

TOWN OF LYME
Select Board Meeting
December 10, 2015
Town Office Conference Room

The following were present for part or all of the meeting: Susan J. MacKenzie (Chair), Patricia G. Jenks, (Member), C. Jay Smith (Member), David Robbins (Zoning), Dina Cutting (Administrative Assistant), Shaun O'Keefe (Police Chief), Highway employees: Matt Thebodo, Greg Jenks, Steve Williams & Scott Bailey. Lee Larson (Conservation Commission Member). Tyler Rich (Community Member), Colin Robinson (Attorney representing client).

- 1) Susan J. MacKenzie, (Chair), opened the meeting to the public and announced that the taping is to begin at 8:00 AM.
- 2) MacKenzie explained that Mr. Rich was appearing before the Board at their request to discuss information concerning the driveway and Old Dorchester Road issues that have been brought to the board's attention. Mr. Rich explained various details of Planning Board and Zoning Board meetings that he had attended while seeking a permit to build his home on Dorchester road.
- 3) At this point Mr. Rich requested the Select Board go into a non-public session for discussion that may adversely affect his reputation
- 4) At 8: 03AM Smith moved to enter non-public session under RSA 91-A: II(c). Seconded by Jenks. Voted unanimously by roll call vote. Present for this session was Select Board members: Susan MacKenzie, Patricia Jenks, and Jay Smith. Planning & Zoning Administrator, David Robbins, Tyler Rich & Administrative Assistant, Dina Cutting.

The Board and Mr. Rich reviewed and discussed various issues.

- 5) At 8:20AM Jenks moved to enter public session. Seconded by Smith voted unanimously in favor.

Colin Robinson and Chief O'Keefe reentered the meeting at this time.

- 6) MacKenzie noted the meeting will be tape-recorded to enable support staff Terri Hay to prepare the minutes for the Board.
- 7) At this time Attorney Robinson noted he was to meet with the Board at 9:30 about this matter representing his client Roberta Pike. Attorney Robinson offered to address his concerns at this time while Mr. Rich was present. Attorney Robinson noted he was representing Roberta Pike and there were concerns surrounding a driveway that was put in with an easement across Roberta Pike's property to access Mr. Rich's home. Mr. Robinson reviewed what he felt Mr. Rich was required to do. Attorney Robinson was concerned because he had sent a letter on behalf of his client some time ago and this letter had not been acted on as of this date. Attorney Robinson noted various sections of the zoning ordinance and referred to RSA's he felt pertained to this matter. (Listed below).
 - 1) 9.11 Vested with authority
 - 2) 9.12 Resolve the matter informally
 - 3) 676.17(a) Cease and desist order
 - 4) 676.17(b) Citation
 - 5) 676.15 Violation of permits and is a misdemeanor with a daily fine. The board has lots of options to deal with this.

TOWN OF LYME
Select Board Meeting
December 10, 2015

Town Office Conference Room

The owner of the permits got something, and he understood what he was doing. He made a deal and should be made to abide by this deal.

Attorney Robinson noted it was unacceptable for the board to do nothing. He informed the board he would be back to this meeting at 9:30AM for some answers and that if the board did not act satisfactorily he would pursue legal action. Robinson left the meeting.

Susan J. MaKenzie apologized and agree the Board should have responded to the letter in a more timely fashion.

8) Highway

Roller: The highway department presented some information on a smaller roller. If the lease/purchase arrangement is going to change it needs to be on the warrant for the next Town meeting.

Susan J. MacKenzie, (Chair), moved to investigate downsizing the Bomag roller. Seconded by Patricia G. Jenks, (Member), and was unanimous accepted.

Brine Machine: Hanover has a brine machine. Spoke to Hanover Public Works about getting brine from them. Magnesium tank and spray equipment need to be a warrant article also as this is a 3 year commitment.

Clafin Lane: Noted concerns with the condition the road has been left in from the buried water line. Also material piled so it closes off the Class VI road entrance. The town uses this as a turn around and it needs to be put back the way it was. The contractor was to report to the highway department to have this all checked before finishing this project. Cutting will contact Landowner and Contractor.

Muddy Roads: The highway department noted muddy roads due to unseasonably warm weather. A logging operation on Grafton Turnpike Road is of particular concern, and it was suggested that road be posted. Smith said if one was posted for "mud-season" reasons, they should all be posted until it freezes and damage could be controlled.

Susan J. MacKenzie, (Chair), moved to post roads as of Friday December 11, 2015 "until further notice." Seconded by Patricia G. Jenks (Member), and was unanimous accepted. The road crew will put up the signage on Friday.

Slump #2: Located just north of the Tullar farm on River Road, this does not appear to be as critical as slump #1. Whatever construction is done on coming projects, we can use leftover materials for this project. The toe needs to be put in. Average of 30' drop off for 470' of road. This will have to be addressed over many years. May need engineering & test pits to see how wet they are. The culverts are not working and these need to be dealt with.

- 1) Test pits first. The highway crew felt a track machine would do less damage than the town backhoe, but that comes with budget concerns at this time. We need an estimate. A concern that the area is too wet right now, and doing the test pits would cause damage to the field to at this time.
- 2) Permit. Information to come soon

TOWN OF LYME
Select Board Meeting
December 10, 2015
Town Office Conference Room

Catch basins: South side of Common. The State puts yellow markings on the catch basins. MacKenzie would like to highway department to keep these open when they are snow blowing the common walk ways.

Franklin Hill Rd: 1:00 meeting on Monday to evaluate the access on/off Dorchester Road, Highway Department should be there to discuss options with State of NH DOT.

Goose Pond Rd. Walk: Monday. Reflectors are needed for markers, done by highway dept.

Transfer Station Lights: Needs to be addressed. It was suggested closing station on Wednesdays for the winter months until 3/31/2016. Suggest Sunday increased hours of operation to 8:30 to 12:00. Also noted at this time was the concern the snow mobile trail is not safe going through the area and up the steep bank. The board should review this.

Patty Jenks, (member) moved to close transfer station on Wednesday until it is light enough to be safe (March 31, 2016). Seconded by Jay Smith (member), and was unanimously voted in favor. Jenks will advertise this change in the newsletter and listserv; Dave Robbins will update the webpage.

Lee Larson: Spoke at 9:15 re: Furstenberg's old Conservation Easement. Suggested that we need to tighten things up. In 2011 UVLT was given an Easement. Because of UVLT, Easement is much stricter than the original Town easement it was thought the town could allow UVLT oversee the monitoring. Furstenberg and the town can sign a Memorandum to change things.

- 1) Solve current problem
- 2) Clean it up forever
- 3) Downside - \$.

Lee is about done managing the easements and would like to take care of this for the next person so it is not confusing. Dina Cutting (Administrative Assistant), will send information to Town Attorney for review.

9) Susan J. MacKenzie (Chair) had changed the content of the previous meeting minutes. These need to be distributed to board members prior to voting. They will be addressed next week.

10) The Safety Committee will wait for a later date to address school parking issue because of budget work at this time.

11) Attorney Robinson arrived at @ 9:30 AM for his scheduled appointment. He asked for the justification for allowing the non-public session with Tyler Rich, quoting the RSA under which the Board was authorized to allow the non-public session. As he was not present at this meeting at the time the non-public was decided, he wants an explanation for his client. MacKenzie assured him the Board was familiar with non-public protocol and advised Robinson it was allowed. MacKenzie apologized for the delay in responding to Robinson's letter of complaint, explaining his concerns prompted the need for an intensive amount of research, some of which dates back to the early 1900's. There are areas of confusion and the board will seek legal advice from the Town's Attorney. At this time Attorney Robinson stated if the board does not act on this violation of zoning permit requirements he would personally put the word out to the town that the Board

TOWN OF LYME
Select Board Meeting
December 10, 2015

Town Office Conference Room

does not enforce permits. Anticipating holiday delays and the next scheduled Zoning Board meeting date, the Select Board will strive to have all information available by January 14, 2016 Select Board meeting. The Zoning Board meeting is 1/21/16.

- 12) On a different subject Attorney Robinson asked if there had been any discussion with Hanover about picking up the plowing, sanding & salting on the south section of River Road while the closure is in place. The town would need to pay them. The board can have this discussion with Hanover.
- 13) Matters Arising:
 - Barn Easement-At the owners request, the Board will set up a site visit after the holidays.
 - The beaver Dam in Clay Brook will be breached in the coming weeks.
 - As requested, Jenks presented information concerning additional \$ 5.00 fee for vehicle registrations. This money can be put into a separate fund designated for Roads repair and/or maintenance. The Board will present a warrant article for the town to vote on this at the March Town meeting.
 - Goose Pond Rd – Delineators to mark culverts/yes.
 - Franklin Hill Rd – Meeting at location @ 1:00 PM on Monday December 14th, 2015
- 14) New Business: Park and Ride signs will be in by Friday. There continues to be concerns with tenants of area businesses and housing using the P&R as accessory parking. Without appropriate signage there was no way to enforce the issue, as allowed by the state. Chief O’Keefe indicated that tenants who continue to use the area as long-term or entitled parking will be ticketed. Along with the P&R area issue, comes the question of whether or not the owner of the abutting building is in compliance with his Zoning Permit requirements. The board would like the Planning & Zoning Administrator to investigate the parking at this location. The tenants are not to rely on the park & ride for business and residential parking and the property owner must supply enough parking.
- 15) Public Comments: None
- 16) Petitioned Warrant Articles: Two have been received by the Select Board. One Zoning amendment and one for the common skating rink.
- 17) Abatement: An Abatement was reviewed and signed for Granite State by the Select Board per George Sansucey, Utilities Appraiser for the Town.
- 18) Intent to Cut: An Intent was signed for Kuniholm, Jonathan-Map 415 Lot 16-Pout Pond Lane
- 19) Lease: Pike house lease was signed by the Select Board.
- 20) Appointments: Were signed by the Select Board. David Allen-Library Trustee
Transfer Station Study Committee-Matt Thebodo, Katrina Jenks, Susanne Simon.
Conservation Commission alternate- Margaret Sheehan. Concerns were noted because Margaret Sheehan has been attending CC meetings and voting and the appointment had not been signed by the Board and the oath of Office by Sheehan. C. Jay Smith (Member) will address this w/ Blake.

TOWN OF LYME
Select Board Meeting
December 10, 2015
Town Office Conference Room

21) Committee & Commission:

Conservation Commission:

Smith reported the Conservation Commission members determined there has been no activity in the beaver dam in Clay Brook. This is not accurate. The Board has given permission to breach an existing dam, making sure the water release is slow.

Coffee Hour: MacKenzie reported on her Coffee hour: Comments from the community members regarding the use of River Rd..

Swim Dock: 2 more donations have come in. 4 more blocks will be purchased. It was noted the permit is almost finished. Army corps of engineers will be reviewing this next. The cost to the town for this permit was \$300 for the permit and 25 hours of the Planning & Zoning Administrators time.

22) Cost of Repairs: MacKenzie wondered if the town could do road projects without putting it into a bid, rather acting as their own Contractor Foreman. People would be willing to help and volunteer their expertise for this if it saved the Town money. Jobs will cost too much if the Town has to go to bid all the time. It's too much money. The town needs to make sure liability issues are addressed if the board is going to consider this.

23) Pathways: Coming to the 12/17/15 meeting at 8:00 AM

24) Primex: Quote has come in and it is reasonable. Board members will review packet of the coming week to discuss in the future. Cutting noted the funding in the 2016 proposed budget should be adequate should the board decided to go with Primex for future insurance needs.

25) There being no further business. Susan J. MacKenzie (Chair) moved to adjourn at 10:55 AM. Seconded by C. Jay Smith (Member) and voted unanimously.

Respectfully Submitted,

Terri Hay