

Town of Lyme
Board of Selectmen
Minutes for May 24, 2012

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), Bill Ackerly

1. The following administrative matters were discussed and actions taken:
 - a. Approved the minutes of May 17, 2012. Approved the minutes of May 22, 2012.
 - b. Matters arising:
 - i. Forestry Warden called Simon to let him know that he would be pursuing the situation with the brush cutting, fencing and trenching on Nichols property. Will try to negotiate a solution between Nichols and the abutters.
 - ii. Discussed the tree on the common. Let Bill handle it for now.
 - c. Voted to approve and sign the manifest for \$9073.28.
 - d. Signed the following intent to cut:
 - i. Map 406 Lot 15 Thomas Green & Kathryn Green
 - ii. Map 409 lot 24 Rhonda Sheffield & Elke Konings
 - iii. Map 421 Lot 7 Roberta Pike
 - e. Reviewed and signed the Yield Tax:
 - i. Map 410 Lot 41 David M. Roby \$216.31
 - ii. Map 414 Lot 44 William Nichols & Scott Nichols \$298.99
 - iii. Map 421 Lot 18 William Nichols \$136.46
 - f. Reviewed and signed Current Use: (Update Only)
 - i. Map 421 Lot 5 Roberta Pike – 14.00 Acre Transfer from Tyler Rich
 - ii. Map 421 Lot 7 Roberta Pike – 11.33 Acre Transfer from Tyler Rich
 - iii. Map 421 Lot 18 Tyler Rich – Adjusted CU Map & App to reflect changes after recent Lot Line Adjustment with Roberta Pike.
 - g. Discussed the Web Page. Need to get entries in date order. What would it cost to hire a web designer? Need to check with Virtual Town Hall to see what else is available. Contact other Towns and see who/what they use for web site hosting.
 - h. Discussed Posting of “Draft” Minutes on the Web Page as some people have expressed a desire to get information quicker. Under the law Draft Minutes must be available to the public in the Town Office within five (5) days. Will discuss this next week with Elise and David.

- i. There have been issues with the weight limit on the Edgell Bridge. The State has recommended and the Town has posted the bridge with a three (3) ton limit. There have been requests for a higher weight limit however the Selectmen feel there is not sufficient justification at this time not to follow the recommendations of the State DOT. Simon asked Shaun to draft an ordinance for enforcement purposes. Looked at a gantry but did not feel it was practical at this time.
- j. Committee and Commission Reports:
 - i. Recreation Commission – No quorum at the last meeting. Beach work is completed and it has been hydro-seeded. Should see grass in 8 – 10 days. Signs are up noting the beach is closed and there is no trespassing to give the grass a chance to take hold. Will note on the signs that the beach will remain closed until June 16th. (Father’s day Weekend). This should give the grass a start. Inspection by the State found very little milfoil and recommended no spring treatment.
 - ii. Energy Committee is planning to do a study of what types of energy residents are using. Drawing up a survey to be sent out.
 - iii. Heritage Commission reviewed the study of pre 1960 houses. Study has taken longer than anticipated. They have four (4) days set aside in the fall to complete the study.
 - iv. Planning Board Public Hearing on the Master Plan. There was a lot of good feedback. Most of the public seems concerned that the plan is overly restrictive.
- k. Discussed “Fence Viewers”. IAW the RSA Ben Nichols had requested a fence viewer. He noted that since 2008 he has had a problem with deer eating his Christmas trees and he now has a fence system that protects the trees. The problem is a survey by an abutter shows the fence to be on the abutter’s property. The RSA states that “brush pile” fences be twenty-five (25) feet inside the property line. Since the Forestry Warden is currently negotiating with all the land owners the Board will send a letter stating that they will leave it up to the Forestry Warden at this time.
- l. Began a discussion of the River Road bids from Northwood and L&M and the wording of the letter of intent. In the middle of the discussion a letter was received from Northwoods Excavating Inc. withdrawing their bid on the River Road project. After further discussion Simon made a motion and Richard seconded and the Board voted 3-0 to send a letter of intent to award the bid to L&M Service Contractors LLC. Need to close with Marselis and get signature from the State and close with Carola so work can begin.
- m. Shaun noted that the Inspector from the State Department of Labor had paid a visit. Safety Committee was not in compliance with the filing of their bi-annual report. While there were several minor problems biggest concern was Town Clerks Office. Metal Gate was not considered sufficient protection. Need plexi-glass at least three quarters of the way up so no one can jump over the counter and door must be closed and locked at all times. We should receive a report in two weeks and then we have 30 days to correct the deficiencies. Need to bring up at the Building Maintenance Committee meeting and Shaun will notify Department Heads.

- n. Dina noted that all fireworks will be set off at the boat launch. Too much brush and trees by the other sites. Have two dead trees near the boat launch which need to come down. Will ask the highway department to remove them.
- o. Dina noted that the school has asked if the July appropriation could be ready June 28th since they will have their big end of school year payroll. There is some concern with giving that much early at once since the town will be accruing interest on it.
- p. Motion by Simon, seconded by Jay and Board voted 3 - 0 to go into non-public session at 10:15 am under RSA 91-A:3 II(c) "Matters affecting reputation.
- q. At 10:41 am Board returned to Public Session having voted 3 – 0 to seal the minutes.
- r. Board approved a hardship tax abatement of \$4,126.51 plus interest and fees.
- s. The Meeting adjourned at 10:45 am.

/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 Counsel 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.
April 19, 2012	Sent signed contracts to NRCS for their signature. The advertisement was in the paper and have received several requests for bid packages.
May 3, 2012	Marselis signed the purchase agreement. Monadnock Archeological Consulting LLC has recommended a Phase 1b Archeological Investigation.
May 10, 2012	Bids are opened and announced. Monadnock Archeological Consulting LLC completed Phase 1b and found no artifacts in the construction zone.
May 15, 2012	Received the Alteration of Terrain Permit.

May 24, 2012	Notified by Northwoods Excavating Inc that they were withdrawing their bid. Signed a letter of intent with L&M Service Contractors LLC for the work on the riverbank.
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