

TOWN OF LYME  
Select Board Meeting  
May 3<sup>rd</sup>, 2018  
10:30 AM  
Town Office Conference Room  
Approved: May 10, 2018

The following people were present for part or all of the meeting: Select Board members: Susan MacKenzie, Bradford Keith and Kevin Sahr (participated by phone). Highway Department: Steven Williams, Scott Bailey, Cole Williams and David Tyler. Administrative Assistant, Dina Cutting. Community member Malcom Fogg.

1. The meeting was called to order at 8:00AM
2. Highway: The following items were reviewed and discussed:
  - River Road by North Thetford Road intersection- Due to liability reasons the Road Agent and Roads Committee have recommended this section of River Road be made a 1 lane road and restricted to 6 ton limit until it can be repaired. This area has eroded quickly due to the height of the river, and the frequent and drastic drawdowns. MacKenzie has talked with the Army Corp of Engineers, they were attempting to cancel this project because they thought the Town was going to go ahead and fix this location due to the new erosion. Mackenzie reiterated that the Town has no funding designated for this location and requested they keep moving forward with this project. It is estimated the project would be ready in 2019. The Town needs to armor this bank so it does not get worse. Karen Henry of the Roads Committee is seeking out an engineer to take a look at this site and give some recommendations.
  - Gregory- The board reviewed the plan for this section as recommended by the Roads Committee. If some clean up items are taken care of the Committee feels this location will hold if for a while. This is a quick fix but worth the try. Williams felt the highway department could get to this starting May 14<sup>th</sup>, 2018.
  - Pony Hill- Daniels Construction reviewed this location. The estimates were anywhere from \$125,000 to \$500,000 depending on what was done. Daniels felt re-sheaving this culvert would be the best and most financial conservative way to go. (\$125,000 option). Funding will need to be on the 2019 warrant. A temporary bridge is being considered in case this get impassable. There could be other locations in town that may need this temporary bridge in the near future. The bridge is a used 13.6 x 40' for \$25,000. Keith and Williams will research this used Temporary Bridge to see if it is the best option for the Town and report back.
  - Williams was not recommending un-posting the roads yet.
  - The new loader will be delivered in 2 weeks. Williams noted funding concerns with truck repairs. Williams requested the board consider replacing the 1 Ton next year and the larger truck the following year. The

board and Williams can discuss this as the budget is reviewed and planned for 2019.

- River Road slump- Because of personal reasons the boring company has moved the start date by 1 week. Hewes brook bridge meeting still on for May 7<sup>th</sup>, 2018 at 1:00PM.
  - Williams is recommending the grader keep running 7 days a week for the next few weeks. Bailey and Williams will be working running the grader on Saturday and Sundays. They will take time off during the week and alternate days so 1 of them are working each weekend day. The board noted it was important for each employee to take time off.
  - Franklin Hill culvert- This will be started on Monday and the road will be closed while the highway crew works.
3. Keith moved to approve the minutes of the April 26<sup>th</sup> 2018 non-public meeting. Seconded by Sahr. Voted unanimously in favor.
  4. Keith moved to approve the minutes of the April 26<sup>th</sup> 2018 public meeting. Seconded by Sahr. Changes were offered and discussed. Voted unanimously in favor with changes noted.
  5. Keith moved to approve the minutes of the April 20<sup>th</sup> 2018 public meeting. Seconded by Sahr. Voted unanimously in favor.
  6. Matters arising:
    - Keith reviewed the Planning Board procedure concerning non-conforming business use. Keith believes the planning board did not confirm the 1979 employee amount, and there is no procedure for confirming these reports. Keith noted he thought this case should be appealed to the Zoning Board for consideration. Planning and Zoning Administrator David Robbins will be attending this meeting a little later, this discussion was deferred until that time.
    - FERC letter is still being worked on
    - Hidden Valley: Keith noted the culvert at Hidden Valley was visible at the time water line so he could get a good view of it. The water was flowing through this culvert at that time.
    - The board discussed the 1979 relicensing of the dam, and the dam owners being allowed to keep the river at a much higher level than years ago. Again it was noted that this is believed to be detrimental to the river banks and adding to the erosion.
  7. Municipal Town Clerk proclamation was reviewed and signed. Keith moved to pass this proclamation. Seconded by Mackenzie. Voted unanimously in favor.
  8. Oath of office-Dan Brand was appointed to the Upper Valley Lake Sunapee Regional Commission.
  9. Keith moved to have Chair Mackenzie sign the waiver for the board. Seconded by Sahr. Voted unanimously in favor. Agreement and waiver for work on River Road by New England Boring was signed by Mackenzie.
  10. Tax deeding worksheet from the Tax Collector was reviewed.
  11. It was noted by the board that Sue Hanlon had a request: RSA 91A right to know request relating to Holt's Ledge. Cutting is working to gather information.

12. At 9:40AM Mackenzie moved to enter non-public session in accordance with RSA 91-A: 3 II (b) the hiring of any person as a public employee. Seconded by Keith. Voted unanimously by a roll call vote. The board discussed an applicant for the summer Pond Program Coordinator. At 9:50AM Mackenzie moved to enter public session. Seconded by Keith. Voted unanimously in favor.
13. At this time Sahr moved to hire Megan Ramsden as the Pond Program Coordinator for the 2018 summer, at the salaries amount of \$3,000. Seconded by Mackenzie. The program will run for 3 weeks, 2 weeks in July and 1 week in August. Voted unanimously in favor.
14. Committees and Commissions:
  - Sahr reported he and Thebodo are still gathering information and attempting to set up a trial run of the potential new system of zero sort.
  - Smith property on Goose Pond Road looks great and is coming along nicely.
  - Coffee hour: More River Road bank erosion discussions.
  - Road Committee: various sites along the River Road were discussed. Mackenzie will get in touch with the property owners concerning the Army Corp of Engineer site. Carola Lea noted the farm road would be open for the Tullar's to use for farm vehicles. It was noted the town has no control over this farm road, or who should or can use it. This farm road is on private property.
15. Planning and zoning: Robbins reviewed various permits he had issued-noting the law suit filed by Menge concerning the Ryan property on Route 10 had been dropped.

The board asked various questions about Land Use Change Tax and procedures used in the office to make sure requirements were followed through with. The board requested Robbins make a list of building permits part of his monthly report.

Robbins reviewed the Bailey case- Keith was concerned because of advice Robbins had given the Planning Board concerning the Bailey permit application. Section 8.11 was discussed. Special exception to increase the intensity of the non-conforming business was reviewed and discussed. Robbins informed the Select Board that the Planning Board had considered all information and looked at the number of employees and trucks and came to the conclusion that the Wood pellet business was of the same intensity as the previous trucking business. The Select board may consider this decision and within 30 days the board can appeal to the Planning Board explain where they believe the Planning Board made an error in granting this special exemption

At this time Keith moved to request the Zoning Board of Adjustments review the interpretation of the Planning & Zoning Administrator and the Planning Board of section 8.11 of the Zoning ordinances. At this time there was a lengthy discussion concerning the Bailey decision. This motion was not seconded.

The board continued to review and discuss this decision. Sahr reviewed the work of the Planning Board at the meeting of April 12 and the minutes of April 28<sup>th</sup>. Noting the Planning Board had worked hard to find a way for Bailey to continue to have this business operating at this location. The Select Board has noted the problems with the tax base and trying to encourage businesses to come to Lyme. Sahr noted he is pleased with how this has ended. Sahr noted he hears what Keith is saying and it makes sense to know what the number of employees are at each business. The Planning board should put something in writing concerning the need for a base line for nonconforming businesses so the Town knows what is in the town at the present time. The case could be used as an example of why this list is so important. Robbins reviewed the appeal time line, the site

plan review was on April 26<sup>th</sup>, 2018, the board has 30 days to consider this. Keith will request time on the next Planning Board meeting to discuss this.

16. Sahr informed the board he had requested further information concerning the funding of the consultant for the Lyme Community Development Committee. Cutting reviewed the information gathered: The LCDC can apply for a grant after this grant application is approved and signed by the board. If the Committee wishes to go to the Lyme Foundation and or any other grant source they must follow the Town of Lyme Grant policy and procedure guidelines. It was confirmed at this time that any grant or donations received by the Town must have a public hearing in order for the Select Board to accept the funds. The individual donor names do not need to be publicized but the amount does.
17. At 11:32 MacKenzie moved to enter non-public in accordance with RSA 91-A: 3 II l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.  
At 11:40 Mackenize moved to enter public session. Seconded by Keith. Voted unanimously in favor.
18. At 11:33 Keith moved to adjourn. Seconded by Mackenize. Voted unanimously in favor.

Respectfully Submitted,  
Dina Cutting