

**TOWN OF LYME, NEW HAMPSHIRE**  
**TOWN MEETING**

March 13, 2018

Minutes

Town Moderator Kevin Peterson called the meeting to order at 9:10 AM in the Lyme School Community Gymnasium. There were approximately 225 people in attendance.

As this year presented another significant storm prediction, the Moderator took a minute to explain the state laws and regulations about the postponement of warned town meetings. Voting by official ballot may not be postponed (unless under critical circumstances). The Moderator has the authority to postpone the deliberative portion of Town Meeting. After consulting with Police and other Election officials it was decided to proceed with the entire meeting as posted.

The Moderator voiced appreciation of all veterans and asked those in attendance to stand or raise a hand and be recognized.

Troop #273 of the Lyme Boy Scouts presented the Colors and those attending this meeting recited the Pledge of Allegiance.

Pastor Amy Hayden, reflecting on the Past, read the list of those having died since the 2017 Town Meeting with significant Lyme connections. Those included in the list are:

*Gene Rondeau*

*Bruce Matulay*

*Henry Swan*

*Joseph Danaher*

*Marion Balch*

*Ronald JA Balch*

*Freda Swan*

*Mike Whitcomb*

*Thomas Hughes*

*Constance Dezan*

*Beverly Strout*

*Joanne Sailer*

*Charles Balch*

*Bruce Smith*

*Tony Perry*

*Hellen Darion*

There was a moment of silence in honor of these friends.

Honoring the Present, Susan MacKenzie, Select Board member recognized out-going Board member Charles Jay Smith with words of appreciation, well wishes, a certificate and gift.

Also honoring the Present, the Citizen of the Year Award was presented to Parish Nurse, Ellen Thompson by Jeff Valence and Kristin Roth, members of the Lyme Foundation.

Honoring the Future were Parish Nurses Sharon Morgan and Karen Allen who read the names of new babies born to, or adopted by Lyme families in 2017.

There was a period of general and procedural announcements. Principal Jeffrey Valence invited all to attend a "Day of Recognition" on March 14, 2018 with school children and staff members wishing to participate in remembering the 17 people killed in the recent Florida shooting. This was not a political event, a protest movement or a rally of any kind; simply an opportunity to

reaffirm our commitment to caring and supporting each other. The gathering is scheduled from 10:00 am to 10:17 am.

The Moderator opened the deliberative session with comments acknowledging and thanking the election teams and recognizing Ballots Clerks who have recently resigned after serving many years. Included were Julia Elder, Kathy & Lee Larson, Darlene & Jeff Lehmann, Cathy Johnson and Earl Strout.

Voice without Vote was approved for David Robbins, Zoning Administrator by unanimous Voice Vote.

The Moderator reviewed the Rules of Procedure and requested a motion to accept the rules as presented.

Judith Brotman made the motion to accept the Rules of Procedure as presented.

Seconded by Mike Smith

Motion voted in the affirmative by Voice Vote.

Articles 1 through 5 were official ballot voting.

### ***ELECTION OF OFFICERS***

***ARTICLE 1.*** To vote by non-partisan ballot for the following Town Officers. Those elected:

Budget Committee-3 members for 3 years	Chris Ramsden
	Richard G. Jones
	Wilkes McClave III
Budget Committee-1 member for 2 years	Jennifer Boylston
Cemetery Commission- 1 member for 3 years	Michael C. Hinsley
Library Trustees-3 members for 3 years	Beth Taylor
	Cindy Valence
	Deborah Robinson
Town Moderator- 1 member for 2 years	Kevin Peterson
Overseer of Public Welfare- One member for 1 year	Nancy Elizabeth Grandine
Planning Board-1 member for 3 years	John Stadler
Select Board-1 member for 3 years	Kevin Scott Sahr
Supervisor of the Checklist-1 member for 6 years	John T.B. Mudge
Town Clerk-1 member for 3 years	Patricia G. Jenks
Trustee of the Trust Funds-1 member for 3 years	Michelle Whitcomb



***PETITION FOR AMENDMENT TO ZONING ORDINANCE***

**ARTICLE 2.** To amend the Lyme Zoning Ordinance by amending Section 3.22 “Commercial District”

by extending the southerly boundary of the district on the west side of Route 10 so that the southerly boundary of the district shall follow the southerly boundary lines of Lots 53.1 and 53.2 as shown on the Town Tax Maps. The distance of the depth of the district from Route 10 shall remain 1000 feet as currently shown on the Town Zoning Map, Appendix D.

To amend Appendix D, Lyme Zoning Map, to show the extension of the southerly boundary of the “Commercial District” as described above.

RSA 675:4

(Majority non-partisan official ballot required.)

(Not recommended by the Planning Board by a vote of 4-1) (recommended by the Select Board 2-0-1)

**Article 2 requires a 2/3 majority vote for passage per RSA 675:5.**

**ARTICLE 2 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT**

**YES 366 NO 150**

***AMENDMENT TO ZONING ORDINANCES***

**ARTICLE 3.** Are you in favor of the adoption of Amendment #1 as proposed by the Lyme Planning Board for Section 5.21 of the Lyme Zoning Ordinance to add the word “average” as follows:

5.21 Height Regulations.

- A. The greatest height of any point on the structure shall not exceed 35 feet from the **average** finished grade except as permitted below or within the Telecommunications Facilities Ordinance. A special exception may be granted by the ZBA if recommended by the Fire Chief due to specific site conditions which allow adequate fire protection.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board by a unanimous vote) (Recommended by the Select Board 2-0-1)

**ARTICLE 3 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT**

**YES 430 NO 71**

**ARTICLE 4.** Are you in favor of the adoption of Amendment #2 as proposed by the Lyme Planning Board for Section 8.26 of the Lyme Zoning Ordinance to ensure that the replacement of a non-residential or multi-dwelling has a site plan review prior to the issuance of a zoning permit:

Current Language:

**8.26 Replacement, Restoration, and Reconstruction.** Nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this Ordinance.

The proposed language:

**8.26 Replacement, Restoration, and Reconstruction.** Any non-residential or multi-dwelling replacement, restoration or reconstruction requires Site Plan Review prior to the issuance of a Zoning Permit. Otherwise nothing herein shall prevent the substantial restoration or reconstruction within two years of a non-conforming building or structure destroyed in whole or in part by fire or other natural casualties, to include snow load, wind, or age, or the replacement of a building or structure so long as this use does not result in a new or increased violation. Such a restored, reconstructed, or replaced building or structure shall be considered an existing building or structure for purposes of this ordinance.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board by a vote of 4-1) (Not recommended by the Select Board 2-0-1)

**ARTICLE 4 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT**

**YES 378 NO 115**

**ARTICLE 5.** Are you in favor of the adoption of Amendment #3 as proposed by the Lyme Planning Board for Section 8.27 of the Lyme Zoning Ordinance to ensure that the replacement of a non-conforming non-residential or a non-conforming multi-dwelling has a site plan review prior to the issuance of a zoning permit:

Current Language:

**8.27 Replacement of a Non-conforming Structure.** Nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

The proposed language:



**8.27 Replacement of a Non-conforming Structure.** Any non-residential or multi-dwelling replacement requires Site Plan Review prior to the issuance of a Zoning Permit. Otherwise nothing herein shall prevent the replacement of a non-conforming structure so long as the replacement does not result in a new or increased violation.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board by a vote of 4-1) (Not recommended by the Select Board 2-0-1)

**ARTICLE 6 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT**

**YES 366 NO 124**

***TOWN OPERATING BUDGET***

**ARTICLE 6.** Judith Brotman made the motion that the Town vote to raise and appropriate the sum of two million two hundred forty-eight thousand twenty-seven dollars (**\$2,248,027.00**) which represents the operating budget as recommended by the Budget Committee.

Said sum does **not** include appropriations contained in any other warrant articles.

(Majority vote required.)

(The Select Board to recommend an operating budget of \$2,248,027 by a vote of 3-0)

(The Budget Committee to recommend an operating budget of \$2,248,027 by a vote of 8-0)

**Seconded by Wilkes McClave**

Judith Brotman explained the budgeting process.

**Deborah Robinson proposed an AMENDMENT to Article 6:**

As there were no applications last year for the position of Pond Program Coordinator, I propose to increase the town budget by \$1500.00 with the recommendation to use this money to increase the salary from the Select Board's recommended \$3500.00 to \$5000.00; and/or to use some of that money for development of swimming lessons independent of Pond Program.

**Motion to Amend was SECONDED by Matt Brown**

Moderator Peterson explained that while the increase to the budget may be voted by the legislative body, the Select Board decides how it's spent.

Ms. Robinson explained why she proposed this amendment which was followed by a short period of discussion.

**Amendment to Article 6 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**This increases the bottom line of operating budget to \$2,249,527.00.**

There being no further discussion, ARTICLE 6, as amended was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

***STATE OF NEW HAMPSHIRE BLOCK GRANT APPROPRIATION***

**ARTICLE 7.**

**Aaron Rich made the motion** that the Town vote to raise and appropriate the sum of ninety thousand dollars (**\$90,000**) for the purpose of maintenance, construction and reconstruction of class IV & V highways with \$90,000 anticipated to come from the State of New Hampshire Block Grant. (No amount to be raised by taxation) Said sum does not include appropriations contained in any other warrant articles.

(Majority vote required.) (Recommended by the Select Board by a vote of 3-0) (Recommend by the Budget Committee by a vote of 7-0)

**Seconded by Charles Ragan**

There being no discussion, ARTICLE 7 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

***TO CAPITAL RESERVE FUNDS AND TRUST FUNDS***

**ARTICLE 8. Marlene Green made the motion** that the Town vote to raise and appropriate four hundred sixty-nine thousand five hundred dollars (**\$469,500**) to be added to the following Capital Reserve and Expendable Trust Funds previously established for the purposes for which they were created.

**Capital Reserve Funds:**

Bridge Capital Reserve Fund	\$100,000
Vehicle Capital Reserve Fund	\$150,000
Heavy Equipment Capital Reserve Fund	\$37,000
Class V Roads Rehab Capital Reserve Fund	\$50,000
Public Works Facility Capital Reserve Fund	\$50,000
Emergency Highway Repair Capital Reserve Fund	\$40,000
Computer System Upgrade Capital Reserve Fund	\$7,500
Town Buildings Major Maintenance and Repair Fund	\$10,000
Fire Fighting Safety Equipment Capital Reserve Fund	\$10,000
Recreation Facilities Capital Reserve Fund	<u>\$5,000</u>

**Capital Reserve Funds Subtotal: \$459,500**

**Expendable Trust Funds:**

Town Poor Expendable Trust Fund	<u>\$10,000</u>
<b>Expendable Trust Funds Subtotal:</b>	<b>\$10,000</b>

**Capital Reserve Funds and Expendable Trust Funds Total: \$469,500**

(These appropriations are **not** included in the total town operating budget warrant article as approved by the Budget Committee.)



(Majority vote required.) (Recommended by the Select Board by a vote of 3-0) (Recommend by the Budget Committee by a vote of 6-1)

**Seconded by Paul Klee**

**There being no discussion, ARTICLE 8 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

### ***LAND USE CHANGE TAX FUND***

**ARTICLE 9. Rusty Keith made the motion** that the Town vote pursuant to RSA 79-A:25 to rescind the 1993 vote that directed that one hundred (100) percent of funds collected through the Land Use Change Tax be deposited in the Conservation Fund, and further to vote one hundred (100%) percent of funds collected through the Land Use Change Tax be deposited in a Land Use Change Tax Fund.

(Majority vote required.) (Recommended by the Select Board by a vote of 3-0)

**Seconded by Michael Woodard**

Mr. Keith provided an explanatory slide presentation which was followed by a period of discussion.

**Bill Waste proposed an AMENDMENT to Article 9:**

**Amend by adding the following words at the end of the article:** "...if the balance in the Conservation Fund is equal to, or more than, \$100,000.00. If the balance of the Conservation Fund is below \$100,000.00 the funds collected through the Land Use Change Tax should be deposited in the Conservation Fund until the balance returns to \$100,000.00. Any amounts above that to be deposited in the Land Use Change Tax Fund."

**Proposed Amendment was seconded by Marya Klee**

**Voice Vote was inconclusive.** Moderator instructed use of paper ballot "A" and explained process including that Mr. Waste who is an assistant Moderator and currently in charge of facilitating and monitoring paper ballot votes for this election will recuse himself from these duties for this vote. Assistant Moderator Sharon Greateorex will oversee the process.

**AMENDMENT was VOTED IN THE AFFIRMATIVE BY PAPER BALLOT**

**YES 95 NO 94**

**After further discussion, Tom Toner proposed an AMENDMENT to the now amended Article 9:**

**Add:** If the Conservation Fund balance is above \$100,000.00 then 100% of the penalty goes to the Land Use Change Tax fund. If it goes below \$100,000.00 the 50% of the Land Use Change Tax penalty goes to the Conservation Fund and 50% goes to Land Use Change Tax fund, occurring until the fund is restored to \$100,000.00.

**Seconded by Alan Greateorex**

**AMENDMENT presented by Toner was VOTED IN THE NEGATIVE BY VOICE VOTE**

Following more discussion, the Moderator called for voice vote, on the original article as amended by Waste. The Moderator proclaimed the voice vote to be in the **NEGATIVE**. Moderator's call was challenged and a request for Paper Ballot vote was issued and authorized.

**Moderator directed the use of Paper Ballot "B" for the purposes of this vote.**

**ARTICLE 9, as amended by Waste was a tie vote:**

**YES 92 NO 92**

**As there was not a majority vote, the Moderator declared that ARTICLE 9, as amended FAILED.**

#### ***WITHDRAWAL FROM CAPITAL RESERVE***

**ARTICLE 10. Dick Jones made the motion** that the Town vote to raise and appropriate the sum of one hundred eighty one thousand five hundred dollars (**\$181,500**) to fund the following purchases by authorizing the withdrawal of such funds from the Capital Reserve Funds for the purposes for which they were created as submitted by the Budget Committee:

Heavy Equipment Capital Reserve Fund: Loader:	\$174,000
Computer System Upgrade Capital Reserve Fund: Equipment:	\$7,500

<b>Withdrawals from Capital Reserve Funds Total:</b>	<b>\$181,500</b>
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(These appropriations are not included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0) (Recommend by the Budget Committee by a vote of 7-0) (No amount to be raised by taxation.)

**Seconded by Judith Brotman**

Questions concerning heavy equipment were answered by Road Agent Steve Williams.

**ARTICLE 10 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

#### ***LEASE-TO-OWN AGREEMENT FOR A 2015 BOMAG ROLLER***

**ARTICLE 11. Simon Carr made the motion** that the Town vote to raise and appropriate the sum of eighteen thousand eighty-one dollars (**\$18,081**) for the fifth payment on a 5-year lease/purchase of a Bomag Roller for the Highway Department. This lease agreement contains an escape clause. (This appropriation is not included in the total town operating budget warrant article as approved by the Budget Committee.)



(Majority vote required.) (Recommended by the Select Board by a vote of 3-0.) (Recommend by the Budget Committee by a vote of 7-0)

**Seconded by John Sanders**

**There being no discussion ARTICLE 11 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***APPROPRIATE FUNDS FOR ROAD REPAIR AT  
RIVER ROAD/GRANT BROOK SOUTH LOCATION***

**ARTICLE 12. Susan MacKenzie made the motion** that the Town vote to raise and appropriate the sum of two hundred forty eight thousand five hundred thirty nine dollars (**\$248,539.00**) for the purpose of stabilizing the portion of River Road south of Grant Brook on River Road. The funds will be used for all expenses necessary to repair and stabilize the river bank, including but not limited to testing, engineering, construction and materials for this project. This is a non-lapsing appropriation per RSA 32:7, and will not lapse until the road is reopened or December 31, 2023, whichever is sooner.

(This appropriation is not included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0.) (Recommend by the Budget Committee by a vote of 7-0)

**Seconded by Jennifer Cooke**

Ms. MacKenzie described this project, using projected slides for visual explanation, followed by a short period of discussion.

**ARTICLE 12 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***APPROPRIATE FUNDS FOR ROAD REPAIR DUE TO JULY 1<sup>ST</sup> STORM  
BAKER HILL # 1 LOCATION***

**ARTICLE 13. Bill Malcolm made the motion** that the Town vote to raise and appropriate the sum of two hundred thousand dollars (**\$200,000**) for the purpose of repairing and stabilizing the portion of Baker Hill Road damaged by the July 1<sup>st</sup>, 2017 storm to include testing, engineering, construction and materials for this project. This will be a non-lapsing appropriation per RSA 32:7, and will not lapse until the road repair is complete or December 31, 2023, whichever is sooner.

(This appropriation is not included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0) (Recommend by the Budget Committee by a vote of 5-2)

**Seconded by Alan Greatorex**

Susan MacKenzie described this project, using projected slides for visual explanation, followed by a short period of discussion.

**There being no discussion, ARTICLE 13 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***CULVERT INVENTORY PROJECT***

**ARTICLE 14. Walter Wetherell made the motion that** the town vote to raise and appropriate the sum of twenty one thousand dollars (**\$21,000**) to be used towards funding the Lyme Culvert Inventory Project, with ten thousand five hundred dollars (\$10,500) to be funded through cost sharing paid by NHDOT's UPWP funding and ten thousand five hundred (\$10,500) to be raised by taxation.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0) (Recommend by the Budget Committee by a vote of 7-0)

**Seconded by Lin Brown**

Jay Smith explained the reasoning and advantages to pursuing this project.

**ARTICLE 14 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***INDEPENDENCE DAY CELEBRATION  
SPECIAL REVENUE FUND***

**ARTICLE 15. Tim Cook made the motion that** the Town vote to raise and appropriate the sum of seven thousand five hundred eighty-four dollars (**\$7,584.00**) to sponsor an Independence Day celebration, including but not limited to a parade, picnic, music and family fun and to fund this appropriation by authorizing withdrawal of that sum from the Independence Day Celebration Special Revenue Fund established for this purpose at the 2003 Town Meeting.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0)

(Recommend by the Budget Committee by a vote of 7-0) (No amount to be raised by taxation.)

**Seconded by Faith Catlin**

**There being no discussion, ARTICLE 15 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***MILFOIL TREATMENT FOR POST POND***

**ARTICLE 16. Blake Allison made the motion that** the Town vote to raise and appropriate the sum of twenty six thousand seven hundred eighty-five dollars (**\$26,785.00**) for milfoil treatment of Post Pond, with six thousand six hundred ninety-six dollars (\$6,696.00) to be



funded through a grant from the New Hampshire Department of Environmental Services; a withdrawal of thirteen thousand eight hundred sixty-six dollars (\$13,866.00) from the unassigned fund balance and six thousand two hundred twenty-three dollars (\$6,223.00) to be funded by the Conservation Commission. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the milfoil problem is resolved or by December 31, 2023, whichever is sooner.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0.) (Recommend by the Budget Committee by a vote of 7-0) (No amount to be raised by taxation)

**Seconded by Judy Brotman**

Comments about Post Pond by Judy Barker

**ARTICLE 16 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

#### ***POLICE SPECIAL DETAIL REVOLVING FUND***

**ARTICLE 17. Judy Brotman made the motion that** the town vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of Police Special Details and equipment. All revenues received from fees, charges, or other income derived from the police working a special detail will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town's general fund balance. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created. (This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0)

**Seconded by Dick Jones**

**Explanation was provided by Jay Smith.**

**There being no discussion, ARTICLE 17 was voted in the AFFIRMATIVE BY VOICE VOTE**

#### ***REPORTS OF AGENTS, AUDITORS & COMMITTEES***

**ARTICLE 18.** Moderator Peterson asked to hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

Moderator Peterson reminded the assembled meeting attendees that the town had received a Protest Petition relative to Article 2 requiring a two-thirds majority vote for passage, and that a

copy of the petition is posted on the door of the Lyme Community Gymnasium which is the location of the Town Meeting.

Susan MacKenzie and Nils Johnson reported on the Community Development Committee, receiving applause for efforts.

Rusty Keith reported on the current Wilder Dam relicensing including the history and how this affects Lyme.

Ross McIntyre made comments about river erosion issues.

John Mudge also reported on river erosion and FERC.

### ***OTHER BUSINESS***

**ARTICLE 19.** To transact any other business that may be legally brought before this Town Meeting.

There being no further business to discuss or vote on, the Moderator thanked everyone for braving the snowy elements, yet again, to attend the annual Lyme Town Meeting.

This meeting was adjourned at 12:15 pm.

Respectfully submitted,



Patricia G. Jenks

Town Clerk