

Town of Lyme
Board of Selectmen
Minutes for April 12, 2012

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), Patty Jenks (Town Clerk), Shaun O’Keefe (Police Chief), Fred Stearns (Road Agent) and Jim Jenks (Derby Mountain Constr.).
2. Discussed River Road problems with Jim and Fred. After discussions with NRCS and after having Town Counsel review the NRCS proposal it is the opinion of Town Counsel, and the Board concurs, that the only viable solution is to reject all bids and to advertise for new bids due to new requirements to meet the NRCS specifications and Federal Contract rules. Dina will contact Holden to have new specifications and language added to the bid package and to do a cover letter for the bid package. Dina will place advertisements for bids on the web site and in the Valley News. Need to include language stating that the Highway Department assets may be used and need Fred to set up some times to meet with bidders if requested. A letter will be sent to all previous bidders stating why bids were rejected. All new bids are to be in by May 1st, 2012. The board signed the sale and the easement deed for the Parson’s property. Still waiting to hear from the Corolla Lea Trust on that property. Motion Simon, Seconded Richard and voted 3 – 0 to sign the NRCS proposal.
3. 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. Signed a letter in answer to the inquiry regarding plantings and the burying of the power lines.
 - c. A manifest to the value of \$80,500.70 was reviewed and signed.
 - d. Motion by Simon, seconded by Richard and Board voted unanimously to go into non-public session at 9:07 am under RSA 91-A:3 II(c) “Matters affecting reputation”
 - e. Board returned to Public Session at 9:43 having voted to seal the minutes until such time as additional requests come forward.
 - f. Board made the following appointments to the Conservation Committee:

Heather Toulmin - Member
James graham - Alternate
Joanne Laro – Alternate
 - g. Discussed appointments to the Class V Road Study Committee. Board has received an extensive list of volunteers and will study the list and make recommendations and appointments at the next meeting. It is heartening to see so many people willing to get involved.

- h. Discussed a memo regarding 655 River Road. In 2004 a request for a 2 year use of a temporary trailer on the property (non-permitted use) while a house was being built was granted by the Selectboard with the stipulation that it be removed within thirty days after completion of the house or within two (2) years, whichever came first, a stipulation which the owner agreed to in writing. The trailer remains on the property and the last building permit renewal for the house was 2008-2009. The board will ask Town Counsel to write a letter to the owners.
- i. Signed a Notice of intent to cut wood. Signed Reports of wood cut.
- j. Motion by Simon, seconded by Richard and Board voted unanimously to go into non-public session at 10:02 am under RSA 91-A:3 II(c) "Matters affecting reputation"
- k. Board returned to Public Session at 10:56 am having voted to seal the minutes.
- l. At 11:00 am Simon moved to recess to a time and date to be determined. Seconded Richard. Board voted 3 – 0.

/s/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.
April 12, 2012	Following discussion with Town Council regarding NRCS proposal it is decided to reject all previous bids and advertise for new bids with additional language and specifications as set forth in the NRCS Grant proposal.