

Town of Lyme
Board of Selectmen
Minutes for April 26, 2012

At 8:02 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), Lance Harbour (NH Dept. of Safety), Jim Jenks (Derby Mountain Construction).

1. The following administrative matters were discussed and actions taken:
 - a. Amended the charge for the Class V Roads Study Committee to include a member of the Budget Committee appointed by the Select Board.
 - b. Motion by Jay, Seconded by Richard and voted 3-0 to appoint Morty Bailey to the Class V Roads Study Committee.
 - c. Discussed Town Web Site – items have been updated and the Library was moved to the Departments page.
 - d. Lance Harbour arrived and discussed the Hazard Mitigation Grant Program. Talked about setting standards for roads and bridges so that if there is a disaster replacements will be built to those standards. Discussed the need for a data base/identify key areas. Grants are a 75/25 match for pre disaster grants but can include reasonable in kind costs spent on labor/material/equipment usage as part of the match. Need a letter of intent by May 25th / Application process begins June 1st. Applying for FY13 funds. EMD should have information.
 - e. Discussed including Kevin (Disaster Mitigation Plan) as advisor/part of the Roads Committee. Need to get a copy of Disaster Management Plan.
 - f. 8:38 Met with Jim Jenks, Derby Mountain Construction. Jim had a couple of questions on the bid process which he needed clarification on.
 - g. A manifest to the value of \$24,417.02 was reviewed and signed.
 - h. Discussed Chase Beach. Too muddy right now for construction to finish. Leave gate up until work is complete.
 - i. LCAB parking lot will probably be over budget. Bills are still coming in.
 - j. Signed an extension of intent to cut. Signed an intent to cut for Kelsey – Map 401 Lot 13.2; Signed Report of Wood Cut – Perkins: \$972.29 Lot 409-67 & 59; Smarts Mt Realty: \$3729.64 Lot 415 – 22 and Lot 403 – 29.2000; Mudge \$3.70.
 - k. Signed the Investment Policy for Town Funds. Selectmen noted a vote of thanks to Andrea for her diligent work.
 - l. Committees, Commissions and Boards:
 - a. Fred Stearns, Road Agent met Wednesday with Contractors who have expressed interest in bidding on River Road Project to answer questions of availability of Town

labor/equipment.

- b. Heritage Commission is beginning the inventory of Historical Buildings in Town.
- c. Recreation Commission met Monday. Postponed election of a Chairman until Curtis is sworn in. Discussed youth pick up soccer and adult soccer. Voted to move ahead with field project in the fall. Will need to move Capitol Reserve funds in October. The Commission is concerned about the high water level in the pond.
- m. Discussed the need to think about moving some of the Capitol Reserve Funds. All that need to move must do so by December 31st.
- n. Discussed River Road project. There are some questions regarding Holden's costs which likely will be over budget. Need to go through the contract and amendments and see what we feel is justified and what is questionable and discuss at the next meeting. Bids for the bank restoration are due May 10th.
- o. Questions arose concerning Goose Pond Rd paving. Fred will have to get bids on this project. Also need to follow up on the bridge repairs over Hewes Brook.
- p. Motion by Simon, seconded by Richard and Board voted 3 - 0 to go into non-public session at 9:27 am under RSA 91-A:3 II(c) "Matters affecting reputation"
- q. Board returned to Public Session at 9:30 am having voted to seal the minutes.
- r. Discussed policies regarding liquor licenses, entertainment, and occupancy and compliance. Need to ask Mike Hinsley to come and talk to the board. After discussion it was decided that more information was needed. Need to look at site plan review and other documentation. Need to discuss the relationship between the BOS and the Planning Board. Will ask David to pull site plan reviews and any computer records that are pertinent.
- s. Motion by Simon, seconded by Richard and Board voted 3 – 0 to go into non-public session at 10:09 am under RSA 91-A:3 II(c) "Matters affecting reputation"
- t. Board returned to Public Session at 10:45 am having voted to seal the minutes.
- u. The minutes of the Public and Non-Public sessions of April 19th as amended were approved.
- v. At 10:48 am Simon moved to adjourn. 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.