

TOWN OF LYME  
Select Board Meeting  
November 6<sup>th</sup>, 2014  
Town Office Conference Room  
Approved: November 13, 2014

The following were present for part or all of the meeting: Charles J. Smith (Chair), Susan J. MacKenzie (member), Patricia Jenks (member), and Dina Cutting (Administrative Assistant).  
Road Crew: Fred Stearns, Scott Bailey, Russell Stearns & Steven Williams.

1. Chair Smith opened the at 8:00AM
2. Highway Department reviewed the following:
  - Culvert installations
  - The Highway crew has filled many potholes on River Road
  - Repaired some asphalt on Goose Pond Road that was crumbling
  - Traffic control during the reclaiming of River Road and Goose Pond Road
  - Roadside tree removal on Dorchester Road
  - Tree removal on Acorn Hill will take place the following week
  - The group discussed guard rails for the Fisher Bridge area. Stearns will call for pricing and hopefully the guard rails can be installed before winter.
  - MacKenzie requested confirmation that River Road will be posted for one lane at the slump area for safety reasons. Smith noted the board was waiting for a written recommendation from CLD Engineering. A brief discussion of how to mark for one lane, it was noted from the previous meeting Stearns and O'Keefe were to work this out.
  - Stearns indicated that he would request assistance with grading the River Road and Goose Pond Road areas that have just been reclaimed. There was a brief discussion about crowning and how much crowning should be done prior to the winter months. The Road Crew has concerns of cars sliding off the road easily if the road is crowned too much. Stearns will contact Rowell's Grading to inquire if he has time to work with the Town to get Goose Pond Road and River Road graded before cold weather sets in.
  - There is a spring that is creating a mud hole on the south end of River Road near the Hanover town line. Stearns noted this section needs 2 more culverts and under draining. The board and highway department discussed the plans for the upcoming construction on this section of River Road. The benefits from Geogrid and road fabric were reviewed. It was decided by the board to install Geogrid to this section before the road freezes.
  - Goose Pond Road: Ledge was found on Goose Pond Road during the reclaiming work. Stearns will make sure the Mr. Hirschberg is aware of this location.
  - MacKenzie asked the Highway department if they could come up with ways to cut costs? Williams noted that the budget the department works under is bare bones. They check prices and work to make sure they are using the most efficient and best priced parts and supplies as they can. Stearns noted the bus company plugs the bus in at the highway garage. This creates an additional electrical cost. The original agreement was for the company to reimburse the town for these costs. It was not clear what the agreement was. This will be researched and reported to the board.
  - MacKenzie noted reports of tractor trailers having to back up once they realize they cannot go through the covered bridge on River Road. Stearns reported the

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placements and colors of the signs on this section of River Road. These are new warning signs.

- Williams reported back to the board concerning cost information on a trailer to move the roller the town now leases. Bret Ryan's trailer is for sale and he understands this would not happen until the funds were voted in the town budget at some point. This trailer will be adequate for the needs of the Highway department in moving the roller from job to job. It's Williams' understanding the trailer is priced at \$10,000.
  - The Highway Department wanted to note to the board that they are concerned there is not enough sand stockpiled for the winter. The sand pile is not at its normal capacity. The board had requested the highway department not truck sand this year. The board felt this was cost effective and prevented wear and tear on the trucks. Stearns had all the sand trucked in the budget would support.
3. 8:50AM; MacKenzie moved to approve the minutes of October 31<sup>st</sup>, 2014 and November 4, 2014. Seconded by Jenks. Both minutes were approved with changes offered.
  4. Matters arising:
    - Coffee Hour: Clarified a discussion of a past property owner being fined \$500.00 per day unless their property was cleaned up. This was a zoning action; not a board action. The present action for a Goose Pond and a Dorchester Road property with similar conditions are under a court agreement.
    - Jenks reported the Health Officer has touched base with the concerned community member and is investigating options to address the food complaint.
    - The towns' bidding process was reviewed. It is the board's intent to have all bidding processes sealed. The mowing bid advertisement was done the same as in the past. Some bidders chose to send the bids sealed and some did not. Smith noted he felt it is the bidder's decision to submit unsealed bids and this should not affect the outcome or other bidders negatively; it would only affect the submitter of the unsealed bid. Cutting requested confirmation that if an unsealed bid was submitted does this mean this bid would or would not be considered? Based on Smith's opinion, it was the sense of the Board that bid requests would be advertised in all places with the directive that the bid be sealed, however if the bidder chose not to comply, the bid could still be considered. The burden of privacy falls on the bidder's choice in how the bid is presented.
  5. No public comment at this time
  6. Manifest was signed
  7. The letter of appreciation and informal agreement for Marselis Parsons' fire truck was signed.
  8. Committees and Commissions:
    - Budget Committee: Smith reviewed the budget committee meeting. The budget process was reviewed. Jenks stated she would try to make it to the meetings for informational purposes.
    - Conservation Commission: Conservation Commission will be working on a management plan to address invasive species.
  9. At 9:20AM MacKenzie moved to enter non-public session under authority of RSA 91-A: 3 II (e). Seconded by Jenks. Voted unanimously by a roll call vote. Present for the non-

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public session were, Smith, MacKenzie, Jenks & Cutting. The board had a telephone conference with Attorney Mitchell.

10. At 9:53AM the board entered public session having confirmed Smith, MacKenzie and Jenks will attend the December 8<sup>th</sup>, 2014 hearing concerning the Dorchester Road and Goose Pond Road properties.
11. At 9:53 MacKenzie moved to enter non-public session in accordance with RSA 91-A: 3 II (a). Voted unanimously by a roll call vote. Present for the non-public session were, Smith, MacKenzie, Jenks & Cutting.

MacKenzie started by reading a letter she had written concerning her opinion of Cuttings behavior at the meeting of October 31<sup>st</sup>, 2014. Cutting asked if the tape recorder was still on; it was. At this time Cutting requested the tape continue to record and requested the meeting be held in public session.

The board returned to public session.

MacKenzie accused Cutting of unacceptable behavior at the October 31, 2014 meeting towards Mr. Hirschberg.

MacKenzie noted she felt Cutting was much friendlier and welcoming to Pathways Engineering in the past meeting with them. MacKenzie went on to describe that Cutting was sighing and shuffling papers and making eye contact with Chair Smith.

MacKenzie commented anyone who comes in front of the board should be treated with respect.

MacKenzie stated she felt Cutting has negative feeling towards Mr. Hirschberg.

Cutting comment she had no idea what Mackenzie was referring to. She had no negative feeling towards Mr. Hirschberg; she did not know Mr. Hirschberg prior to his involvement with the Town. At the meeting in question she welcomed him and asked him to come and sit at the table when the meeting started.

MacKenzie went on to state she felt when the board met with Pathways, Cutting was welcoming and took part in the conversation. Jenks noted she had listened to the tape of the meeting and felt that Cutting had been more involved in the discussion and even lead Pathways to clarify points of information.

When Cutting asked Jenks if she noticed these behavioral habits, Jenks noted she had noticed Cutting shuffling paper and moving around at other times, but didn't always think Cutting was aware she was doing it.

Cutting explained that she had been more involved with the River Road project. Cutting had been the contact person dealing with Pathways Engineering and had dealt closely with Rod Finley and Scott Williams and was more knowledgeable with this project. It would make sense that she would be involved with the conversation. Cutting is not involved with the Goose Pond Road project and has had no contact with CLD Engineering or Mr. Hirschberg about the Goose Pond Road project. Cutting noted she had no negative feeling towards Mr. Hirschberg or CLD Engineering. Cutting stated she was more than willing to talk to Mr. Hirschberg about this and if he felt she was rude and it was appropriate she was more than willing to apologize to him. MacKenzie commented in her experience when people are confronted with something like this they would not admit it happening and there was no point in Cutting discussing this with Mr. Hirschberg.

At this time Cutting stated she felt like she was being attacked. She stated she felt MacKenzie was reacting to her personal perception of Cuttings body language and clearly from this and past issues has a personal issue with Cutting. Cutting has asked for open communication in

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addressing issues with MacKenzie but she stated she felt this is not open communication; this is an attack.

Followed was a discussion concerning how to handle issues of complaints about employees. Smith asked if Mr. Hirschberg had complained of these actions and Sue stated he had not. Smith noted that MacKenzie had spoken to Mr. Hirschberg on at least 3 or more occasions since the meeting. Smith stated he is refusing to sign this document and will have a statement at a later date to attach to this document.

Smith noted MacKenzie had a clear bias against Pathways Consulting and this had come up on many occasions. After a brief confrontation between Smith and MacKenzie Cutting noted this discussion was to address the letter MacKenzie wrote concerning Cutting and asked that the board finish addressing this issue because Cutting needed to leave this meeting by 10:30AM.

Jenks noted Smith and Cutting have in the past had private discussions and this sends a message that private conversations and decisions are being made between them. Cutting reviewed the circumstances she would meet privately with Smith concerning town business. Smith also explained the role of Selectboard Chair as set in the policy such as setting an Agenda and directing correspondence and noted that NO decisions were made since only a majority of the Board can make any decision. The Chair and the Administrative Assistant meet on various issues. Jenks noted she was not familiar with this policy, Cutting noted she had given it to both MacKenzie and Jenks when they became Board members. Cutting asked what the board was going to do with this letter.

At this time MacKenzie and Jenks signed the letter MacKenzie wrote and brought to the meeting. Smith refused. Cutting signed it as an acknowledgement that she had received it and again stated this letter reflected MacKenzie's personal opinion.

10:30AM

Respectfully Submitted,

Dina Cutting

The following minutes were recorded by Patricia Jenks.

12. Committee's & Commissions cont.-

- Roads Committee: MacKenzie reported that she and another Roads Committee member went to Fairfield Vermont to view a completed "Bridge in a Backpack" project. They were very impressed with the concept and project, feeling that something like this could work for the Hewes Brook culvert/bridge on River Road. This type of installation needs to be tailored to the site-both a good thing and a bad thing. The Committee continues to research and strategize on how best to do this culvert/bridge repair. There was confirmation at the Roads Committee meeting that the Road Agent would appreciate working with Rowell's Grading on the sections of Goose Pond Road and River Road that have been through the grinding process. Fred will reach out to Allen Rowell to see if he can fit this in his schedule.
- Heritage Commission: Jenks had relayed from the recent meeting that this Commission is considering creating a fund for the purpose of specific fund-raising revenue. She'd been asked to check and see if this was permissible and it is. The Commission would generate the revenue and

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forward those to the town treasurer who would keep a separate account and accounting of these proceeds.

13. The revised Pathways contract was discussed briefly, but given the busy week, no one had had time to review it. This will be discussed at a future meeting.

14. Ongoing Business:

- A letter from the NHDOT has advised that the request for funds to purchase a generator for the highway garage has been denied again. MacKenzie voiced that the town might just have to bite the bullet and make an outright purchase and get this done, or put together another grant request for the next grant period. Smith wondered if this issue should be reassessed. Is a generator a priority at this location? Can a portable generator run the fuel pumps in the event of an emergency?
- A table top drill for Emergency Management personnel is scheduled for December 10 from 9am to 1pm. Should the town consider relocating the Emergency Command Center to the town offices? This should be discussed at the drill.
- MacKenzie asked about the cell phone booster. Smith indicated it was part of the proposed budget.
- There was a discussion about moving forward with the use of credit cards for the collection of all municipal revenues. This needs to be researched for property taxes and Clerk revenue and a plan put in place for the near future.
- Jenks was asked about the status of the 3<sup>rd</sup> person for the Clerk's office. She was instructed to compose a detailed advertisement for immediate release to get the ball rolling on this.
- MacKenzie met Jerry Brightman on Election Day. Mr. Brightman has graciously offered to hold a workshop on communications and successful management practices. Originally it was thought we might need to wait until after the first of the year to schedule this; however Mr. Brightman will be asked if he has any time free toward the end of November or early December. Jenks will make the contact.
- Lyme Foundation is holding an open house on November 12<sup>th</sup> at 6 pm, which all Select Board members will attend prior to attending the scheduled Budget Committee meeting at 7pm.
- Jenks advised that she hopes to be in/out of the office the last couple of weeks of December. This won't affect BOS meetings.

This meeting was adjourned at 11:07 am.

Respectfully Submitted,

Dina Cutting