conditions. Holden reviews suggestion and re-confirms their view that the road and substrata are not safe.
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. Board endeavors unsuccessfully 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. (TransCanada draw the Wilder dam to very low levels).
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	Bids from four contractors for the river bank stabilization are opened. They range from \$417,084 to \$766,935. The Board will use these bids in preparing for town meeting warrant articles. 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 higher 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 the engineer's decision. The proposed warrant articles were passed to the public. The Board laid out a possible timeframe should the main warrant article pass. 10 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.