

Town of Lyme
Board of Selectmen
Minutes for June 28, 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).

1. The following administrative matters were discussed and actions taken:
 - a. Approved the minutes of June 21, 2012 and June 22, 2012
 - b. Matters Arising:
 - i. Beaver dam has again caused flooding on the Grafton Turnpike Road. Message left for Dave Roby. Simon asked Fred to put cone/signs to warn motorists of the water over the road.
 - ii. Received an e-mail from Fairpoint which was totally non-committal regarding a date for installing new poles and moving the lines. L&M has started construction approximately 100 feet down from the first pole and will come back to that section.
 - c. Voted to approve and sign the manifest for overseer of the welfare in the amount of \$1876.92. Voted to approve and sign a manifest in the amount of \$38,917.55.
 - d. Report of wood cut: Elizabeth Belder Map 407 Lot 89 \$223.18
 - e. Received 2011 Abatement applications from NH Electric Cooperative and Fairpoint Communications. Voted 3 – 0 to accept the recommendations of George Sansoucy, PE and deny the applications.
 - f. Received 2011 Assessment Appeals:
 - i. Bayne Stevenson Map 405 Lot 36 - 729 River Road. Voted 3 – 0 to deny the appeal.
 - ii. David & Katherine Hewitt Map 405 Lot 38.1000 765 River Road. Voted 3 – 0 to approve an adjusted assessment based on the estimated cost of the roof repairs until such time as repairs are made.
 - iii. Discussed the fact that some appeals may result in litigation. Office staff should provide any public documents requested however they should not discuss the information with anyone but should refer them to Diana Calder.
 - g. Committee and Commission Reports:
 - i. Discussed Recreation Commission meeting regarding ball field fencing and getting the

water gauge in. Water is high right now and is straining the anchor ropes on the dock.

- ii. Heritage commission discussed the progress of the drive by survey. They have raised \$14,100.00 of the estimated \$14,500.00 needed to complete the project.
 - iii. Energy committee discussed the school extension and what type of energy would be used.
 - iv. Discussed the use of “Survey Monkey”. In the past the energy committee has used this to survey residents. It costs \$200.00 a year for a license. It might better serve all committees/commissions if the Town were to buy a license and make it available to all.
- h. Received a call from the Loon Preservation Society in Moultonborough regarding the 4th of July celebration to take place on June 30th. Their concerns were that the Loon eggs would be hatching about that time. They have been keeping track of the Loon hatches for the last three years since the floating nest was installed. She had some conflicting information and after it was explained where the BBQ and fireworks would be happening in relation to the nesting area and the history of the celebration for the last 19 years she seemed to feel somewhat better about it. She did ask to compare hatching dates for the past three years with the celebration dates and Dina will provide the information.
- i. Discussed two items on River Road project. The question of overtime was brought up and as was discussed at the pre-construction meeting town employees will only be available 40 hours per week. Simon will talk to Fred on this. The second item concerned the operation of Town equipment. ONLY Town employees may operate town equipment. Called the insurance company and they will not issue a rider for other people to operate Town equipment. It was decided to talk to Wes (L&M Foreman at the work site) to determine just what his requirements were.
- j. Motion by Simon, seconded by Jay and Board voted 3 - 0 to go into non-public session at 8:45 am under RSA 91-A:3 II(c) “Matters affecting reputation” and RSA 91-A:3 II(e) “Consideration or negotiation of pending claims or litigation”.
- k. n. At 8:58 am Board returned to Public Session having:
- i. Discussed a letter from the Tax Assessor regarding a partial payment of taxes past due. Will send a letter noting balance still due.
 - ii. Discussed one case awaiting resolution and a second case being reviewed by Town Counsel before deciding how best to proceed.
- l. At 9:00 am the Board voted 3 – 0 to recess the meeting and reconvene at the River Road work site.
- m. Reconvened at River Road. Present were Simon Carr (chair), C. Jay Smith (member), Richard Vidal (member), Dina Cutting (Administrative Assistant), Wes (L&M Foreman), Jason Hill (Holden Rep.)
- n. Discussed the overtime situation with Wes. He noted that for now things were fine and he was pleased with the Town employee’s work. He did ask that if in the future they did need the Town employees to work a little later during the week if he could just let them go early on

Friday to keep them within the 40 hours. We are agreeable to that but will talk to Fred first.

- o. Wes asked a question about the plans. Discussed with BOS, Jason Hill that there are two drain pipes and headers to be installed and he noted it would be easier to install the pipes and headers when they get to those sections rather than finish and either have to leave those areas open or re-open them to install the drainage. All agreed the better solution would be to install them as they go so Wes will get with Fred and decide what they need to do to install the drainage pipes when they get to those areas.
- p. The Meeting adjourned at 9:35 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.
June 14, 2012	L&M Svc. Contractors LLC signed the contract for the river bank stabilization work. Held the pre-construction meeting with L&M, Holden, BOS and Road Agent.
June 22, 2012	Acquired signatures needed from the State and UVLT. BOS voted to accept and signed the easement deed to Carola's property.
June 25,2012	Work Officially begins on stabilizing the bank.