

TOWN OF LYME
Select Board Special Meeting
July 6th, 2018
9:30 AM
Town Office Conference Room
Approved

The following people were present for part or all of the meeting: Select Board members: Susan MacKenzie, Bradford Keith and Kevin Sahr, Erin Darrow, Engineer, Dennis and Laura Thompson, Contractors

Public: Hoyt and Marianne Alverson, John Stadler, Bob and Sally Barnum, Steve Rich, Michael Whitman

These minutes are transcribed from an electronic recoding by Susan Mackenzie.

*Call to order at 9:40 AM

*The purpose of this meeting is to attempt to answer all of David Roby's concerns about the River Road Project. An initial review of status and plan on how to proceed was discussed. We reviewed and agreed upon the latest plan with a shallower cut and steeper grade for the road as the only feasible way forward.

at 10:30 AM a call was placed to David Roby in Nantucket.

Erin introduced those present. Expressed disappointment in David's desire to slow things down. David stated he did not want to slow things down, instead felt it was important to pick what is best for the Town, ie: best plan, dollar costs, environmental impacts and esthetics. We have Erin's 2 now 3 plans and Pathways plan which will be delivered in a maximum of two weeks. Including Engineers estimate of Probable cost, and the Town should do the same thing. He also felt it would be good to take a look at the CLD option 2 plan, which was rejected because of costs. We have at least 4 plans plus CLD. Sue pointed out that the CLD Plan and Dennis's plan are pretty much the same. Dennis stated that with the last plan he considered the cost would be \$511K. That is a not to exceed cost. The CLD plan was 1.5 to 2 Million dollars using dynamite. Dennis stated that CLD plans are based on standard construction methods, the reason he got involved is that he uses unconventional construction methods that are generally much less expensive and have proven to work just as well. Large engineering firms are not convinced that unconventional methods work. David said that the Town is very lucky to have Dennis.

Dennis stated that this needs to go or not go, He has scheduled 2 to 2 1/2 months of his schedule for this project. David stated he has no desire to slow things down. He and Arend are fine with any one of the plans. But we need to pick the one that is best for the Town based on Construction costs, land costs and esthetics. Dennis has been working on this project since our initial meeting in January (2018) He needs to order materials and schedule workers by the end of this month. He stands to lose approximately \$300K out of his bottom line if he is unable to do this project at the last minute. David said he is not going to have a sign off on this in time to meet Dennis's schedule because we do not have all the plans and we do not have permits. David stated "There is no way this is going to happen this year." We need time to evaluate the proper plans and we will be ready for next year. Sue asked "Who needs to evaluate these plans?" The selectmen, Tensen and me (David) River Road residents. Erin and Dennis have been adjusting

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the plans and trying to stay as close to the original design as practicable, we are moving ahead with the permits so we could potentially have them by the end of the month. But we need a sign off from David and Erin to move forward. David: from the outset your plan was to have the road move only slightly onto the land that was fine. They would not charge for the land. They are emphatic that they need to see the final plans before they sign off. We have not seen the final plans. They went ahead and engaged Pathways to develop a plan when the Town came along and proposed the current plan, he feels the Pathways plan may well be superior to the Town's 3 plans and should be evaluated along with the others. David stated there has been miscommunication in respect to grade and cut. Erin: the current grade is 15% for 350 feet. Dennis stated that this change was made at Arend's request. David: Arend was mistaken when he made that request. David: increasing the grade to 15% is going to be really problematic. We have alternatives and we should evaluate which is best for the Town. David: I am really sorry Dennis that this is going to interfere with your schedule. Dennis: I have other work to go to. He flew up from Florida in January to start on this project under the assumption that we were going to try to do everything this year. It is late in the season to pull the plug on this and go to something else but he certainly will do that if he needs to. I will not promise I will be back next year, I have a crew that depends on their jobs every day and a certain amount of income to generate. He does a lot of work for the state. Erin: we can do a 10% or 12% grade if we need to. Waiting for the Pathways plan is going to put us back to the end of the month. We are looking at the amount of land that we need. We can bring this down to 3 acres of land on a steep slope that is sinking into the River in order to build this road. We will have a stable safe road that is going to serve the Town for a long time. The downside of Pathways is a much longer road with more maintenance and will interfere with the drainage onto the farm fields. We are ready to start now. David: we all agree the by-pass has to be built but the fact of the matter is we do not have final plans so we have not been able to evaluate them. Rusty: as far as the Selectboard is concerned we do have final plans and the only thing we are asking David and Arend for is 3 acres of land or less. The rest of the decisions are the Selectboards. I think it is time for us to move forward here. David: The initial agreement was we would donate 1/2 an acre of land after seeing the final plan, we have not seen the final plan. According to the Pathways plan it is the same length as your plan 1250 feet. They are not willing to agree until he has seen and evaluate. David: Dennis I am sorry about your construction season but I hope you will be here next year. We need to have a careful evaluation of all plans and get all permits before proceeding. Dennis: I am convinced that this is the best plan, I was contacted because I do design build work, and I do not do work for other engineering firms. Erin and I have worked together in the past and will in the future. I can conceive of a project and I can complete it. Most engineering firms do the conception work without ever having built a road, the reason that we are hired by the state and other towns is that we can come in with a concept and bring it to completion. I am not interested in completing a Pathways design, or CLD design I have been doing this for 45 years in the State of NH, I have not worked with Pathways, I have worked with CLD and that is why I conduct my business the way I do now. With as little engineering firm participation as possible. I do not mean to be blunt or rude in any manner but that is the way I do business. Erin: waiting for Pathways plan puts us back another month, if that was really needed why didn't that come up in March? That is our frustration. David: I agree it is frustrating, I wish we were not told to stop the Pathways plan. The fact of the matter is we do not have the

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final plans. We do not have profiles, we do not need costs because Dennis has given us a not to exceed \$511K. David: It is not possible to move ahead unless we see the plan. Erin: we can send the profiles and plans. Sue: We are not going to do the same final plan that CLD and Pathways do because it is not needed. Erin: It is not going to be the 50 page contract because we do not need it that is why there isn't a \$50K engineering cost. We are trying to get enough detail to get the job done but there is a design build aspect to this that is a big part of our approach. We can provide a profile and other diagrams but the Town is not going to pay for it. David: I don't think there is going to be time, I'm not returning until the end of the month I really want to have an understanding of what it is going to look like installed. The only plan that I have seen was a massive cut and fill on the down slope. Erin: It is going to be beautiful when it is done, we really have made an effort for that. It is going to be a substantial cut and there is going to be a lot of material that is to the benefit of the Town and we are saving trees, we are really being cognizant of keeping a buffer on the shore land and the more mature trees are being saved to help stabilize the road. David: When you said it is going to be beautiful, how do you make it beautiful? What is the width of the cut? Erin: The width of the cut at its maximum is approx. 150 ft. 1 to 1 on the east and 2 to 1 on the west for approx. 75 feet. Most of the width is going to be 75 feet. It is going to provide stability, decrease wetland impacts. David: the only wetland impacts will be when you cross the brook to the north. David: What will the cut look like? Dennis: That is in the ledge cut so it will just be a ledge face. There really is no way to face it. It will be a natural restoration. I made a concerted effort to conserve the large trees, some of them are 200 y/o trees and should be maintained intact. We had to accommodate the root masses so as not to damage them. We will maintain the exposed ledge face on the current road. Taking that out would only destabilize part of the shoreline more. Going on the backside of that would increase the stability of the road. Moved from 50 feet to 80 feet. We have done significant boring investigations to know what the soil conditions are and ledge profile. I am confident the road can be constructed with a minimal invasion of your property. But I do not use the word beautiful. It will be driving up a mountain road. Erin: There are many roads with a grade of 15%, Baker Hill is closer to 18%. We cannot go less than 15%. Dennis: The method used to remove the ledge in this area is with a hydraulic drill and the use of Bentonite, a nonexplosive fracturing process. The problem is that it does not work at deeper depths. Erin: we do not want to lose this project. Kevin: We also do not want to lose Dennis, frankly I am amazed that they can do this project for that price based on the cost of other projects we have in Town. We will not be able to replicate this project at this cost. Erin: What are your objections to this plan? I do not see how Pathways can be the same distance with their plan. David: The Pathways Plan they leave River Road further north. Erin: When we did the borings and geotechnical work there is no ledge there and the soils are unstable and there will be more problems there in the near future if you build the curve of the road on unstable soils. That is why we make the turn where we do. We need to keep the drainage, road and cars off of that area. We went over 34 feet down and did not find ledge, in that area the ledge is below the water level of the river. Dennis: Has anyone explained what the design is on stabilizing the existing road. One of the problems of stabilizing the area is there are only 2 solutions. One is to drive piles, the problem with piles is they only go to ledge. My plan uses 2 artisan well rigs to drill holes 10 feet down into the ledge, drive steel casings onto the ledge and fill them with concrete to the surface. On the upland side of that we put a galvanized steel mesh,

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uphill from the piers and a plastic material wrapped in fabric that disperses water so that it will hold the soil material and disperse moisture at any point along the roadway. There is a large V in the ledge where most of the moisture is going to be. That will hold the old road and protect the new road. Even with the road closed that material is still going to migrate into the river.

David: is that included in the \$511K price. Dennis: it is. David: What is the grade of the road? Dennis Explained that borings are done every 50 feet, it would be too expensive to do them every 5 feet and to know exactly what conditions are going to be found. If conditions permit he may be able to reduce the grade however it may not be possible. If we run into more ledge it will be beneficial. I have met with a local pit operator and a rock crusher to break down the ledge and it will be left as crushed rock or gravel for the town to be used on other projects at a substantially less cost than the Town is currently paying. David asked if he would be selling that to the town. Dennis: I am not selling it to the Town, It belongs to the Town. The Town would be paying the cost of processing it in the pit. Erin: This cost, we are not going to be able to find anyone else to touch it or do a better job. We will both be here during the project, we will build a stable road for less cost. Dennis: you are probably wondering why it is so low, everybody always does. One of the reasons is we require the Town to pay for the supplies up front, we do not mark them up at all. The materials that go behind the piers is \$55K. A normal contractor would add 30 to 40 % to those costs, I don't do that, I do not see the need for that. I have worked for counties and the State of NH, anyone will tell you that our price is always less than they imagined it would be and in most cases it is because I do not charge extra for the materials. In this project the materials are 55 to 60 % of the cost. David: Well you are a dream come true Dennis. Dennis: I am not a dream come true but I am a taxpayer, I do not like others wasting taxpayer dollars and I do not waste taxpayer dollars. David: Tell me about the contract, is it bonded? What happens if you leave 3 months into the contract? Dennis: It is not bonded. I guess it is a leap of faith. I have never bonded a project and I never will. I pushed legislation thru the legislature last year to decrease the requirement for bonding, not for myself but for those that are coming up in the field. Bonding requirements from insurance companies have gotten so ridiculous that you end up putting your entire life savings for a bond that is not worth the paper it is written on. The answer to your question is we will complete the job, we have always completed the job, whether we loose money or not we will complete the job.

David: You have regular rates and if they come in less that is the price the Town pays? Dennis: No I will not promise that. If I find a way to do it less expensively, based on timing or conditions, that will bring savings. David: do we have the timing on the contract? Dennis: You have not, I have not prepared one yet because we are not there yet. Erin: Dennis has had each of his subcontracts come to the site. If we get David and Arends support we. David: What does the contract look like? Dennis: I write a one or two page contract telling you what I will and will not do. David: Let's do this, why don't you draft a contract with the \$511K on it. Dennis: With all due respect Mr. Roby I am not working for you I am working for the Town. If the Town requires it I will draft it. David: It is my suggestion to the Town. Draw it up with a 12 1/2 % grade and a cut of. Erin: it varies depending on the location. David: I would like you to send me the plans and the profiles to me in Nantucket. Send via Fed Ex. Sue: The Town will be very happy with a 15% grade. Dennis: I cannot do a 10% grade. It is a construction issue. On the south end we will blend back into a natural slope. Erin: I will come to to Nantucket to explain the plans. David: Arend is out of Town, Print two sets of plans for

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Arend. Sue: I need to ask one question, Dennis what is your drop dead date to know we are a go or not go? That we need a signature on a piece of paper. Dennis: I would need to know by the 18th of July at the latest. We need to order the geotechnical material, I am not even sure we can get it, as it is new and selling out as fast as it is manufactured. Sue: Can we have decision by the 15th? David: I hope so, I'm not sure it will be positive or negative. Sue: Why would it be negative? David: Let me look at the forms and specifications and talk with Arend. Sue: Would you be willing David if you do not like this plan and you do not permit it to pay the difference for the Pathways plan for anything over \$500K. David: of course not. Sue: So you are putting the Town at Jeopardy. David: Sue that is unworthy of you. Sue: Really. David: I think so. You are picking a fight prematurely. I will review the plans and get back to you promptly.

John Stadler: I have been listening to what is going on here and I hear your concerns, I just want to say I hope that we don't have "perfection is the enemy of the good". I think the Town is extraordinary fortunate that this fell into our laps and I hope we can all come together and move forward. David: Thank you John, I think there is a high likelihood that this will work. There is one other element and that is the cost of the land and we have not discussed that. We did not have to settle that by the 15th but we do have to settle on a mechanism to determine what the proper compensation is. Kevin: At this moment we thought that you were going to donate the land, it is roughly the same area. We thought that the gift would be honored. David: I propose we get our appraisal and you get your appraisal and maybe we will need a third appraisal. Sue: So you are withdrawing your donation? David: There is a communication issue, my memory is that there was a donation of 1/2 an acre, and now it is 5 acres. If you think it is a withdrawal than it is a withdrawal. Sue: can this be done by the 15th? Kevin: we really need to have your numbers too. David; Well it won't be \$200K. Sue: Well what is the number? You have steep slopes and ledge. David: I do not know what the value is. I will give you a guaranteed not to exceed number by the 15th. Kevin: I think that there is a tremendous value here. I think if you and Arend talk you can come up with a figure. David: We are not interested in making money here, we are concerned about the Town. Kevin: We are cautiously optimistic. David: Well add me into that camp.

Public comments:

Everyone was very complimentary of the efforts of Dennis, Erin and the Board.
Talking about 3 acres on a closed road on a steep slope, value \$2,000/acre!

Meeting adjourned at 11:45 AM

Transcribed from a recording to the best of my ability.

Respectfully submitted,

/s/ Susan J. MacKenzie