

Town of Lyme
Board of Selectmen
Minutes for May 31, 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), Elise Garrity (Selectboard clerk), Dave Robbins (Planning and Zoning Administrator).

1. The following administrative matters were discussed and actions taken:
 - a. Approved the minutes of May 24, 2012.
 - b. Matters arising:
 - i. Discussed "Fence Viewers". Should not be the Board of Selectmen since they are the ones who have to debate and approve/enforce the decision. It is felt it would be a conflict of interest to do both.
 - ii. Forest Warden met with Ben and Amy about the brush/slash fence and will meet with the parties again to try to mediate a resolution. He will keep the town informed.
 - c. Discussed the beach area and ball fields. How do you control damage? We need to keep reiterating that the beach is closed until June 16th to let the new grass take hold. Also need to post a note on the web page and the listserv to remind people that there is a Town Ordinance governing use of the recreation facilities. Dina will post a notice on the listserv and the web page.
 - d. Shaun discussed the summary of items which were identified by the Dept. of Labor inspector which are mandated to be fixed. He has sent copies to Department heads and will be following up. Need to bring some items to the attention of the Building Maintenance Committee but responsibility is with the Safety Committee. Read a letter from the Town Clerk noting her concerns with the required changes to the Town Clerk's Office.
 - e. Discussed Posting of "Draft" Minutes on the Web Page with Dave and Elise. There is a desire for information to be posted on the web sooner. By statute minutes must be available within 5 business days after the meeting. While they are available in the Town Office they are currently not posted to the web until approved. In the case of some boards such as the ZBA they may not be posted to the web page for a month or more. It was decided that starting with the June meetings "Draft" minutes would be posted to the web page five (5) business days after a meeting. The "Draft" minutes would be replaced by the "Approved" minutes within two (2) business days after they are approved. A memo will be sent to all committees notifying them of the State Statute requiring minutes to be available within five (5) business days after a meeting and the requirement for an approved copy.
 - f. Discussed the web page. Elise had spoken to the web company about the problem of items not being in proper order and they had found a problem in one of the folders and fixed it. Will ask them to check all the folders and fix the problem. Checked with VTS and it will cost \$995.00 for a complete overhaul of our web site. Our current contract costs \$2500.00 per

year for one license. Additional licenses cost \$1100.00. We need to check further with other Towns and ask for some prices from other companies before we upgrade our site with VTS. We discussed the format for the minutes and the time being spent to upload minutes in word format. VTS uses First Page vice MS Word and so there are some formatting requirements in order to have the page upload correctly. Discussed using PDF format but there is a question of time required to download the file and open it to view. We will continue to look at other towns and list the items we don't like in order to look for solutions.

g. Committee and Commission Reports:

- i. Planning board held the final public hearing on the draft Master Plan on Tuesday night. There was a very good turnout and many good comments were received. Board will begin at tonight's meeting sorting through comments and reviewing possible changes to the plan.
- h. Discussion of the River Road. The person who will sign off on the easement for Carola's property for the State is supposed to sign today or tomorrow. After that we need the signature of the mortgage holder and we will be able to close. Marselis is supposed to be in town next week and we will try to get together and close with him. Dina will deal with L & M's insurance Co. directly to set up the insurance bond for the project. L & M needs to deal with Holden before ordering some items and to get with NRCS to have the stone approved. Contract is being worked on at this time. Fairpoint has been given the OK to schedule/begin work moving the poles.
- i. Dina noted that Dead River called about new contract for oil/propane. Needs to be done as soon as possible. She is currently checking prices with other companies and will let the board know.
- j. Motion by Simon, seconded by Jay and Board voted 3 - 0 to go into non-public session at 9:15 am under RSA 91-A:3 II(c) "Matters affecting reputation.
- k. At 9:19 am Board returned to Public Session having voted to allow town counsel to continue to handle the situation.
- l. The Meeting adjourned at 9:20 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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