

TOWN OF LYME  
Select Board Meeting  
April 12, 2018  
8:00 AM  
Town Office Conference Room  
Approved: April 19, 2018

The following people were present for part or all of the meeting: Select Board members: Susan J. MacKenzie, Chair, Bradford E. Keith and Kevin S. Sahr. Administrative Assistant: Dina Cutting. Police Chief O'Keefe. Community member: Ross McIntyre.

The meeting was called to order at 8:00AM.

1. Sahr moved to accept the minutes of the April 5<sup>th</sup>, 2018 public meeting. Seconded by Keith. Changes were offered and discussed. Minutes were unanimously approved with changes noted.
2. Matters arising:
  - Pond Program: The board reviewed the pond program. The following items were discussed:
    - 3 week vs. 4 week program.
    - Salary for this program coordinator.
    - Recreation Commission is committed in making sure there are swimming lessons offered.
    - Traditional program vs. extended program.Sahr moved to advertise for a 4 week ½ day pond program with a salary of \$4,000 for a qualified coordinator. Seconded by Keith. This motion was voted unanimously in favor.
  - The board discussed road side mowing. Keith moved to have the road side mowing go out to bid. Seconded by Mackenzie. The board requested Cutting put this out to bid by the 18<sup>th</sup>.
  - Board would like an update on the Memorandum of understanding for River Road.
  - Keith reiterated his opinion concerning the letter from the board to property owners concerning the PA-60 and reclassification of this restricted land. He noted the previous board voted to reclassify this land, now this board voted not to reclassify it. Keith wanted to discuss protocol for topics that the board does not agree on. He felt it would be more appropriate for the chair to sign this letter, rather than have 2 out of 3 Select Board signatures on it. After a brief discussion,  
Keith moved to have this letter signed by the Chair of this Board. The subject of a PA-60 form and RSA 79A & 79B were reviewed again. It was noted at this time there is no difference in the tax amount and it would not benefit Lyme at this time to move ahead with reclassifying this land. The board discussed Current Use values and the Current Use Board. If and when the state changes regulations the board can review this topic then. Sahr seconded the motion. Voted unanimously for the Chair to sign this letter.

3. Ross MacIntyer: The board and Ross reviewed the FERC licensing information. Ross reiterated the importance of communicating information via the Towns attorney with FERC. Ross noted from the e-mail he had received from Keith, that he felt Town Counsel was not in the position to represent Lyme in this matter. Ross encouraged the board to find knowledgeable counsel. Ross reviewed the studies, and information concerning the Town and property owners with erosion along the Connecticut River. Keith and MacIntyer will research options for counsel. The board felt at this time a letter should be sent directly to FERC inviting them to come and have a site visit of River Road. Also a letter from Town Counsel requesting a site visit. Keith to create a draft letter and communicate with Town Counsel about sending this letter to FERC. Mackenzie moved to send information and an invitation for a sight visit directly to FERC. Seconded by Keith. Voted unanimously in favor. It was noted at this time all correspondence should be copied to Cutting for Town records.

The following items were listed as important at this time:

A letter to FERC

Find a law firm that has knowledge in this area

Re-engage with legislators, even the Governor.

1. Public Comment: None at this time.
2. Manifests: Reviewed and approved in the amount of \$55,166.58
3. Holt's Ledge: MacKenzie reiterated that the Town was doing nothing different at this point. The Town will be waiting for the College to make an announcement about this property, in the meantime the posting of property will remain in effect. Keith suggested the Town consider selling this piece of property.
4. River Road slump: Paving 1,000' north and 1000' south of the River Road slump: Mackenzie noted the road way north and south of this project is damaged and will be more so when this work is done. It is not clear if this would fall under the scope of the River Road repairs as the Warrant article is written at this location. Cutting to confirm with DRA.
5. Bill Malcom's oath of office appointing him to the Zoning Board was signed.
6. Intent to cut for Ernst and Fiona Kling was reviewed and signed.
7. Lyme Community Development Charge: MacKenzie noted she was surprised when she received a revision by Sahr to the last Lyme Community Development committee meeting. Followed was a discussion concerning various issues in this charge. Sahr noted concern with this committee acting in violation of the right to know law. The chair of all town committees needs to be able to keep the committee functioning under the guidelines of NH state statutes and the Town of Lyme Committee Handbook. The board requested Committee Handbooks be distributed to all committees, commission and boards again. The question of how best to keep this committee moving forward needs to be addressed. The board will come back to this later in the meeting.
8. 10:00AM- Erin Darrow: Hewes Brook Bridge: Erin Darrow reviewed the RFP and project information. After a brief discussion MacKenzie moved to send the RFP out to advertise for bids. Seconded by Sahr. Motion voted unanimously in favor. Erin Darrow will send a final copy for the Town web site, the project will be advertised on various construction site Erin uses.

Baker Hill Road: Erin Darrow reviewed the draft plans for this project. Mr. Thompson will be coming to look at this project in the near future for ideas. Discussion concerning the replacement of the culvert and the landowner right of way took place.

Mr. Roby joined the meeting at this time-Erin Darrow reviewed questions concerning the headwall, culvert replacement, environmental concerns, permitting issues, shortening the culvert and various items for Mr. Roby. Erin Darrow explained the rationale for not considering the reuse of the existing culvert. This culvert was installed in 1954. An easement in connection with this project was reviewed and discussed. Mr. Roby noted he would be happy to give the town an easement after reviewing the final plan when available. An engineer's opinion with probable costs for the longer culvert and the shorter culvert were requested by the board. It was noted at this time that the board would like Mr. Roby to direct his questions about this project to the board and not the engineer, Erin Darrow. He noted after review he understood this and would let the board know when he had questions.

Dorchester Road: The grant will be applied for, road counts were very helpful, Erin will continue to gather information and keep the board informed on her progress.

9. At 12:08PM the board took a 1 hour recess.

10. At 1:10PM the board reconvened.

11. LCDC cont.: The board discussed the draft charge and changes were offered and reviewed. Mackenzie noted this committee needs to be better organized. She believes as this committee moves ahead they will be more systematic about getting things in place prior to moving ahead.

12. Committee and Commissions: Planning Board & Lyme Community Development Committee:

- ✓ Planning Board & LCDC- Mackenzie noted the LCDC would like to have a joint meeting with the Planning Board in an attempt to work together.
- ✓ The letter from the Planning Board was unfortunately missed by the chair of the LCDC.
- ✓ The consultant came to the last meeting, he suggested the committee putting out an RFP and they discussed how to move forward now.
- ✓ How and what process to use to gather information from the Town.
- ✓ Having clear guidelines
- ✓ The committee has decided to not have a steering committee at this time. They value all input but right now the committee needs to get it self-organized.
- ✓ Concerns of the direction this committee is heading were noted. The board members went back and forth on these topics.
- ✓ At this time Keith moved to disband this committee in favor of encouraging the group to proceed on their own with the understanding that when submitted, their work would be considered by the board and hopefully the Planning Board. Further discussion ensued. Funding issues were reviewed. There was no second to this motion.
- ✓ After a lengthy discussion Mackenzie moved to approve the Lyme Development Committee charge with changes noted from this meeting noted. Seconded by Keith. Further discussion took place. This motion was voted 2 in favor and 1 opposed.

13. At 2:08PM MacKenzie moved to enter non-public session in accordance with RSA 91A: II (I) consideration of legal advice provided by legal counsel in writing. Seconded by Keith. Voted unanimously in favor by a roll call vote. Present at this meeting was: Susan MacKenzie, Bradford Keith, Kevin Sahr, and Dina Cutting.
14. At 2:55PM Mackenzie moved to enter into public session. Seconded by Sahr. Voted unanimously in favor.
15. Keith moved to seal the minutes of the non-public session. Seconded by Mackenzie. Voted unanimously in favor.
16. The board will meet on Wednesday April 18<sup>th</sup>, 2018 at 9:00AM in Non-public session in accordance with RSA 91A: II (I) consideration of legal advice provided by legal counsel in writing.
17. Keith informed the board he had shared an email concerning FERC relicensing with community members Ross McIntyre and John Mudge. Counsel warned that this email was legal advice and should not be shared without the board's consent. After a brief discussion the board confirmed the e-mail could be shared with the 2 community members.
18. Conflict of Interest: Keith wished to discuss a possible conflict of interest concerning the Conservation Restriction vote at last week's meeting. The Select board voted to not reclassify the conservation restricted properties in town with a 2 to 1 vote. A question had been raised as to whether Sahr has a conflict of interest regarding this issue by Keith. The board reviewed the advice from Town counsel indicating no conflict of interest noting Sahr has nothing to gain or lose regarding the Town's position on this issue, because a change from current use to conservation classification should have no monetary ramifications. It was the sense of the majority of the board that there was no conflict of interest. Sahr noted at this time he was requesting the minutes reflect that this was not a conflict of interest to make it clear to the public. Sahr also noted he was not happy with this accusation.
19. Committee and Commissions:
  - Building Committee: Keith reviewed the plans to do a walk-through of the Pike house and the Cemetery shed on Route 10. The committee discussed the heating unit in the Police evidence garage. Estimates to repair the rot on the sill, west side of Lyme Center Academy building will be gathered.
  - Coffee hours: Mackenzie noted the Lyme Community Development Committee and Holt's ledge were topics of discussion. Community members was requesting some trimming of a bank on the Connecticut River be considered. The Town can trim the right of ways on the Town Roads and that is all that can be done.
  - Sahr reported he is gathering information, meeting with Casella about the options at the Transfer Station.
20. Ongoing:
  - The board will review this at the next meeting.
21. There being no further business to come before the board the meeting was adjourned at 3:52PM.

Respectfully Submitted,  
Dina Cutting