

Town of Lyme
Board of Selectmen
Minutes for April 5, 2012 (corrected)

1. At 8:00 AM Simon opened the meeting. The following were present for part or all of the meeting: Simon Carr (chair), Richard Vidal (member), C. Jay Smith (member), Dina Cutting (Administrative Assistant), Shaun O'Keefe (Police Chief) and Ed Hansalik (NRCS).
2. The following administrative matters were discussed and actions taken:
 - a. The minutes of the public session and non-public sessions of March 29th were approved.
 - b. A manifest to the value of \$289,118.14 were reviewed and signed. This amount included \$250,000.00 for the Lyme School District.
 - c. Discussed the Charge for the Class V Roads Study Commission. Made minor change to the wording and voted unanimously to adopt. Will post the charge on the web site and put a note on the listserve with a link to the website to advertise for names of persons interested in serving on the Commission. Jay will be the Selectboard representative.
 - d. Signed the new lease for the Pike House which will run through March 2013.
 - e. Discussed use of the Lyme Center Academy Building on April 20, which would still be in mud Season. Derby Mountain Construction is supposed to start work on the parking lot and as long as he is finished there should be no problem.
 - f. Discussed complaints about the roads. Have received complaints regarding damage to tires and wheels due to the large stone used to make the roads passable. This is a concern and is being addressed. Asked Shaun about procedures for Emergency Vehicles. This will be a future discussion for the Safety Committee to review. Discussed accident on Highbridge Rd and what needs to be done for repair/replacement of the guard rail. Highway Department will provide estimates for this.
 - g. At this time Ed Hansalik (NRCS) arrived.
 - i. Simon brought up some of the procedural items which he felt were troubling to the Board and which may increase costs which we had not anticipated. Ed explained that NRCS program was a "program of last resort" designed to assist the town with funds/resources that the town did not have or were not available. He agreed the significant amount of inspection required may increase costs, especially around the water and NRCS had taken that into account and added an allowance for that in the proposal.
 - ii. Discussed specifications for materials. NRCS needs to know where the stone for the rip-rap will be purchased so they can inspect it prior to purchase to ensure it meets their specifications.
 - iii. Presented a list of items which NRCS will need prior to awarding the contract and after completion for transfer of funds to the Town.

- iv. Presented the Board with the “Project Agreement” which outlines the work requirements, inspections, etc. Need to sign 3 copies and return to NRCS. Once we receive a signed copy back from NRCS we can sign the contracts to begin work. NRCS will look at the stone with the contractor and then depending on costs the contract may need to be amended to reflect the increase. A copy of the amended contract will need to be sent to NRCS.
 - h. Received a letter from UVLT regarding the value of the land to be taken by eminent domain for the placement of the new road. After reviewing the figures presented by UVLT, Simon moved and Richard seconded that we accept UVLT’s figures. Board voted unanimously to accept.
 - i. Received a letter regarding burying the utility lines when the road is moved and planting generally low bushes which would not obstruct the view. The topic of burying the power lines was brought up and discussed when the plans for the new road were drawn up. The Power Company cited a minimum cost of \$50.00 per foot or minimum \$50,000.00 to bury the lines. It was felt that this cost could not be justified and funds were not included in the budget. As to the plantings, we have little control. The DES permit specifies what must be planted and NRCS has also weighed in on this. The plantings must be to their specifications and are designed to prevent future erosion and stabilize the bank. A letter will be sent noting this.
 - j. Motion by Richard, seconded by Jay and the board voted unanimously to accept the NRCS proposal pending review by Town Counsel. If Town Counsel has no issues proposal will be signed and sent to NRCS.
 - k. Richard discussed the Recreation Committee meeting. There was a discussion regarding funds. Elections were put off until the next meeting.
 - l. Richard discussed the Conservation Commission Meeting. There was a discussion of the milfoil problem and ways to mitigate this. Looking at the possibility of having a cleaning area to wash boats prior to launch but need to figure out a drainage area. Discussed changes in members and alternates. Board needs recommendations so they can complete the forms and appoint new members.
 - m. Motion by Simon, seconded by Richard and Board voted unanimously to go into non-public session at 9:40 am under RSA 91-A:3 II(c) “Matters affecting reputation”
 - n. Board returned to public session at 10:10 am having voted to seal the minutes.
 - o. Discussed a memo from the Tax Collector. In the future she should not take action until she has received something in writing from the Board.
2. The meeting adjourned at 10:11

C. Jay Smith
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 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.
March 13, 2012	After receiving a commitment from NRCS for a 75% matching grant for the bank fix to River Road, Town Meeting passes a warrant article to relocate the road and repair the bank
March 14, 2012	DES issues the permit for the bank work.
March 28, 2012	Special Board meeting with Ed Hansilik (NRCS/USDA Representative) to discuss Grant for the costs of repairing the river bank.
April 5, 2012	UVLT has acquiesced in the taking of the land, subject to some revision of the costs.
April 5, 2012	Ed Hansalik – NRCS presents the Grant Proposal to the Board of Selectmen. Board accepted the Proposal pending Town Counsel review.