

TOWN OF LYME
Select Board Meeting
February 18th, 2016
8:00AM

Town Office conference Room
Approved: February 25, 2016

The following people were present for part or all of the meeting: Select Board members: Susan J. MacKenzie (Chair), Charles J. Smith & Patty Jenks, Highway department: Steve Williams, Matt Thebodo, Greg Jenks, & Scott Bailey. Police Chief, Shaun O'Keefe. Moderator, Kevin Peterson. Administrative Assistant, Dina Cutting. Community members: Frank Bowles, John Stadler, Stephen Rich, David Roby, Hoyt Alverson, Robert & Sally Barnum, and Joe Longacre.

- 1) At 8:00 AM MacKenzie opened the meeting.
- 2) Highway:
 - Williams presented a list of tentative 2016 projects for the Highway Department.
 - Adam Longto will be cutting the oak tree on Washburn Hill this week.
 - Swamp Road trimming was reviewed and briefly discussed. The proposals range from \$4,950.00 to \$12,000.

MacKenzie moved to have Adam Longto do the Swamp Road trimming at the cost of \$4,950.00. Seconded by Smith. Voted unanimously in favor.
- 3) Kevin Peterson: The board reviewed and discussed various items concerning articles on the warrant. Article 10 was reviewed and it was noted there could be some clarification needed from Town Counsel concerning the potential amendments offered to this article. It has been noted a community member may ask for this section of River Road be changed from Class V to Class VI. Advice about the legality of this will be sought prior to Town Meeting. Because the Budget committee did not recommend article #10 the 10% rule will come in to effect concerning the total budget. The 10% rule means this article cannot be voted at the original \$500,000 amount or the budget will be over the allowable amount. The allowable amount (10% rule) would be \$295,479.00. So Town Meeting can only increase the total budget by that amount if they so choose. If they go over this amount the DRA will take funds from other articles on the warrant. This article will likely be amended by the Select Board. The board and Peterson reviewed the steps needed to request Town Meeting be recessed to a later date for further consideration of information pertaining to Article 10 and the logistics of this. Because the board is not likely to have further information concerning River Road directly after town meeting this is not an option they would like to pursue. The board's goal is to have as much information as possible for little town meeting and town meeting. The board thanks Peterson for coming to this meeting.
- 4) Jenks moved to approve the minutes of the February 11th, 2016 meeting and public hearing. Seconded by Smith. Voted unanimously in favor.
- 5) Matters arising:
 - Letter for Historical Preservation easement violation was discussed and signed.
 - No through trucking was discussed. Cutting will gather information and develop a draft ordinance.
 - Fairpoint: River Road bank area at the telephone pole site is a much bigger issue than first thought. Fairpoint is not prepared to take this on. Mackenzie proposed having CLD look at this area and recommend a fix. It was the sense of the board to get an estimate for the cost of developing a plan to fix and permit for this area prior to committing any funds at this time.
 - River Road-Hidden Valley fix: The material costs have come in, now the highway crew will make arrangements to start this job. MacKenzie will contact Pathways about the conditions on the permit from DES concerning this project.
 - Cutting reviewed information from Capital Appraisal Company concerning the River Road relocation area. This appraisal needs to be done ASAP to have this

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information as soon as possible. MacKenzie moved to hire Capital Appraisal Company. Seconded by Jenks. This appraisal will be done on the relocation road plan option 1. The appraisal estimate is \$3,000.00. This motion was approved unanimously.

- Jenks presented a \$2,500 contribution from an anonymous donor to help fund the FERC study concerning Wilder Dam re licensing. This contribution is very much appreciated.

6) Public Comment: There was no public comment at this time.

7) Manifest: No manifest

8) The following intents to cut were signed:

- Helen & John Skelly-Map 416 Lot 1 & Map 417 Lot 6.2
- Jonathan & Gunilla Kuniholm-Map 415 Lot 16
- Sterling Moffat-Map 417 Lot 6.1

9) Committee & Commissions:

- Planning Board: Held a Public Hearing-Smith reported the removal of the dangerous tree on Washburn Hill was approved. The Select Board's letter to the planning board was received and reviewed concerning the Pike parking issue and the Park & Ride. The Planning Board will be researching the common area for housing and density issues. Pinnacle project was briefly discussed.
- Coffee hour: Jenks reported a citizen felt she had not had any follow through from the Health Inspector after her initial concerns were reported. MacKenzie noted that when an issue is of a confidential nature normally you will not hear back about the end result because it is confidential. This citizen also voiced concerns about the lack of dog debris clean up on the Common. Could the Town post signage to remind people to clean up their dog poop? Mr. Jones brought an e-mail he had sent to the Administrative Assistant requesting information on the River Road project costs. He had not received any response. Cutting noted she had been in contact with Mr. Jones and she had not received this particular e-mail. Mr. Jones apologized for his comments at the budget committee meeting and feels the River Road needs to be fixed. Other projects should be put on hold until River Road slump is fixed. The board needs to compile the information needed to support this project. Charles Ragan asked for some clarification on the River Road project costs. He noted the information at the Budget meeting was not clear.
- Transfer Station Committee: there was not a quorum. This committee is committed to continue with some of the recommendation from NRRA. The sense of the board was to revise the charge of this committee to investigate further these recommendations.
- Roads Committee: was not a productive meeting they discussed the River Road project, possible cost associated with the relocation of this road, and the potential value because of building lots on this land that will need to be used for the relocation of River Road. Requesting this section be changed from Class V road to a Class VI road were also noted by Mr. Roby.

10) Ongoing:

- Jenks requested a review of the emergency closure procedure of the Transfer Station. There needs to be a policy so everyone knows what is happening. Jenks will draft a policy for this. The safety and protection of Town employees is of the utmost importance when drafting this policy.
- The board had reviewed a letter to the Smith's concerning the cleanup of the Goose

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Pond Road and Dorchester Road properties. It was the sense of the board to have town counsel send this letter.

- MacKenzie noted the new bridge reports from the State had been received.
- MacKenzie had discussed with CLD the present condition of Shoestrap Road and the possibility of re-opening this road because of the closure of the Slump area on River Road. Despite popular and uninformed public opinion, this road remains unsafe and the cost of fixing it could be triple what the estimate was in the past engineering report.

- 11)** The board reviewed a request for an abatement for a lien and the forgiving of interest on this lien. Smith and MacKenzie noted they had researched the details and the recommendations from town counsel pertaining to this request.

At 10:17AM MacKenzie moved to enter non-public session in accordance with RSA 91A: 3 II (c) for the purpose of discussing discuss Matters which, if discussed in public, would likely affect adversely the reputation of any person. Seconded by Jenks. Voted unanimously by a roll call vote. Present for this nonpublic session was MacKenzie, Jenks, Smith, O'Keefe and Cutting.

The board discussed matters which, if discussed in public, would likely affect adversely the reputation of any person. The board discussed issues pertaining to an individual, a lien and interest fees.

At 10:35AM to board moved to enter public session.

MacKenzie moved that the board not grant the abatement request on the principle amount of the lien. The board is in favor of abating the interest when the lien is paid off in full. Smith will draft a letter stating this. The board will have town counsel write an agreement to forgive the interest on the lien when the principal is paid off, so that future Select Boards are aware of this agreement. Motion seconded by Smith and voted unanimously in favor.

- 12)** At 10:36AM the board recessed until 11:00AM.

Meeting of the Lyme Select board on February 18th, 2016 reconvened at 11:00AM in the Town Office Conference Room.

The following people were present: Select Board members: Susan J. MacKenzie (Chair), Charles J. Smith & Patty Jenks. Administrative Assistant, Dina Cutting. Community members: Frank Bowles, John Stadler, Stephen Rich, David Roby, Hoyt Alverson, Robert & Sally Barnum, and Joe Longacre.

The preliminary plans for option 1 and option 2 were reviewed.

Option #1: This requires a new roadway circumventing the existing site, running from River Road near the driveway for #278 to the East Thetford Road. Approximately three to four acres of private property will be affected and will require purchase or easement.

The rough estimate is for 2300 ft of new road is \$850,000.00. The board has been able to cut some cost from this to bring it down to about \$750,000.00. The purchase of the property, legal fees and other additional cost are not factored in to this amount.

Option #2: This is a complex plan and requires alignment into existing bedrock to get stable surface to create the road. An 800 ft retaining wall which will vary in height would be required. The road surface would be on ledge and a flat shelf would drop to the existing road area. This option includes significant blasting of approximately 2500 yards. There are many assumptions about this option as there remain questions because certain data has not been analyzed.

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The rough estimate for this option is \$2,500,000.00.

Mr. Bowles explained that he felt option 2 was an extremely risky option. The fact that the engineer cannot guaranty this fix was of great concern to him. Followed was a discussion concerning many aspects of options 1 and 2:

- Concerns of road surfacing sluffing off and going into the river were noted. Will the town be made to remove the abandoned part of River Road?
- Major catastrophic failure of this section, how far north and south would this effect?
- The Army Corps of Engineering is only interested in new damage and floods.
- Mr. Barnum asked about the information he had communicated to Chair MacKenzie concerning a company that specializes in working in areas like this. Mackenzie noted she had communicated via e-mail with them and was waiting for a response to see if they could help in some way.
- Discussion of a 30' or 50' right of way depending on the area along the new road way. The road will be 18'. The board had removed \$100,000 from the estimate for paving.
- The board had authorized the funding for the appraisal earlier in this meeting. Mr. Roby expressed the need to meet with the board to discuss the cost of the easement. He felt the town did not need to have an appraisal done, that the board and he could come up with an agreeable figure on their own. The board did express at this point they would need an appraisal to have a starting point. They felt with Roby's appraisal and the Towns appraisal it would give them much need information and a starting point.
- The Board was asked if they looked for help at the state level for funding this. Yes, however there are no grants available at this time.
- MacKenzie noted the board had sent 80 requests for bid on the engineering and after careful review the Roads Committee recommended 2 firms. CLD was one of those firms. The board has confidence in CLD and they have a very solid reputation in the Upper Valley and beyond.
- Discussions concerning permitting and cost associated with permitting and engineering took place.
- Concerns from community members about "taking property" were noted.
- Roby noted an agreement is what needs to happen, not the threat of eminent domain.
- At this time Roby noted his intentions were to get back the funding Bear Hill Conservancy spent to purchase this property, \$500,000. The intent is to conserve this property. He has made arrangements for an easement to be put on this property. The total amount being paid for this easement is \$270,000, later a local farmer will be purchasing this property in the amount of \$150,000, and this leaves \$80,000 to meet the \$500,000 goal. At this time Roby suggested the Town agree to pay up to \$150,000 for the right of way. If Roby and others can raise funds they will come off the \$150,000, the town has agreed to pay. The board asked Mr. Roby to put his offer in writing. Mr. Roby agreed to put this in writing and present it to the board.
- TransCanada and the re-licensing of the Wilder Dam was reviewed and discussed. The Town has been investigating joining with other towns and the Connecticut River Joint sub-committee. This group will be hiring a professional to interpret the studies done concerning the flowage of the Connecticut River and how the dam effects this and damage to the river banks.
- Shoestrap Road was discussed. MacKenzie noted she had discussed this road with CLD. It was their opinion that the cost to bring Shoestrap Road up to a safe travel road would be triple what the estimate was when the town voted to close this section of River Road subject to gates and bars.
- The Budget Committee's vote to not recommend Article 10 was reviewed and discussed. The

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ramifications of this vote was met with significant concern.

- What requirements there are for holding a Special Town meeting was reviewed.
- The group encouraged the board to come to Town Meeting with as much information as they can and a concrete plan. Because the board can only request the town vote on up to \$295,000.00 (which is 10% of the Budget Committees proposed budget) this project will need to be funded over 2 years. The board will need to request further funding at the 2017 Town Meeting. This announcement was met with dismay.
- The board thanked all for coming and for the productive conversation. There being no further business at this time Smith moved to adjourn at 12:15PM. Seconded by MacKenzie and vote unanimously in favor.

Respectfully Submitted,

Dina Cutting