

**TOWN OF LYME
TOWN MEETING
MARCH 11, 2003**

The Moderator, William Waste called this Town Meeting to order at 9:02 AM at the Lyme School Community Gymnasium. Polls were opened for voting on Articles 1 – 12 at 7:00 AM and closed at 7:00 PM.

The Reverend Mary Conant offered an opening prayer.

The Lyme School Eighth Grade presented The Colors and led the attendees in reciting the Pledge of Allegiance.

The Lyme School Kindergarten led the singing of “America”.

The Moderator offered general community and procedural announcements.

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

One Selectman to serve for a term of 3 years:	Peter Bleyler
One Town Clerk to serve for a term of 3 years:	Patricia G. Jenks
One Overseer of Public Welfare to serve for a term of 1 year:	Nancy Grandine
One Road Agent to serve for a term of 1 year:	Fred O. Stearns III
One Trustee of Trust Funds to serve for a term of 3 years:	Timothy Callaghan
Three Budget Committee Members to serve for a term of 3 years:	Peter Bleyler Judith Lee Shelnut Brotman Jeff Lehmann
Three Library Trustees to serve for a term of 3 years:	Alida Ciampa Alan Hewitt Ann Justice
One Planning Board Member to serve for a term of 3 years:	David G. Swanz
One Sexton to serve for a term of 1 year:	William H. LaBombard
One Cemetery Commission Member to serve for a term of 3 years:	Michael C. Hinsley

ARTICLE 2. Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

The town must adopt a telecommunications facilities ordinance to maintain review control of proposals to install telecommunications systems as provided by federal law. The current telecommunications sections of the Zoning Ordinance do not provide this control, and they will be deleted. A telecommunications facilities ordinance is proposed as an addendum to the Zoning Ordinance. Please see this proposed document. A telecommunications facility will be defined as an “accessory use.”

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 243

NO 44

ARTICLE 3. Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Delete the 1986 Building Permit Ordinance, and clarify in the Zoning Ordinance when permits are not needed. This eliminates some confusion and an unnecessary document. Reference is added to a new state law which currently requires the Selectboard to sign permits for public building construction. Section 9.21 has been amended to clarify the requirement of a permit to construct a water body.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 255

NO 29

ARTICLE 4. Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

In Article II-Definitions, delete “Coverage” definition to avoid confusion with “Lot Coverage” which includes permeable structures such as decks. Change “Lot Coverage” definition to exclude subsurface structures such as septic systems, wells, and underground tanks. In the “Wetlands” definition, change the Wetlands publications from dated publications to “most recent publication” to avoid future zoning amendments to keep the ordinance updated. Exclude ponds smaller than one acre from the “Water Bodies” definition so these ponds no longer require a building permit and will not have 100’ Shoreland Protection District or property setbacks requirements. Also change “dammed waters” to “impoundments,” as the latter term is used elsewhere in the ordinance. Amend section 5.22 C. to delete reference to dug ponds in setback requirement as this conflicts with requirements in other sections of the ordinance.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 246

NO 35

ARTICLE 5. Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Change name of “Cluster Development” to “Extra Density Option.” More clearly designate Extra Density and Double Density Options as forms of Lot Size Averaging. Add an incentive for applicants proposing major subdivisions of 20 or more acres to design with dense development and

more open space (as the Extra Density Option), and provide for possible Planning Board requirement to use the extra density subdivision for major subdivisions. Delete the requirement for any zoning easements as restrictions can be added to the final plan to be recorded.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 230

NO 45

ARTICLE 6. Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend section 4.63 Shoreland Conservation District to permit docks which do not require a State permit without a special exception. A requirement for Lyme Conservation Commission review has been added.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 236

NO 47

ARTICLE 7. Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend section 4.65 Flood Prone Area Conservation District to more clearly refer the applicant to the Floodplain Development Ordinance and eliminate repetitive requirements between the floodplain and the zoning ordinances. Amend Floodplain Development Ordinance to include definition of “New Construction” to keep ordinance consistent with the State’s ordinance.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 245

NO 31

ARTICLE 8. Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Section 4.64 should clearly require the 25% of development to be contiguous. Amend section 4.64 Agricultural Soils Conservation District to clarify an applicant would not have to conserve more than 75% of the agricultural soils if developing less than 25%. Amend the agricultural easement requirement in section 4.64 for lots with 3+ acres of agricultural soils, and clarify it does not apply to special exceptions provided in section 8.24 for pre-zoning development. Correct footnote of Table 5.1 in referencing special exceptions, and reference state law which allows expansion of farms by waiver when proposal would be in violation of the zoning ordinance.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 221

NO 54

ARTICLE 9. Are you in favor of the adoption of Amendment #8 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend section 6.10 Sign Regulations Applicability to allow the continued use of a nonconforming structure and protect its grandfathered status when replaced or altered. Clarify the side and rear setbacks by referring to Table 5.1, and state there is no front setback.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 241

NO 43

ARTICLE 10. Are you in favor of the adoption of Amendment #9 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend section 8.22 Setbacks for Existing Non-conforming Structures Explanation to make a special exception less stringent by allowing applications for encroachment into the setbacks even when additional special exceptions for lot coverage and footprint are needed.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 232

NO 49

ARTICLE 11. Are you in favor of the adoption of Amendment #10 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Amend section 10.60 Variance Explanation to make the section consistent with the five variance criteria of RSA 674:33. A ZBA handbook provides guidance as to how to interpret the criteria by recent court cases including the Simplex case in regard to the hardship criterion.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 237

NO 37

ARTICLE 12. Are you in favor of the adoption of Amendment #11 as proposed by the Planning Board for the Lyme Zoning Ordinance as follows:

Correct and update Appendix – Table of Soils Types which is referenced in section 5.22 A. Sewage Disposal System Setbacks for shallow, hardpan, and porous soils. This amendment adds 44 soils to the current list of

shallow, hardpan, and porous soils and removes 13 soils. Combine all soils appendices into one table and appendix.

(Majority non-partisan official ballot required.) (Recommended by the Planning Board.)

YES 242

NO 42

ARTICLE 13. Judy Brotman made the motion that the Town vote to adopt the provisions of RSA 31:95-c to restrict 100% of revenues from fund-raising activities, gifts and donations made in connection with the Independence Day Celebration for the purpose of sponsoring the Independence Day Celebration, including but not limited to a parade, a picnic and fireworks. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the **Independence Day Celebration Special Revenue Fund**, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. The sum of \$6,500 is to be deposited in that fund. The sum of \$6,500 is to come from monies raised by individuals and recreation committee members through donations for the Fire Works and the Independence Day celebration over the past six years. Future monies are to come from user fees, picnic fees, gifts and donations and fund-raising efforts performed by Fire Works Commissioners and their designees. The funds are presently located in an account entitled "Fire Works Account" deposited with the Ledyard National Bank.

SECONDED

Article 13 was presented for vote by paper ballot based on NH RSA 31:95-d, I(a). Paper ballots with the printed article were distributed to all eligible voters attending this meeting. Polls were open for voting on this article for one hour.

Vote was in the AFFIRMATIVE by paper ballot: YES 107 NO 19

ARTICLE 14. Doug Gernhard made the motion that the Town vote to raise and appropriate the sum of up to \$6,500 to sponsor an Independence Day celebration, including but not limited to a parade, a picnic and fireworks and authorize the withdrawal from the **Independence Day Celebration Special Revenue Fund** established for this purpose at the 2003 town meeting.

SECONDED

Mr. Gernhard questioned how Articles 14, 15, & 16 could be voted on before the findings of the vote on Article 13.

Mr. Gernhard made the motion that Article 14 be tabled.

SECONDED

Motion to table Article 14 pending the findings of Article 13 was **voted in the AFFIRMATIVE by Voice Vote**. Meeting moved on to Article 15.

ARTICLE 15. Fred Phillips made the motion that the town vote to discontinue the elected 9-member Recreation Committee established by Article 6 of the warrant for the 1962 town meeting and replace it with a 9-member Recreation Commission to be appointed by the Board of Selectmen pursuant to RSA 35-B:4, and to provide that one Selectman shall be an ex officio member of this Recreation Commission; further, to adopt the provisions of RSA Chapter 35-B regarding recreation or park services and facilities and to authorize the Board of Selectmen to delegate such powers and duties to the Recreation Commission as the Selectmen shall deem appropriate from time to time pursuant to RSA 35-B:3.

SECONDED

Selectman Dick Jones explained that the passage of this article brings the Town into compliance with New Hampshire state law. There was a brief period of discussion and a request for vote by paper ballot on this article.

SECONDED

Confirmation of desire for paper ballot by a show of hands. Paper “yes/no” ballots were distributed to all eligible voters attending this meeting.

Moderator confirmed: “Yes” vote meaning being in favor of passing Article 15, “No” vote meaning not in favor of Article 15.

Article 15 was voted in the AFFIRMATIVE by Paper Ballot: YES 72 NO 26

ARTICLE 16. Lee Larson made the motion that the Town vote to establish a **Recreation Revolving Fund** pursuant to RSA 35-B:2 II. The money received from fees and charges for recreational activities, recreation park services and facilities shall be allowed to accumulate from year to year, and shall not be considered to be part of the town’s general fund unreserved fund balance. The town treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the Recreation Director with the Board of Selectmen’s approval (no further town meeting approval required). These funds may be expended only for recreation purposes as stated in RSA 35-B, and no expenditure shall be made in such a way as to require the expenditure of other town funds which have not been appropriated for that purpose.

Selectman Allan Newton explained that these funds supplement appropriated funds.

Article 16 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 17. Dan Karnes made the motion that the Town vote to raise and appropriate \$161,500 and make payment to the following Capital Reserve and Trust Funds previously established for the purposes set forth in the budget submitted by the Budget Committee as follows:

Land:

Public Land Acquisition Capital Reserve Fund	\$20,000
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Machinery, Vehicles & Equipment:

Vehicle Capital Reserve Fund	\$95,000
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Heavy Equipment Capital Reserve Fund	\$5,000
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Emergency Major Equipment Rebuilding Trust Fund	\$4,000
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Buildings:

Public Works Facility Capital Reserve Fund	\$20,000
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Improvements Other Than Buildings:

Emergency Highway Repair Capital Reserve Fund	\$1,000
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Computer System Upgrade Capital Reserve Fund	\$12,000
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Fire Fighting Safety Equipment Capital Reserve Fund	\$4,500
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Total:	\$161,500
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SECONDED

There was an explanation of this article by Selectman Dick Jones.

Tony Ryan made a “subsidiary motion” to postpone Article 17 indefinitely.

SECONDED

There was a request for paper ballot on the motion to postpone Article 17 indefinitely.

SECONDED

There was a lengthy debate regarding the motion to postpone Article 17. Barney Brannen moved to call the question, ending debate.

SECONDED

Motion to end debate on postponement of Article 17 was voted in the AFFIRMATIVE by Voice Vote.

Paper “yes/no” ballots were distributed to all eligible voters attending this meeting for the purpose of voting on the postponement of Article 17.

Motion to postpone Article 17 indefinitely was voted in the NEGATIVE by paper ballot. YES 30 No 89

General discussion regarding Article 17 followed.

Article 17 was voted in the AFFIRMATIVE by Voice Vote.

Judy Brotman made the motion to bring **ARTICLE 14** back to the floor for a vote following the findings from the vote on Article 13.

SECONDED

Article 14 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 18. George Palmer made the motion that the Town vote to raise and appropriate two hundred fifty-one thousand eight hundred dollars (\$251,800) and authorize the Selectmen, as agents for the Town, to withdraw and expend such funds from the Capital Reserve and Trust Funds for the purposes for which they were created as submitted by the Budget Committee as follows:

Machinery, Vehicles & Equipment:

Emergency Major Equipment Rebuilding Trust Fund	\$11,500
Vehicle Capital Reserve Fund	\$130,000
Bessie M. Hall Trust (Fire Department) (Fire Fighter Equipment)	\$1,500
Computer System Upgrade Capital Reserve Fund	\$3,800

Improvements Other Than Buildings:

Public Works Facility Capital Reserve Fund	\$20,000
Emergency Highway Repair Capital Reserve Fund	\$75,000
Bridge Capital Reserve Fund	\$10,000
Total:	\$251,800

SECONDED

Following an explanation by the Board of Selectmen, there was discussion from the floor.

Don Penfield made the motion to AMEND Article 18, reducing the bottom line, by \$30,000.00, which he indicated reflected the anticipated purchase cost of a new police cruiser-part of the Vehicle Capital Reserve Fund.

SECONDED

Following a lengthy discussion with explanations by Chief of Police Pauline Field and the Board of Selectmen, **Mr. Penfield WITHDREW his proposed AMENDMENT. The “SECOND” concurred.**

Lee Larson proposed obtaining “a sense of the meeting” (non-binding) vote on two issues:

--Should there be a second cruiser?

--Should the vehicle be a SUV or a rear wheel drive police issue car (sedan)?

Discussion continued.

Freda Swan made the motion to AMEND Article 18 by adding \$5,000.00 to the proposed budget item for specific police vehicle needs.

SECONDED

Barney Brannen offered a “Friendly Amendment” to Freda Swan’s amendment:

‘To reduce Freda’s proposed increase appropriations by \$10,000.00 which would be a net reduction in appropriations of \$5,000.00.’

Mrs. Swan accepted the “friendly amendment”. The “SECOND” concurred.

SECONDED

The current Amendment is now to reduce Article 18 by \$5,000.00.

George Palmer made the motion to call the question, ending debate on the proposed amendment.

SECONDED

Motion to end debate on the proposed amendment to reduce Article 18 by \$5,000.00 was voted in the NEGATIVE by Voice Vote.

Back to general discussion concerning the pros and cons of various police vehicles and the need for two in Lyme continued.

Lee Larson’s desire to get a “sense of the meeting” on this issue was addressed.

--Should the town have two police vehicles? **Negative by Voice Vote**

--Should the police vehicle be a sedan type/car?

(As opposed to a 4-wheel drive)? **Negative by Voice Vote**

Judy Brotman made the motion to call the question, ending debate on Article 18.

SECONDED

Article 18, UNAMENDED, was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 19. John North made the motion that the Town vote to raise and appropriate the sum of fifteen thousand five hundred dollars (\$15,500) to replace the fire station roof and roof insulation. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the repairs of the roof are completed or by December 31, 2005, whichever is sooner.

SECONDED

Fire Chief Michael Hinsley explained about a leaking roof and resulting damages to the Fire House and the need to address this issue as quickly as possible.

Following discussion **Kathy Larson made the motion to call the question**, ending debate on Article 19.

SECONDED

Article 19 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 20. Tony Ryan made the motion that the town vote to authorize the withdrawal of up to \$10,000 from the Library Trustees Endowment Fund to cover library operating expenses (in excess of expenses covered by tax appropriations).

SECONDED

Tish Smith spoke to this article on behalf of the Library Trustees.

Article 20 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 21. Mike Smith made the motion that the Town vote to raise and appropriate the sum of One Million Four Hundred Thirty Seven Thousand Six Hundred Ten Dollars (\$1,437,610) which represents the operating budget as recommended in the budget by the Budget Committee. Said sum does **not** include special or individual articles addressed in SPECIAL warrant articles 13, 14, 16, 17, 18, 19 and 20.

SECONDED

Mike Smith, on behalf of the Budget Committee presented an overview of the budget proposal as presented.

Lee Larson made the motion to AMEND line item number 170 (Fire Major Equipment)-page 59, from \$5,000.00 to \$10,000.00.

SECONDED

AMENDMENT to increase line 170 was Voted in the AFFIRMATIVE by Voice Vote

Lee Larson made the motion to AMEND line item number 354 (Maintenance and Management of Conservation Areas)-page, changing the amount from \$0.00 to \$750.00.

SECONDED

Discussion followed an explanation by Mr. Larson.

AMENDMENT to increase Article 21 by \$750.00 was voted in the NEGATIVE by Voice Vote.

Peter Coburn offered appreciation to the Budget Committee for their efforts on behalf of the Town. Further discussion regarding the proposed budget took place.

Peter Coburn made the motion to AMEND Article 21, by reducing the amended total by \$50,000.00.

SECONDED

After a significant amount of discussion, **Kathy Larson made the motion** to call the question, ending debate on this proposed amendment.

SECONDED

Motion to end the debate of reducing the amended Article 21 was voted in the AFFIRMATIVE by Voice Vote.

A paper ballot was requested for the vote on the proposed Amendment to reduce the amended Article 21 by \$50,000.00.

SECONDED

Paper “yes/no” ballots were distributed to all eligible voters attending this meeting for the purpose of voting on proposed amendment to removed \$50,000.00 from the amended Article 21.

Motion to Amend Article 21 by removing \$50,000.00 from the amended article was **voted in the NEGATIVE BY Paper Ballot. YES 19 NO 60**

Kathy Larson made the motion to call the question, ending debate on the Article 21 as amended (\$1,442,610.00).

SECONDED

Article 21, as amended, was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 22. Laszlo Bardos made the motion the town vote to accept the provisions of RSA 31:19 authorizing indefinitely, until specific rescission of such authority, the Board of Selectmen to accept gifts, legacies and devises to the Town without further action by the town meeting. This authorization will remain in effect until rescinded by a vote of the town meeting.

SECONDED

Article 22 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 23. Joan Goldburgh made the motion that the Town vote to send the following resolution to the New Hampshire General Court:

Resolved, in its first two years of operation, the Land and Community Heritage Investment Program (LCHIP) has helped communities throughout New Hampshire preserve their natural, cultural and historic resources and, therefore, the State of New Hampshire should maintain funding for LCHIP in its next biennial budget.

SECONDED

Article 23 was voted in the AFFIRMATIVE by Voice Vote.

ARTICLE 24. Jack Barrett made the motion that the Town vote to send the following resolution to the New Hampshire General Court and to Lyme’s elected officials from all levels of government and those seeking office:

Whereas, New Hampshire residents pay the 12th highest cost for insurance in the country; and

Whereas, the cost of health insurance premiums for families has increased by 45% over the past three years; and

Whereas, 100,000 New Hampshire residents have no health coverage and 77% have a full time worker at home; and

Whereas, due to these rising costs almost half of New Hampshire's small businesses cannot afford health coverage for their employees, therefore be it resolved

That we, the citizens of Lyme, New Hampshire, call on our elected officials from all levels of government, and those seeking office, to work with consumers, businesses, and health care providers to ensure that:

- Everyone, including the self-employed, unemployed, uninsured and underinsured, and small business owners, has access to an affordable basic health plan similar to what federal employees receive;
- Everyone, including employers, consumers, and the state, local and federal government makes a responsible and fair contribution to finance the health care system;
- Everyone receives high quality care that is cost efficient and medically effective; and
- That these efforts help control the skyrocketing cost of health care.

SECONDED

Dick Jones offered an AMENDMENT to this article by changing the opening paragraph to read: *"To see if the Town will vote to send the following resolution to the New Hampshire General Court."*

SECONDED

After some discussion **Dick Jones called the question** to end debate on this proposed amendment.

SECONDED

Motion to end debate on proposed amendment was **voted in the AFFIRMATIVE by Voice Vote.**

Proposed amendment to change the wording was voted in the NEGATIVE by Voice Vote.

Freda Swan made the motion to end debate on Article 24.

SECONDED

Motion to end debate voted in the AFFIRMATIVE by Voice Vote.

Article 24 was voted in the NEGATIVE by Voice Vote.

ARTICLE 25. To hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

There being no reports or discussion, this article was **Passed in the AFFIRMATIVE by Voice Vote.**

ARTICLE 26. To transact any other business that may be legally brought before this Town Meeting.

Alan Newton offered condolences to the Everett King family. Mr. King served the Town of Lyme as a Selectman, a member of the Planning Board and a member of the Budget Committee at various times for many years in the 1960's and 1970's.

Mike Smith recognized and offered appreciation to out-going Budget Committee members Dick Justice and George Palmer.

Tony Ryan asked about postponing this meeting rather adjourning to further discuss necessary building issues at a reconvened meeting in the immediate future. Based on researched done by the Moderator and Assistant Moderator this meeting could not be reconvened.

Tony Ryan offered a resolution: "Be it resolved that the Board of Selectmen proceed with all haste to obtain plans for the building of a new town garage, with costs and specifications to meet town needs. Said plans to be presented to the Town at a continuation of this present Town Meeting to occur at a time allowing construction to be, if so voted, completed before the end of the year".

SECONDED

The "Sense of the Meeting" voted in the AFFIRMATIVE BY VOICE VOTE.

Earl Strout offered acknowledgement, appreciation and a round of applause to Don Elder for fourteen years as Lyme Fire Chief.

Alan Newton offered appreciation and acknowledgement to Michael Hinsley as out-going Selectman.

Moderator Bill Waste thanked everyone for their participation and thoughtful input at this meeting.

The meeting was adjourned at 1:55 PM.

Respectfully Submitted,

Patricia G. Jenks
Town Clerk
Lyme, NH
03-12-03