

**TOWN OF LYME**  
Town Meeting  
Election for Executive Councilor  
March 11, 2014

**MINUTES**

Town Moderator Kevin Peterson called this meeting to order at 9:05 AM in the Lyme School Community Gymnasium. There were approximately 250 people in attendance.

Troop #273 of the Lyme Boy Scouts presented the Colors and led the Pledge of Allegiance.

Ellen Thompson, Parish Nurse read the list of "*Past*"—those Lyme residents who died between last Town Meeting and this one. The list included:

<i>Gibbons Cornwell III</i>	<i>Edna Stearns</i>	<i>Harriett Caney</i>	<i>John Grady Jr.</i>
<i>Carol Brearley</i>	<i>Philip Wade</i>	<i>Christine Poirer</i>	<i>Elsie McCarthy</i>
<i>Joseph Daschbach</i>	<i>Jean Bomhower</i>	<i>James Sturtevant</i>	<i>Harriett Phillips</i>
<i>Catherine Pixley Smith</i>	<i>George Palmer</i>		

Jeff Valence, speaking for the Lyme Foundation, presented "*the Present*"—the 2014 recipients of the "Citizen(s) of the Year" award to Beverly and Earl Strout.

Abbie Murphy read the "*Future*"—the list of those born to or adopted by Lyme residents in 2013.

The Moderator reviewed meeting and voting procedures and his rules of order for this meeting. He pointed out various displays and thanked the election team for their efforts. He noted that Articles 1 through 4 of the Warrant will be voted by official paper ballot and that requests for paper ballot on other articles will be done with the perforated Yes/No ballots distributed by a separate team at the ballot clerk tables. This also being the Official Special Election for Executive Councilor, to replace Ray Burton, those state ballots were included for distribution with town ballots from the ballot clerks.

**ELECTION OF OFFICERS**

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

Select Board	Patricia G. Jenks
Budget Committee	Judith Lee Shelnuttt Brotman
	Greg Lange
	Phil Barta
Cemetery Trustee	Laurel Ross
Library Trustees (3 years)	Audrey Brown
	Nancy Elizabeth Grandine
	Margaret Rose Minnock
Library Trustee (1 year)	Daniel Parish
Overseer of Public Welfare	Nancy Elizabeth Grandine

Planning Board members	Timothy Cook
Road Agent	Fred O. Stearns III
Supervisor of the Checklist	Alan R. Greatorex
Town Moderator	Kevin Peterson
Trustee of the Trust Funds	Margaret (Mardi) Bowles

### ***Zoning Amendments-by paper ballot***

**ARTICLE 2.** Are you in favor of the adoption of Amendment #1 as proposed by the Lyme Planning Board for the Lyme Zoning Ordinance as follows:  
Delete section 4.57 Demerger of Contiguous Parcels of Land in Common Ownership.

*Note: The time frame specified in this section has passed therefore it is no longer applicable. A property owner may still request to have lots demerged by the Select Board under RSA 674:39-aa until 2016.*

#### **ARTICLE 2 WAS VOTED IN THE AFFIRMATIVE BY PAPER BALLOT**

**YES 279**

**NO 53**

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

Delete section 5.23 Road Frontage.

*Note: This section is redundant with section 5.12.*

#### **ARTICLE 3 WAS VOTED IN THE AFFIRMATIVE BY PAPER BALLOT**

**YES 298**

**NO 46**

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

1) The addition of section 3.24.1 to create the Holt's Ledge Zoning District

3.24.1 Holt's Ledge District. The Boundaries of the Holt's Ledge District are shown on the Lyme Zoning Map. The objectives of the Holt's Ledge District are to protect Lyme's natural heritage, to encourage the most appropriate use of land and to facilitate the adequate provision of community services. The Holt's Ledge District promotes reasonable use of small lots created prior to the enactment of the Zoning Ordinance in the East Lyme area of Lyme.

2) Update Table 4.1 to include the Holt's Ledge District.

3) Update Table 5.1 to include the Holt's Ledge District.

4) Update Appendix D Lyme Zoning Districts Map to the Holt's Ledge District.

*Note: The lots on Canaan Ledge Lane were created through a subdivision prior to zoning and are in the East Lyme Zoning District. A majority of these lots are non-conforming to the requirements of the East Lyme District. The intent of the new district is to align the dimensional controls for these residential lots with other residential zoning districts in Lyme. The Holt's Ledge District will include lots 16,17,18,19,21,22,23,24,25,26,27,28,29,30,31 all on tax map 413. The full text of the amendment follows the warrant.*

#### **ARTICLE 4 WAS VOTED IN THE AFFIRMATIVE BY PAPER BALLOT**

**YES 287**

**NO 70**

#### ***TOWN OPERATING BUDGET***

**ARTICLE 5. Judy Brotman made the motion** that the Town vote to raise and appropriate the sum of two million thirty-eight thousand and twenty-five dollars (**\$2,038,025**) which represents the operating budget as recommended by the Budget Committee.

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

**SECONDED** by Simon Carr

There was no discussion.

#### **ARTICLE 5 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

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

**ARTICLE 6. Kathy Larson made the motion** that the Town vote to raise and appropriate the sum of eighty-two thousand five hundred thirteen dollars (**\$82,513**) for the purpose of maintenance, construction and reconstruction of class IV & V highways; said sum to be offset from the State of New Hampshire Block Grant Aid estimated payments for the 2014-2015 calendar year.

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

**SECONDED** by Judy Brotman

There was a short discussion.

#### **ARTICLE 6 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

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



**ARTICLE 7. Dick Jones made the motion** that the Town vote to raise and appropriate four hundred thirty-three thousand four hundred one dollars (**\$433,401**) 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	\$105,000
Heavy Equipment Capital Reserve Fund	\$48,151
Property Reappraisal	\$5,000
Class V Roads Rehab Capital Reserve Fund	\$25,000
Public Works Facility Capital Reserve Fund	\$50,000
Emergency Highway Repair Capital Reserve Fund	\$20,000
Computer System Upgrade Capital Reserve Fund	\$5,250
Town Buildings Major Maintenance and Repair Fund	\$10,000
Recreation Facilities Capital Reserve Fund	<u>\$11,000</u>
<b>Capital Reserve Funds Subtotal:</b>	<b>\$379,401</b>

**Expendable Trust Funds:**

Emergency Major Equipment Rebuilding Trust Fund	\$14,000
Town Poor Expendable Trust Fund	<u>\$40,000</u>
<b>Expendable Trust Funds Subtotal:</b>	<b>\$54,000</b>

**Capital Reserve Funds and Expendable Trust Funds      Total:      \$433,401**

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

**SECONDED** by Judy Brotman

There was no discussion.

**ARTICLE 7 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***WITHDRAWAL FROM CAPITAL RESERVE FUNDS AND  
EXPENDABLE TRUST FUNDS***

**ARTICLE 8. Paul Klee made the motion** that the Town vote to raise and appropriate twenty-one thousand dollars (**\$21,000**) and to fund this appropriation by authorizing the withdrawal of 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:**

Fire Fighting Safety Equipment	\$15,000
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Computer System Upgrade Capital Reserve Fund

\$6,000

**Withdrawals from Capital Reserve Fund**

**Total: \$21,000**

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

**SECONDED** by Simon Carr

There was no discussion.

**ARTICLE 8 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***LEASE-TO-OWN AGREEMENT FOR A 2014 BOMAG BW-211D ROLLER***

**ARTICLE 9. Lee Larson made the motion** that the Town vote to authorize the Select Board to enter into a 5 year lease-to-own agreement for the purpose of leasing a roller for the highway department for a total cost of \$90,921 and to raise and appropriate the sum of eighteen thousand one hundred eighty-five dollars (**\$18,185**) for the first year's payment for that purpose. 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.)

**SECONDED** by Sally Thursby

Select Board Chairman Jay Smith explained that the Roads Committee brought the request forward for consideration based on research and recommendations by the University of New Hampshire study and the NH Department of Transportation. He also explained what this unit is designed to do and why we need it.

There were several questions which included concerns from Don Elder who spoke against the article and asked if the best bid price had been obtained and what was the plan for moving it around; from Kathy Larson who asked if provisions had been made to properly train highway employees on proper use; Jennifer Cooke asked if other towns had equipment like this; Charles Ragan asked how the compactor would be transported from road to road; and Shirley Tullar asked what the penalty is if the town decided to not keep the equipment.

Jay Smith addressed the comments: The request was put out to bid. This unit was chosen as it was the only distributor willing to work with a lease/purchase arrangement that could be withdrawn. Regarding the training, arrangements are in the works for the highway crew to attend training seminars. Jay Smith pointed out that the Town of Hanover and the Town of Canaan both own their own roller.

As for transporting the roller, the highway trucks have the capacity to haul the unit. A trailer could be rented or borrowed and the Selectmen calculate that a moving charge could cost approximately \$200 each time the unit is moved by a truck & trailer other than those owned by



the Town. In some cases, once the unit is located to the first point of use, it could then be driven over the road short distances to the next place it is needed. It would be parked off the road in a town right-of-way (like what happens with the road-side mowing equipment now) and moved over the road until it needed to be transported by trailer to the highway garage or a site that's too far to travel over the road.

Other comments came from Earl Strout who appreciated learning what the machine does, from Ray Clark who proclaimed the roads have improved significantly over the years, from Walt Swift who asked for clarification of the article and asked who will decide if the machine stays or goes (the road agent). Barbara Roby was concerned about where it would be parked on the roads and noted that she did not want it on the Roby property.

Mark Schiffman noted that historically lots of money has been spent on road repairs. He feels this is a good goal toward the solution of maintaining the roads adequately.

There being no further discussion that hadn't already been addressed the Moderator called for vote.

#### **ARTICLE 9 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

##### ***PAVED ROAD REPAIR AND MAINTENANCE***

**ARTICLE 10.** Simon Carr made the motion that the Town vote to raise and appropriate up to ninety-seven thousand one hundred thirty dollars (**\$97,130**) for the purpose of implementing the 1<sup>st</sup> year of the 10-year plan to repair and maintain the Town's paved roads.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.)

**SECONDED** by Judy Brotman

Sue MacKenzie, member of the Select Board, provided explanation of the article.

There was no discussion.

#### **ARTICLE 10 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

##### ***WITHDRAWAL FROM THE CEMETERY MAINTENANCE GIFTS AND DONATIONS FUND***

**ARTICLE 11.** Anne Baird made the motion that the Town vote to raise and appropriate the sum of thirteen thousand six hundred two dollars (**\$13,602**) to be used towards funding maintenance of the Town Cemeteries and to authorize funding this appropriation by the withdrawal of such sum from the Cemetery Maintenance Gifts and Donations Fund (established by the Select Board on January 5, 2000).

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.)

**SECONDED** by Judy Brotman

There was no discussion.

**ARTICLE 11 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***TRANSFER FUNDS FROM THE CEMETERY SPECIAL REVENUE FUND INTO  
THE NEW CEMETERY CAPITAL RESERVE FUND  
(special warrant article)***

**ARTICLE 12.** Stephen Campbell made the motion that the Town vote to raise and appropriate the sum of eight hundred dollars (**\$800**) to be placed into the New Cemetery Capital Reserve Fund re-established in 2005 under the provisions of RSA 35:1, and to authorize funding this appropriation by the withdrawal of said sum from the Cemetery Special Revenue Fund established in 2005 under the provisions of RSA 31:95-c.

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

**SECONDED** by Dick Jones

Dick Jones' clarification that this is a revenue fund was considered by the Moderator to be a "Friendly Amendment".

There was no further discussion.

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

***APPROPRIATING MONIES TO PUT INTO BLISTERS FOR BOOKS  
EXPENDABLE TRUST FUND***

**ARTICLE 13.** Jack Elliott made the motion that the Town vote to raise and appropriate the sum of five thousand one dollars (**\$5,001**) to put into the "Blisters for Books Expendable Trust Fund" established in 2007 for the purpose of purchasing children's books, audiotapes and other resources and to fund this appropriation by authorizing the withdrawal of said sum from the 12/31/2013 unreserved fund balance. The amount represents monies taken into the general fund in 2013 from last year's Blisters for Books.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.)

**SECONDED** by Simon Carr



There was no discussion.

**ARTICLE 13 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE.**

***MILFOIL TREATMENT FOR POST POND***

**ARTICLE 14. Paul Killebrew made the motion** that the Town vote to raise and appropriate the sum of twenty-five thousand seven hundred sixty-five dollars (**\$25,765**) for milfoil treatment of Post Pond, to be funded 40% (up to \$10,306) through a grant from the New Hampshire Department of Environmental Services, with the remaining 60% (\$15,459) to be raised by taxation. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the milfoil problem is gone or by December 31, 2019, whichever is sooner. (This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.)

**SECONDED** by Judy Brotman

Speaking for the Select Board, Jay Smith explained that the reason for this being non-lapsing is because we don't know how long it will take to accomplish the treatment. This way the money may be carried over into the next year and the amount of money for next year might be less. The state helps but limits the amounts available. The Department of Environmental Services (DES) was happy with the later treatment last year and feels an early treatment in the spring will allow a better handle on the overall outcome and control of the invasion.

Anne Baird asked if the chemical treatment has any effect on the loons and if timing of treatment affects how the chemicals work. Smith responded that the DES indicated the water was safe after 24 hours (no drinking or swimming for that period of time). He suggests checking with the distributor to find out the effects on the wildlife during that wait-time. Smith responded that earlier treatment is better as milfoil is dormant early in the season.

Dina Cutting, Administrative Assistant indicated that Amy Spakula of DES is familiar with the Lyme loon issue.

Stephanie Reinenger asked if there was a plan in place to deal with making sure boats are clean before & after using the pond. Smith replied that the Select Board has talked about trying to establish an inspection program. The Milfoil Committee, originally set up to address issues such as this has not been working out well, so follow through of this precautionary program hasn't happened. There is signage at the boat landing.

There was no further discussion.

**ARTICLE 14 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE.**



### ***WITHDRAWAL FROM CONVERSE FREE LIBRARY TRUSTEES RESERVE FUND***

**ARTICLE 15. Judy Russell made the motion** that the Town vote to raise and appropriate ten thousand dollars (**\$10,000**) for renovations to the library's building and to authorize funding this appropriation by the withdrawal of such sum from Converse Free Library Trustees Reserve Fund.

(This appropriation is **not** included in the total town operating budget warrant article as approved by the Budget Committee.)

**SECONDED** by Simon Carr

There was no discussion.

**ARTICLE 15 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

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

**ARTICLE 16. Joyce Killebrew made the motion** that the Town vote to rescind the vote to place the payments of Land Use Change Tax collected into the Conservation Fund established at the 1993 Town Meeting effective April 1, 2014 and instead to see if the Town will vote to adopt the provisions of RSA 79-A:25-a, effective April 1, 2014, to account for revenues received from the Land Use Change Tax in a fund separate from the General Fund. Any surplus remaining in the Land Use Change Tax Fund shall not be part of the General Fund until such time as the legislative body shall have had the opportunity at an annual meeting to vote to appropriate a specific amount from the Land Use Change Tax Fund for any purpose not prohibited by the laws or by the constitution of this state. After an annual meeting any unappropriated balance for the Land Use Change Tax revenue received during the prior fiscal year shall be recognized as General Fund revenue for the current fiscal year.

**SECONDED** by Judy Brotman

Speaking for the Select Board, Jay Smith acknowledged that the wording of this article was a bit confusing, but necessary under instruction of the New Hampshire Department of Revenue and town attorney. He explained the logic behind presenting the article.

Don Elder pointed out that in the past funds from this account have been used to enhance the Academy Building, Fire Station, Cemeteries, Land Acquisitions, Chase Beach & Recreation Area, the ball field and to reduce taxes.

**Phil Pocoda offered an AMENDMENT** to substitute language –replacing “not prohibited by the laws or by the constitution of this state” with “for any purpose broadly related to conservation.”

Several people commented on the proposed article including Vicki Smith who thanked the

Select Board for their efforts on this issue, although she disagreed with the article and the reasoning; Mike Smith who spoke against the article for a variety of reasons; Dick Jones who as a former selectman gave some history and noted he was disappointed it kept coming up for discussion each year as it continually was voted down; and John Mudge who encouraged a vote against the article.

The Moderator reminded voters that the article does not affect the money currently in the Conservation Fund. There was further discussion and comments by Simon Carr and Bob Wetzel both of whom felt the amendment was unacceptable and unnecessary.

The proposed **AMENDMENT to Article 16** was brought forward for vote by the **Moderator**.

#### **PROPOSED AMENDMENT WAS VOTED IN THE NEGATIVE BY VOICE VOTE**

Rusty Keith spoke in favor of Article 16.

Having received a petition containing seven signatures requesting a vote by paper ballot on Article 16 as originally presented, the Moderator moved to a paper yes/no ballot vote.

#### **ARTICLE 16 WAS VOTED IN THE NEGATIVE BY PAPER BALLOT VOTE**

**YES 29**

**NO 120**

#### **PETITIONED WARRANT ARTICLE**

##### ***New Hampshire Resolution to Get Big Money Out of Politics***

**ARTICLE 17.** (By petition of twenty-five or more eligible voters of the town of Lyme)

**Rick Bourdon made the motion** that the Town of Lyme voters urge that the New Hampshire State Legislature join nearly 500 municipalities and 16 other states, including all other New England states, in calling upon Congress to move forward a constitutional amendment that (1) guarantees the right of our elected representatives and of the American people to safeguard fair elections through authority to regulate political spending, and (2) clarifies that constitutional rights were established for natural persons only, not corporations, unions, or other artificial entities.

That the New Hampshire congressional delegation support such a constitutional amendment.

That the New Hampshire State Legislature support such an amendment once it is approved by Congress and sent to the states for ratification.

Within 30 days of approval of this article, the Select Board shall transmit by written notice the record of the vote to Lyme's congressional delegation, to Lyme's state legislators, and to the President of the United States, informing them of the instructions from their constituents.

**SECONDED** by multiple voters at the same time



Rick Bourdon explained why he felt this petition was important to the Town and collective States citing “legal corruption” by politicians. His explanation received applause. Comments were shared by State Representative Beatriz Pastor and citizens Tom Toner and Wilkes McClave.

**THIS ADVISORY VOTE (ARTICLE 17) WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**PETITIONED WARRANT ARTICLE**

**ARTICLE 18. Shirley Tullar made the motion that the Town of Lyme voters consider the following:**

The NH legislature has passed RSA 79-F and 12 NH towns have adopted it. We hope Lyme will join them in expressing support for our few remaining farms. Are you in favor of adopting New Hampshire RSA Chapter 79-F, to appraise, for property tax assessment, qualifying farm structures at no more than replacement value less depreciation and land underlying qualifying farm structures at no more than ten percent of its market value. Qualifying structures and land shall be subject to a use change tax at rate of ten percent of the full value assessment as of the date of change of use. The intent of this article is to show Lyme's support for working farms.

**SECONDED** by Jan Williams

Arend Tenson offered comments in support of this Article. Ray Clark asked about restrictions-working agricultural farms (dairy/poultry) vs horse farms—what prevents non-sustainable farms from benefiting from the change?

Jay Smith responded for the Select Board saying that the laws are specific and each request would be considered individually. It is his understanding there would be an appeal process.

Comments were shared by Phil Pochoda and Beatriz Pastor.

**ARTICLE 18 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

**REPORTS OF AGENTS, AUDITORS & COMMITTEES**

**ARTICLE 19. Kevin Peterson made the motion** to hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto.

**SECONDED** by Dick Jones

Jay Smith acknowledged and thanked out-going Select Board member Richard Vidal for his time spent (3 years) serving on the Board. Mr. Vidal received a certificate of appreciation and was given a round of applause.

Mark Bolinger, representing the Energy Committee, reminded attendees about the “Solarize Lyme” project.

The Moderator accepted reports provided in the Town Report.

**ARTICLE 19 WAS VOTED IN THE AFFIRMATIVE BY VOICE VOTE**

***OTHER BUSINESS***

**ARTICLE 20.** To transact any other business that may be legally brought before this Town Meeting.

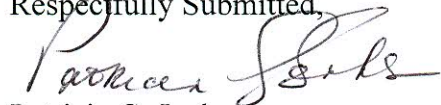
Sue MacKenzie, having received concerns and comments last fall concerning the Beach Program and Lifeguards at Chase Beach, asked for input from residents.

Several people spoke regarding this including Mike Mundy who thought the guards should be paid more money and receive more training; Charles Hallet who has issues with the enforced boundaries of where and how far adults are allowed to access the pond and swim out when lifeguards are on duty. He’s checked other local swimming areas and found they don’t have similar restrictions. Dina Cutting, currently the Beach Coordinator, does not feel there are unnecessary restrictions. It is her opinion that there need to be rules and that the rules need to apply to everyone using the facility. Kathy Larson felt there must be a compromise to the issue which would allow the continued safety of the children and more flexibility for the adults wanting to use the pond. Dick Jones felt it was inappropriate to bring this before town meeting and that a public hearing should be called to address pond issues. Dina Cutting indicated the Recreation Commission is looking into different options and that public is welcome to attend any Recreation Commission meeting which are held the fourth Monday of the month at 6pm.

Bill Ackerly thanked Kevin Peterson for doing a fine job moderating this Town Meeting,

This meeting was adjourned at 11:40 am.

Respectfully Submitted,



Patricia G. Jenks

Town Clerk, Lyme NH