

TOWN OF LYME  
Select Board Meeting  
July 31<sup>st</sup>, 2014  
Town Office Conference Room  
Approved: August 7, 2014

The following were present for part or all of the meeting: Charles J. Smith (Chair), Susan J. MacKenzie (member), Patricia G. Jenks (member), & Dina Cutting (Administrative Assistant)

1. Chair Smith called the meeting to order at 8:00AM.
2. MacKenzie moved to approve the minutes of July 24<sup>th</sup>, 2014 regular meeting as amended. Seconded by Jenks. The minutes were approved unanimously with correction noted.
3. MacKenzie moved to approve the non-public minutes of the July 24<sup>th</sup> 2014 meeting. Seconded by Jenks. The board had a lengthy discussion concerning the contents of these non-public minutes. The discussion involved a meeting between an employee & MacKenzie concerning personal matters. A memo from an attorney was discussed; Jenks & MacKenzie believed this memo should be attached to the non-public meeting minutes. Smith stated he had a difference of opinion and felt that the first part of the memo was not addressed in the non-public session of July 24<sup>th</sup>, 2014. The first part of the memo had already been dealt with and they are 2 separate issues. The present issue is relative to the Select board and cannot be sealed in non-public minutes. Smith stated he and MacKenzie were responsible for the situation and not the employee. At this time MacKenzie stated she felt the board still needed to address the letter. The amendments will be #1) to include the letter of complaint in the non-public minutes #2) The meeting was a violation of the Right-to-know law. Because the board could not review information pertaining to the complaint letter at the July 24<sup>th</sup> 2014 meeting, MacKenzie felt the description of the meeting minutes were correct to include this letter. Smith reminded all that the board had previously noted in a letter that this issue concerning a complaint letter was done. It was noted at this time the attorney instructed the board to go back and review a personnel file concerning this matter. The attorney noted in the memo that the meeting between the employee & MacKenzie with Smith as a witness was a violation of the open meeting law. Smith disagreed with this; he felt it was not a meeting of the board but a personal issue. MacKenzie or Smith at any time could have chosen to not be present in this closed door discussion and it was their responsibility, not the employee's. Smith noted this was a Board issue. Jenks noted if nothing else this is a learning experience. MacKenzie moved to approve as amended, seconded by Jenks, voted unanimously in favor. Smith then moved to amend the public minutes of July 24<sup>th</sup>, 2014 to state "moved to enter public session at 12:00 voting 3-0 to seal the minutes of this non-public session". Seconded by Jenks. Voted unanimously in favor.
4. Matters arising:
  - #4 of the previous meeting culverts: MacKenzie would like a policy developed. This way there will be a process in place and the community will know what is expected as land owners when they install their driveway culvert. Traditionally the Highway Department has taken care of problem culverts that could potentially damage the town road. These kinds of problems are usually ones that have to be addressed in a timely fashion. MacKenzie stated the Highway Department needs to let the board know if there is a problem culvert then the Board can take care of communicating with the property owner. The Board will work on a policy to support the highway department in addressing potentially dangerous culverts, notifying property owners of their responsibility and communicating the

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estimated cost for replacement to the property owner.

- Cell Phone Booster: Smith was concerned the booster being considered was not what the Town needed. He will do some research on the subject and report back to the Board.
  - Timber information- Jesse Bushaw from the DRA, Steve Shawmin, State Timber and Lauren Magoon from DES will all be coming to the August 14<sup>th</sup>, 2014 Select Board meeting. They will answer questions pertaining to timber cuts and run off (potential road damages), what the landowner and the logger's responsibilities are and what the town can do to protect itself from road damages created by run off after timber cuts. The Board will be holding a public forum in the near future and would like to invite the DES to come with their power point presentation.
  - A letter drafted concerning landowner permission for CLD to get work done on the Goose Pond Road was reviewed and discussed. The letter was signed and will be sent to the designated land owners along that section of Goose Pond Road.
  - The board will be performing employee evaluations August 7<sup>th</sup> 2014 at 1:00PM in non-public session under RSA 91-A: 3 II (c) for the purpose of employee evaluations.
  - Jenks presented the funds collected to date from the sale of ball field loam totaling \$1,210.00. The school will use what they need and the remaining loam will be sold.
  - The River Road Grant has been denied. The cost benefits analysis was impossible to perform because of a lack of information on past road work. The Town needs to make sure repairs and maintenance information is documented for each Road and Bridge in town. Figures for cost analysis of each road should be available.
  - Records Committee: Mackenzie suggested the Board investigate having a Records Committee. Cutting noted it would be great to have someone come in who specializes in this; the vault needs help. MacKenzie moved to begin to explore what it is that a records committee does. Seconded by Jenks. Voted unanimously in favor.
  - The contract for CLD Engineering was signed.
  - The board reviewed the Robinson boundary line-conservation easement issue. Cutting noted that Lee Larson (Conservation Commission) offered to come in and discuss this with the board if needed. The sense of the board was this was not a violation of the conservation easement. After review and discussion Smith moved that MacKenzie have the Conservation Commission send a letter to the board stating their position on the issue. Seconded by Jenks. Voted unanimously in favor.
5. Public Comment: None
  6. Manifests in the amount of \$128,841.24 and (Overseer of Welfare) \$774.33 were approved.
  7. Committees & Commissions:

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- Heritage Commission: Worked on the survey.
  - Planning Board-An approval for Loch Lyme Lodge went through. The board discussed workforce housing and continued to work on clarifying the Planning & Zoning Ordinances.
  - Safety Committee- MacKenzie and Matt Thebodo performed a safety inspection at the Transfer Station. The employees are doing a fabulous job. It is clean and organized. Concerns with possible glass flying and injuring someone while dumping glass in to the container was noted. This will be reported to the Safety Committee and addressed as soon as possible. Also lightning storms are a major hazard and people should not be out in the open or near the metal bins when there is active lighting in the area. Currently there is not a policy regarding closing the Transfer Station during a storm. MacKenzie will bring a draft policy to the Safety Committee for review.
8. Fastroads: G4 a company offering services connected to the Fastroads project has sent information and pricing to the town. The board would like to look at the present phone/internet charges and compare before further discussion.
  9. Dartmouth Ski Area agreement: The town attorney felt it was a good thing to clarify the definition of a student (for the Dartmouth Skiway) in the documented agreement. The Skiway will come to the Board with an amendment concerning the definition of student (for purposes of free passes) and a \$10.00 per student administrative fee to be paid by the individual family of the student.
  10. Mower: Blackmount Tractor Sales will try and sell the big mower for the town. The Board discussed the asking price and the minimum amount they would consider. Blackmount would collect 10% of the sale price when they sell it. After advertising for bids and advertising FOR SALE on this piece of equipment and receiving none of either the board decided to move forward with Blackmount. Smith moved to have Blackmount sell the big mower starting at \$9,800. Seconded by Jenks. Voted unanimously in favor.
  11. The board signed the appointment for Peter Swart as Deputy Treasurer.
  12. Ongoing business cont.:
    - River Road: Smith reviewed various reasons why the permit for Fisher Bridge had not been applied for until recently. The biggest being the engineer had to justify to DES why the town was not replacing this bridge with a 2 lane bridge.
    - Hewes Brook Bridge: MacKenzie is concerned this bridge is changing. The patch placed by the highway crew has shifted. The engineer report is in the conference room. Board members will review the options for the repairs to this bridge and have a discussion in the near future.
    - The Board will need to come up with a plan for River Road south; MacKenzie will report the road information to the Budget Committee at the upcoming 6 month review. The Road Committee will be developing a prioritized list of roads to fix. MacKenzie would like to see the 2014 warrant article money go into grinding the various sections of River Road. Block Grant money should be carried over for use in 2015.
    - Smith noted the Board should think about a warrant article to grant the Select

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Board the authority to spend from the Class V roads Capital Reserve Fund.

13. At 10:37AM MacKenzie moved to enter non-public session under authority of RSA 91-A: 3 II (a). "Personnel Matters" Seconded by Jenks and voted unanimously by a roll call vote. Present for the non-public session were, Smith, MacKenzie, Jenks & Cutting.
14. At 11:01 the board returned to public session having determined the need for town counsels' advice on this matter.
15. At 11:01AM MacKenzie moved to enter non-public session under authority of RSA 91-A: 3 II (a). "Personnel Matters" Seconded by Jenks and voted unanimously by a roll call vote. Present for the non-public session were, Smith, MacKenzie, Jenks  
Cutting joined the board at 12:04
16. At 12:07 the board returned to public session voting 3-0 to seal the minutes.
17. There being no further business at 12:09 Smith moved to adjourn. Seconded by Jenks.  
Voted unanimously in favor.

Respectfully Submitted,

Dina Cutting