

Town of Lyme  
Board of Selectmen  
Minutes for July 5, 2012

At 8:00 AM Simon opened the meeting. The following were present for part or all of the meeting:  
Simon Carr (chair), Richard A. Vidal (member) C. Jay Smith (member), Dina Cutting (Administrative  
Assistant).

1. The following administrative matters were discussed and actions taken:
  - a. Approved the minutes of June 28, 2012.
  - b. Matters Arising:
    - i. Flooding problem on the Grafton Turnpike Road due to the beaver dam has been corrected for now.
  - c. Voted to approve and signed a manifest in the amount of \$7,750.61.
  - d. Received a check from Progressive Insurance in the amount of \$4888.99 for property and road damage in connection with an accident on Highbridge Road.
  - e. Discussed Beach issues:
    - i. Discussed a 2009 memo regarding eligibility/issuing of temporary stickers for guests use of the beach parking lot and who is and is not eligible. After a discussion of house guests, house sitters, nanny's, etc. it was decided to rewrite the memo on just who is eligible and for what.
    - ii. Discussed a citizen complaint regarding hours the lifeguards were on duty and swimming with a floatation device and swimming outside the ropes. Lifeguard hours were changed to 11:00 am to 6:00 pm for safety purposes. It was noted that more people use the beach between 5:00 and 6:00 pm than were using it between 10:00 and 11:00 am. While floatation devices are not allowed exceptions can be made for people with medical conditions if the lifeguard is made aware of the situation. As far as swimming outside the designated swimming area, while this has become a common practice once the lifeguard leaves it is noted that the rules as set in the Recreation Areas By-law adopted in June 2008 following public hearings are always in affect and should be followed at all times whether a lifeguard is there to enforce them or not. This is both a safety and a liability issue.
  - f. Committee and Commission Reports:
    - i. Discussed the Roads Committee Meeting. Currently looking at a plan to reconstruct approximately two tenths of a mile on Baker Hill Road from the end of pavement to Isaac Perkins Road using existing material as a base over geo-textile cloth to save money. Also discussed developing problems on the River Road south of East Thetford Rd. which may need attention soon.

- ii. Planning Board approved a sign for Ledyard Bank. Discussed minor revisions to the master plan.
- iii. Independence Day Committee – everything went smoothly but was a very small turn out this year. Normally serve over 350 people and this year was less than 200. Probably will not break even this year.
- g. Discussed the River Road bank stabilization. No word from Fairpoint on moving/replacing the poles yet. It was mentioned that damage down south and damage in Vermont and up North last night may be tying up crews and equipment right now.
- h. Received several favorable comments regarding the level of knowledge and professionalism displayed by L&M construction on the River Road work being performed.

2. Discussion Items:

- a. Capital Improvement Plan – discussed the items in the Capital Improvement Plan. Some of the items such as moving designated funds would not be legal under the current law. Other items will require some further investigation. The Board has decided to continue to study this until the July 26 meeting and hold a final discussion and vote then. This will then be brought forward to discuss with the Budget Committee at the six month review proposed for August 1<sup>st</sup>.
- b. Discussed how to effect the change from “Cemetery Commissioners” to “Cemetery Trustees” to bring the Town into compliance with the current laws. It was decided that we need to have a meeting of all persons involved to explain the requirements under the law. The Board will send a memo to the Commissioners and the Sexton with the issues and copies of the current RSA's.
- c. Discussed Road Bonding. Decision was to temporarily table this until we can study the issue further.
- d. Discussed the Web Site. After looking at other sites being hosted by VT-S we need to see what we want to do to improve the look of our site and then talk to VT-s about a redesign. This appears to be a better option although we still want to get some further info/pricing from other sources.
- e. The Meeting adjourned at 9:37 am.

/s/C. Jay Smith  
Recorder

River Road Timeline.

<b>Date</b>	<b>Event: brief summary. Further information in BOS minutes at Town Offices. Note that this does not summarize the discussions at the regular Selectboard meetings</b>
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.