

TOWN OF LYME, NEW HAMPSHIRE

TOWN MEETING

March 14, 2017

Minutes

Town Moderator Kevin Peterson called the meeting to order at 9:08 AM in the Lyme School Community Gymnasium. There were approximately 300 people in attendance.

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 in 2016 with significant Lyme connections. Those included in the list are:

David Levintow

Gregory Dimick

Verla Dimick

Joanne Coburn

Joanne Sohrweide

William Ackerly

Robert Girard

Robert Skinner

Lucile Birch

Robert Knowles Jr.

Mary Cornwell

John Hartford

Charles Lahr

The Select Board acknowledged and thanked out-going Board member Patricia Jenks.

Recognizing the Future, Parish Nurse Ellen Thompson read the names of babies born to, or adopted by Lyme residents in 2016. Names of the names appear in the Town Report Vital Statistics section.

Representing the Lyme Foundation, Jeff Valence introduced Anne Baird and Kristin Roth who presented the Citizen(s) of the Year Award. This year the award went to two recipients: Peg Little and Paphanh Sithavady.

The Moderator noted various upcoming events, displays and items for sale during the day. He also recognized the election teams and volunteers, thanking all for their help on this snowy day.

NH State Representatives Patricia Higgins and Polly Campion were recognized.

The Moderator reviewed meeting procedures and rules of order, requesting respect and civility at all times. The procedures were adopted unanimously by voice vote. Voice without vote was approved for Zoning Administrator David Robbins and Town Counsel Walter Mitchell.

Moderator Peterson announced the meeting would be recorded and that, without objection, the order of articles would be changed to address Article 27 immediately after Article 15, both having to do with River Road. There was no objection to the change.

Select Board Chair Susan MacKenzie presented a "State of the Town" Address.

ELECTION OF OFFICERS

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

Select Board	Bradford "Rusty" Keith
Budget Committee	Judith Shelnutt Brotman
	Scott May
	Greg Lange
Cemetery Trustee	Jay Cary
Library Trustees	Nancy Elizabeth Grandine
	Georgina Voegelé
	Audrey Brown
Overseer of Public Welfare	Nancy Elizabeth Grandine
Planning Board	Tim Cook
Tax Collector	Barbara Woodard
Trustee of the Trust Funds	Margaret "Mardi" Bowles

PETITION FOR AMENDMENT TO ZONING ORDINANCE

ARTICLE 2. Amend Table 4.1 of the Zoning Ordinance to allow Pocket Neighborhoods by site plan review in the Rural District, subject only to Article XIII.

II. Amend the Zoning Ordinance by adding after Article XII the following new Article
ARTICLE XIII: POCKET NEIGHBORHOODS

13.10 OBJECTIVE

It is of fundamental importance for the Town of Lyme to provide moderately priced housing opportunities for all members of the community. Pocket Neighborhoods allow people to build new homes while sharing the cost of land acquisition and site development, thus making it possible to lower the overall cost of homes. This Article is intended to allow for additional housing alternatives in the Town in a manner that is economically efficient. Locating Pocket Neighborhoods near the institutions, services and businesses in the Lyme Common District supports an objective of Lyme's master plan, to avoid sprawl. Clustering the homes together avoids the isolation that occurs from building on individual, far-separated lots. This Article XIII retains important dimensional controls of the Zoning Ordinance, but provides certain exceptions to its other provisions to enable Pocket Neighborhoods.

13.20 DEFINITIONS

For the purpose of this Article XIII, the following terms shall have the meanings indicated in this Section:

POCKET NEIGHBORHOOD. A housing development on a single lot or parcel of land with multiple dwelling units contained within one or several buildings clustered on or around shared open space.

COMPUTED NUMBER OF LOTS. The Computed Number of Lots is the maximum number of lots which could be created in a subdivision meeting the lot size, road frontage, and depth ratio requirements set forth in Table 5.1 and 5.11 A. and B. and all of the requirements of the Lyme Subdivision Regulations, as determined by the Planning Board as part of its review pursuant to Sections 12.10 and 13.40 A.

COMPUTED LOT SIZE. The Computed Lot Size is the lot size of the parcel on which the Pocket Neighborhood is located, divided by Computed Number of Lots.

Any term not specifically defined in this Section 13.20 shall have the same meaning as set forth in Article II.

13.30 USE(S) ALLOWED

Within a Pocket Neighborhood, the following uses are allowed, subject only to the provisions of this Article XIII, Article XII (Site Plan Review), Section 4.30 (Prohibited Uses) and, as applicable, Section 4.48 (Business Use):

- A. Single dwelling and multi-dwelling residential uses.
- B. Such institutional or business uses as are permitted by right or allowed by site plan review as listed in Table 4.1 in the Rural District.
- C. Lawful, pre-existing non-conforming use(s) in the Pocket Neighborhood (subject to Article VIII).
- D. Customary accessory uses incidental to any of the foregoing.

13.40 REQUIREMENTS AND LIMITATIONS

A Pocket Neighborhood must meet all of the requirements for Site Plan Review under Section 12.10 as well as the following criteria:

- A. Review by Planning Board. A Pocket Neighborhood, and any change of use therein, shall be reviewed and approved by the Planning Board pursuant to Section 12.10 prior to the issuance of a building & zoning permit.
- B. Lot Size. No Pocket Neighborhood shall be located on a lot having a lot size (as defined in accordance with Article II) of less than 15 acres.
- C. Access and Road Frontage. Pocket Neighborhoods shall be located on Route 10, no more than one (1) mile north of the northern boundary of the Lyme Common District, as established on the date of adoption of this Article.
- D. Number of Dwelling Units. The number of dwelling units in a Pocket Neighborhood shall be determined based on the Computed Number of Lots, and shall not exceed the Computed Number of Lots multiplied by six (6). Dwelling units may be arranged as attached, detached or semi-attached structures that have scale and character compatible with the Town of Lyme.
- E. Number of Buildings. Notwithstanding Section 4.41, Pocket Neighborhoods may contain one or more principal and accessory buildings.
- F. Dimensional Controls. The provisions of Article V (Dimensional Controls) shall apply to Pocket Neighborhoods except as follows:
 - 1. Building Footprint, Lot Coverage, and Gross Floor Area: Notwithstanding Sections 5.10 (Table 5.1), 5.14, 5.15, and 5.16, (a) the maximum building footprint of any building within a Pocket Neighborhood shall be the lesser of 2% of the Computed Lot Size or 7,000 s.f. (b) the maximum lot coverage shall be the lesser of 12% of the lot size of the parcel on which the Pocket Neighborhood is located, or 26,000 s.f. multiplied by the Computed Number of Lots; and (c) the maximum gross floor area for any building shall be 14,000 s.f.
 - 2. Setbacks. The minimum road, side and rear setbacks set forth in Section 5.10 (Table 5.1) and Section 5.13 shall apply only with respect to the perimeter property lines of the Pocket Neighborhood and not with respect to the distance between buildings or between a building and an internal road.
- G. Any future subdivision of the lot on which a Pocket Neighborhood is located may be prohibited through the grant of a zoning easement to the Town of Lyme.
- I. Unit Design. At least fifty percent (50%) of the dwelling units in a Pocket Neighborhood shall be no larger than 1100 s.f.
- J. Common Facilities. Each Pocket Neighborhood shall include common facilities primarily for the benefit of residents, having a total of at least 200 square feet of gross floor area for each dwelling unit. Common facilities shall be accessory to the use of the dwelling units. Common facilities shall be any structure or portion thereof available for the use of two or more dwelling units, including, but not necessarily restricted to, community kitchens, dining areas, recreational and fitness areas, greenhouses, barns, sheds, reading and study areas, workshops and work areas.
- K. Private Roads. All roads and streets within a Pocket Neighborhood shall remain private and shall not be dedicated as public highways.

(Majority non-partisan official ballot required.) (Not Recommended by the Planning Board.)

Article 2 was VOTED IN THE NEGATIVE BY OFFICIAL BALLOT

YES 226 NO 300

ARTICLE 3. Are you in favor of the adoption of Amendment #1 as proposed by the Lyme Planning Board for Section 4.46 of the Lyme Zoning Ordinance as follows:

The addition of the following intent statement at the end of the section:

The intent of Section 4.46 is to encourage the ongoing viability of Lyme's older buildings by allowing for their conversion to other uses.

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

(Full text of the amendment is at the end of the warrant.)

Article 3 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT

YES 444 NO 43

ARTICLE 4. Are you in favor of the adoption of Amendment #2 as proposed by the Lyme Planning Board for the Lyme Zoning Ordinance as follows:

Amend ARTICLE VI: SIGN REGULATIONS to comply with the Supreme Court ruling in Reed v. Town of Gilbert, Arizona, by removing any regulation governing the content of signs.

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

(Full text of the amendment is at the end of the warrant.)

Article 4 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT

YES 381 NO 95

ARTICLE 5. Are you in favor of the adoption of Amendment #3 as proposed by the Lyme Planning Board for the Lyme Zoning Ordinance as follows:

Change the definition of Dwelling Unit in Article II from:

DWELLING UNIT. A room or rooms arranged for use as a separate, housekeeping unit established for regular occupancy.

To:

Dwelling Unit. "A room or rooms providing independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation that is established for regular occupancy."

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

(Full text of the amendment is at the end of the warrant.)

Article 5 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT

YES 398 NO 80

ARTICLE 6. Are you in favor of the adoption of Amendment #4 as proposed by the Lyme Planning Board for the Lyme Zoning Ordinance as follows:

Add Agritourism as a use permitted by Site Plan Review as follows:

1) Add the following definition to Article II

Agritourism. Agritourism which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal,

making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.

2) Amend section 4.51 by adding section (B) as follows:

B. Agritourism. Agritourism as defined in article II and RSA 21:34-a is allowed, subject to site plan review on any property in the Town of Lyme where the primary use of the property is for Agriculture.

3) Amend table 4.1 by adding a third row under agriculture for Agritourism that allows Agritourism in all districts subject to Site Plan Review.

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

(Full text of the amendment is at the end of the warrant.)

Article 6 was VOTED IN THE AFFIRMATIVE BY OFFICAL BALLOT

YES 417 NO 53

ARTICLE 7. Are you in favor of the adoption of Amendment #5 as proposed by the Lyme Planning Board for the Lyme Zoning Ordinance as follows:

Modify the Accessory Dwelling Unit language as follows:

1) Change the existing definition of "Dwelling, Single" to:

DWELLING, SINGLE. A residential building which may include an attached or detached accessory dwelling unit as allowed under section 4.42.

2) Add the following two definitions to Section II:

Accessory Dwelling Unit Attached. An "attached Accessory dwelling unit " is a residential living unit that is within or attached to a single family dwelling, and provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Accessory Dwelling Unit Detached. A "detached Accessory dwelling unit " is a residential living unit that is detached from a single family dwelling, and provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

3) Change section 4.42 to:

4.42 Accessory uses:

A. Customary accessory uses are permitted uses which are incidental to the principal use, including single dwelling uses in conjunction with permitted business use.

B. A single detached accessory dwelling unit may be added to a lot with an existing or proposed residence if:

- a) only one detached accessory dwelling unit is permitted;
- b) both units share an access to a town or private road;
- c) both units are located less than 100 feet apart or share the same wastewater disposal system;
- d) there shall be a suitable area for a replacement wastewater disposal system(s);
- e) the gross floor area of the accessory unit does not exceed 750 square feet;
- f) the subdivision of the lot to separate the two residences is prohibited through the grant of a zoning easement to the Town of Lyme; and
- g) this shall not be considered a multi-dwelling conversion.
- h) One of the units is owner-occupied;

- i) The principal structure is a single-family dwelling and does not and shall not contain an attached accessory dwelling unit;
- j) The accessory dwelling unit does not have more than two bedrooms;
- k) Parking adequate for the accessory dwelling unit is provided on site pursuant to Article VII; and
- l) The accessory dwelling unit is designed as follows:
 - 1. Location of entrances. Only one entrance may be located on the street side(s) of the accessory building, unless the accessory building contained additional legally pre-existing entrances before the accessory dwelling unit was created. An exception to this requirement is: entrances that do not have access from the ground such as entrances from balconies or decks; in which case, an additional entrance may be located on the street side.
 - 2. Exterior stairs. Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on the street side(s).
 - 3. Building setbacks. A detached accessory dwelling unit must be located at least ten feet behind the street side(s) of principal dwelling, unless the detached accessory dwelling is in a legally pre-existing detached structure and does not meet this standard.

C. A single attached accessory dwelling unit may be added to a lot with an existing or proposed residence if:

- a) There shall be a suitable wastewater disposal system to accommodate the additional bedroom(s);
- b) The subdivision of the principal unit from the accessory unit may not occur;
- c) This development is not considered a multi-dwelling conversion.
- d) An accessory dwelling unit may be located on a lot only if one of the units is owner-occupied, and if the principal structure is a single-family dwelling.
- e) The accessory dwelling unit does not have more than two bedrooms;
- f) Parking adequate for the accessory dwelling unit must be provided on site pursuant to Article VII.
- g) An accessory dwelling unit must be designed as follows:
 - 1. Location of entrances. Only one entrance may be located on the street side(s) of the principal dwelling, unless the principal dwelling contained additional entrances before the accessory dwelling unit was created. An exception to this requirement is: entrances that do not have access from the ground such as entrances from balconies or decks; in which case, an additional entrance may be located on the street side(s).

Exterior stairs. Fire escapes or exterior stairs for access to an upper-level accessory dwelling unit must not be located on the street side(s).

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

Article 7 was VOTED IN THE AFFIRMATIVE BY OFFICIAL BALLOT

YES 375 NO 96

TOWN OPERATING BUDGET

ARTICLE 8. Judy Brotman made the motion that the Town vote to raise and appropriate the sum of two million one hundred and ninety-one thousand two hundred and forty-nine dollars **(\$2,191,249.00)** 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 recommended an operating budget of \$2,189,332.00 by a vote of 3-0.)

(The Budget Committee recommended an operating budget of \$2,191,249 by a vote of 4-3.)

Seconded by Dick Jones

Michael Woodard made the motion to AMEND Article 8: by adding back \$8,304.00 for a 22 hour/wk maintenance worker for town buildings. (The Budget Committee had removed this amount from the Selectmen's request.)

Amendment was SECONDED by Bill Malcolm.

Amendment was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

Moderator announced new operating budget figure for Article 8 is \$2,199,619. (Should be \$2,199,553.00 but the correction and consequential vote on correct amount was not made.)

Article 8, as amended and announced, was VOTED IN THE AFFIRMATIVE BY VOICE VOTE

STATE OF NEW HAMPSHIRE BLOCK GRANT APPROPRIATION

ARTICLE 9. Russell Hirschler 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 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.) (Recommended by the Budget Committee by a vote of 7-2.)

Seconded by Frank Bowles

Dick Jones made the motion to AMEND Article 9: Add the following sentence: "The funds raised and appropriated in this article shall be used only for River Road bank stabilization projects."

Amendment was SECONDED by Charles Ragan

After discussion AMENDMENT WAS VOTED IN THE NEGATIVE BY VOICE VOTE

Article 9 as presented was VOTED IN THE AFFIRMATIVE BY VOICE VOTE

TO CAPITAL RESERVE FUNDS AND TRUST FUNDS

ARTICLE 10. Eric Furstenberg made the motion that the Town vote to raise and appropriate four hundred eighty-nine thousand five hundred dollars (**\$489,500**) 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	\$145,000
Heavy Equipment Capital Reserve Fund	\$37,000
Class V Roads Rehab Capital Reserve Fund	\$50,000
Public Works Facility Capital Reserve Fund	\$75,000
Emergency Highway Repair Capital Reserve Fund	\$30,000
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:	\$469,500

Expendable Trust Funds:

Town Poor Expendable Trust Fund	<u>\$20,000</u>
Expendable Trust Funds Subtotal:	\$20,000

Capital Reserve Funds and Expendable Trust Funds Total: \$489,500

(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)

(Recommended by the Budget Committee by a vote of 8-1)

Seconded by Dick Jones

Article 10 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

WITHDRAWAL FROM CAPITAL RESERVE

ARTICLE 11. Dick Jones made the motion that the Town vote to raise and appropriate the sum of four hundred two thousand two hundred dollars (**\$402,200**) 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: Grader for **\$329,700**

Computer System Upgrade Capital Reserve Fund: Equipment for **\$7,500**

Fire Fighting Safety Equipment Capital Reserve Fund: 10-SCBA's (Self-contained breathing apparatus) for **\$65,000**

Withdrawals from Capital Reserve Funds Total: \$402,200

(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.)

(Recommended by the Budget Committee by a vote of 9-0.)

SECONDED by Judy Brotman

When the question of the grader replacement was raised, Select Board member Jay Smith explained that the current grader is 23 years old, on its second life and currently being repaired for more transmission troubles. It's time to retire it from Lyme service.

Article 11 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

LEASE-TO-OWN AGREEMENT FOR A 2015 BOMAG ROLLER

ARTICLE 12. Patty Hudson made the motion that the Town vote to raise and appropriate the sum of eighteen thousand eighty-one dollars (\$18,081) for the forth 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.) (Recommended by the Budget Committee by a vote of 9-0.)

Seconded by Judy Brotman

Article 12 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

***APPROPRIATE FUNDS FROM THE UNRESERVED FUND BALANCE
TO REROUTE RIVER ROAD***

ARTICLE 13. Frank Bowles made the motion that the Town vote to raise and appropriate the sum of seven hundred fifty-five thousand, one hundred forty three dollars (\$755,143) for the purpose of rerouting the portion of River Road 2/10th of a mile south of the East Thetford Road intersection to include acquiring the necessary land, testing, engineering, construction and materials for this project ; further to authorize the withdrawal of \$605,143 from the unassigned fund balance with the remaining one hundred fifty thousand dollars (\$150,000) to be raised by taxation. This will be a non-lapsing appropriation per RSA 32:7, and will not lapse until the road is reopened or December 31, 2022, 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.) (Recommended by the Budget Committee by a vote of 6-2-1 abstention.)

Seconded by Phil Kinsler

There was a lengthy discussion which included slide documentation of issues and remedial measures considered on this proposed project. Opinions varied. The landowners of the property in question do not want this property compromised by a roadway and feel there are better options. Emergency responders (Police & Fire) stated that if the area were to be opened as a Class VI they would not take any emergency vehicles over the area of concern and response time would be the

same as it is now. Attorney for the Town, Walter Mitchell, was in attendance and responded to questions of legal significance to the town.

Kathy Larson CALLED THE QUESTION. Moderator Peterson said the issue was too important and there were several people who had questions or comments that hadn't had a chance to speak, therefore he would allow the discussion to continue. Which it did for another hour.

Moderator Peterson called for a move to a PAPER BALLOT VOTE. BALLOT "A" was used for this vote.

Article 13 was voted in the AFFIRMATIVE BY PAPER BALLOT:
YES 161 NO 148

***APPROPRIATE FUNDS FOR RIVER ROAD BANK STABILIZATION
NORTH OF NORTH THETFORD ROAD INTERSECTION***

ARTICLE 14. Kevin Sahr made the motion that the Town will vote to raise and appropriate the sum of seventy thousand dollars (\$70,000) for the purpose of repairing and stabilizing the portion of River Road 1/10th of a mile north of the North Thetford Road intersection 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 is reopened or December 31, 2022, 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 Selectmen by a vote of 3-0.) (Recommended by the Budget Committee by a vote of 5-4.)

Seconded by Judy Brotman

Article 14 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

***APPROPRIATE FUNDS FOR RIVER ROAD BANK STABILIZATION
SOUTH OF GRANT BROOK***

ARTICLE 15. Mike Smith made the motion that the Town vote to raise and appropriate the sum of one hundred thousand dollars (**\$100,000**) 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, 2022, 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 Selectmen by a vote of 3-0.) (Recommended by the Budget Committee by a vote of 8-0-1 abstention.)

Seconded by Judy Brotman

An explanation of this article was presented by Select Board Chair Sue MacKenzie and representative of the Roads Committee Frank Bowles. After a lengthy discussion, an **AMENDMENT** was offered by David Roby Sr.: **To reduce the appropriation to \$10,000.00.**

Motion to Amend was seconded by Russell Balch.

AMENDMENT WAS VOTED IN THE NEGATIVE BY VOICE VOTE.

Article 15 as written in the Warrant was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

As previously announced, Article 27 was considered at this time:

***TO CONVERT A SECTION OF RIVER ROAD TO CLASS VI HIGHWAY STATUS
PETITIONED WARRANT ARTICLE***

ARTICLE 27. Arend Tensen made the motion that the Town vote to convert the 600 foot long section of River Road located from 1,400 feet to 2,000 feet south of the East Thetford Road intersection, in accordance with NH RSA 231:22-a, to a Class VI Highway; to direct the Selectmen to allow access from River Road to such Class VI section of River Road and to allow private individuals to maintain such section of River Road without Bond; and to request the Selectmen to declare an emergency lane through such section of River Road pursuant to NH RSA 231:59-a, for keeping such lane passable by emergency vehicles on Class VI highways if deemed appropriate for such use by the Selectmen.

(Majority vote) (Not recommended by the Selectmen by a vote of 3-0.)

Seconded by David Roby Sr.

After a very lengthy discussion which included significant focus on public safety and legalities, a request to move to a vote was honored.

Article 27 was proclaimed by the Moderator to be voted in the NEGATIVE by voice vote. A show of hands of more than 7 people requested that Article 27 be voted by Paper Ballot. Ballot "B" was used.

Article 27 was VOTED IN THE NEGATIVE BY PAPER BALLOT

YES 83 NO 146

SOLARIZATION OF TOWN OFFICE/POLICE BUILDING

ARTICLE 16. Mark Bolinger made the motion that the Town vote to raise and appropriate the sum of forty-five thousand seven hundred fifty (\$45,750) dollars to purchase and install an 18 kW Solar photovoltaic system on the roof of Lyme's town office building, and to authorize the Select Board to borrow the sum of thirty-five thousand dollars (\$35,000) from the New Hampshire Community Development Finance Authority at a 2% interest rate for a 10-year term loan for that purpose, with \$11,375 to be from a NHPUC grant, and \$5,000 from a private grant and further to raise and appropriate two-thousand two hundred fifty-four dollars (\$2,254) for the first year's payment due in 2017. With an expected life of 30 years or longer, this photovoltaic system is projected to generate modest net savings for the town during the 10-year loan repayment term, and

more significant savings after the loan has been retired. If either grant is not received that amount will be raised in taxes. (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 Selectmen by a vote of 3-0.) (Recommended by the Budget Committee by a vote of 7-1-1 abstention.)

Seconded by Bryan Roth

Mark Bolinger, representing the Lyme Energy Committee explained the recommendation of this article.

Article 16 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

DISCONTINUE CEMETERY SPECIAL REVENUE FUND

ARTICLE 17. Simon Carr made the motion that the Town rescind the provisions of RSA 31:95-c to restrict the revenue received from the sale of Cemetery lots for the purpose of expanding the Cemetery. Said funds will be transferred to the general fund. (Majority voted required) (Recommended by the Select Board by a vote of 3-0.)

Seconded by Judy Brotman

Article 17 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

PLACE FUNDS IN TO THE NEW CEMETERY CAPITAL RESERVE FUND

ARTICLE 18. Simon Carr made the motion that the Town vote to raise and appropriate the sum of eight hundred fifty dollars (**\$850.00**) to be placed into the New Cemetery Capital Reserve Fund re-established in 2005 under the provisions of RSA 35:1, and to authorize the withdrawal of said sum from the unassigned fund balance. (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.) (Recommended by the Budget Committee by a vote of 9-0 .)

Seconded by Phil Kinsler.

Article 18 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

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

ARTICLE 19. Simon Carr made the motion that the Town vote to raise and appropriate the sum of sixteen thousand four hundred eighty-six dollars (**\$16,486.00**) 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.) (Majority vote required.) (Recommended by the Select Board by a vote of 3-0.) (Recommended by the Budget Committee by a vote of 9-0.)

Seconded by James Graham

Article 19 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

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

ARTICLE 20. Margaret Johnson made the motion that the Town vote to raise and appropriate the sum of seven thousand three hundred twenty-eight dollars (**\$7,328.00**) 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 Selectmen by a vote of 3-0.)

(Recommended by the Budget Committee by a vote of 9-0.)

Seconded by Dick Jones

Article 20 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

MILFOIL TREATMENT FOR POST POND

ARTICLE 21. Phil Kinsler made the motion that the Town vote to raise and appropriate the sum of twenty-eight thousand eight hundred forty-one dollars (**\$28,841**) for milfoil treatment of Post Pond, with eight thousand six hundred fifty-two dollars (\$8,652) to be funded through a grant from the New Hampshire Department of Environmental Services; a withdrawal of ten thousand six hundred two dollars (\$10,602) from the unassigned fund balance and nine thousand five hundred eighty-seven dollars (\$9,587) 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 resolved or by December 31, 2022, 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.) (Recommended by the Budget Committee by vote of 9-0.)

Seconded by Steve Maddock

Article 21 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

***ESTABLISH A CAPITAL RESERVE FUND FOR MUNICIPAL
TRANSPORTATION IMPROVEMENTS***

ARTICLE 22. Steve Campbell made the motion that the Town vote to adopt the provisions of NH RSA 261:153 (VI) to levy an additional motor vehicle registration fee in the amount of five dollars (\$5.00) to be used to support a municipal transportation improvement fund. And to further provide that with the adoption of this article the town shall create a Capital Reserve Fund pursuant to RSA Chapter 35 to be known as the Municipal Transportation Capital Reserve Fund, said fund to be used to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities and public transportation. The funds may be used for engineering, right-of-way acquisition, and construction costs of transportation facilities, and for operating and capital costs of public transportation only. The funds may be used as matching funds for state or federal funds allocated

for local or regional transportation improvements. Such funds shall not be used to offset any other non-transportation appropriations made by the municipality. And to further name the Select Board as agents to expend this Capital Reserve Fund. (Majority vote required.) (Recommended by the Selectmen by a vote of 2-1.)

Seconded by Frank Bowles

Simon Carr offered an AMENDMENT to strike the last sentence. Remove: *And to further name the Select Board as agents to expend this Capital Reserve Fund.*

Amendment was seconded by Dick Jones

An explanation was provided by Susan MacKenzie and Dennis Stern (Tax Study Advisory Committee)

Amendment was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

**Article 22, as AMENDED WAS VOTED INCONCLUSIVELY BY VOICE VOTE;
The Moderator requested a show of hands which were counted as Yes 89 No 58**

Article 22, as AMENDED WAS VOTED IN THE AFFIRMATIVE BY A SHOW OF HANDS.

CHANGE TAX COLLECTION TO SEMI-ANNUAL

ARTICLE 23. Michael Whitman made the motion that the Town vote pursuant to RSA 76:15-b to collect taxes semi-annually pursuant to RSA 76:15a.. A partial payment of the taxes assessed on April 1 in any tax year shall be computed by taking the prior year's assessed valuation times $\frac{1}{2}$ of the previous year's tax rate; the partial bill will be due on July 1st. A payment of the remainder of taxes shall be due on Dec 1st based on the new tax rate. Interest charges on all taxes not paid on or before the date they are due shall be as prescribed in RSA 76:13, (Majority vote required.) (Recommended by the Select Board by a vote of 3-0.)

Seconded by Steve Maddock

After a brief discussion and explanation by Dennis Stern (Tax Advisory Committee), Dee Scanlon suggested changing the final sentence, however because of state statute this is unable to be revised.

Article 24 was VOTED IN THE NEGATIVE BY VOICE VOTE.

LAND USE CHANGE TAX FUND

ARTICLE 24. Karl Furstenberg 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 instead to deposit fifty (50) percent of the Land Use Change Tax revenue into the Conservation Fund and fifty (50) percent into the General Fund to defray other Town expenses. (Majority vote required.) (Recommended by the Select Board by a vote of 3-0)

Seconded by Judy Brotman

A formal request for Paper ballot was received in advance by the Moderator.

Discussion of the pros & cons of this article ensued. It was noted there is a current balance of \$218,000 in this fund. Select Board Chair MacKenzie indicated it was time to take a fresh look at things.

A move to vote on Article 24 using Paper Ballot "C" was instructed by the Moderator.

Article 24 was VOTED IN THE NEGATIVE BY PAPER BALLOT:

YES 84 NO 89

TRANSCANADA MITIGATION FUND

ARTICLE 25. John Mudge made the motion: Resolved, that the Town of Lyme NH, through the FERC relicensing process, has been presented with information on the Connecticut River. If it is shown that there is a causal relationship between the operation of the Bellows Falls Dam and/or Wilder Dam by TransCanada Corporation or subsequent owners resulting in the deterioration of the riverbank and attendant roads and farmland, it is recommended that the Town of Lyme NH formally request that TransCanada or subsequent owners modify current dam operations and create a mitigation fund to reimburse towns and landowners for any and all damages.

(Majority vote) (Recommended by the Selectmen by a vote of 3-0.)

Seconded by John Sanders

Comments were provided by John Mudge and Susan MacKenzie.

Article 25 was VOTED IN THE AFFIRMATIVE BY VOICE VOTE.

ADOPTING A 3-PERSON BOARD OF ASSESSORS

PETITIONED WARRANT ARTICLE

ARTICLE 26. To see if the town is in favor of adopting a 3-person board of assessors in accordance with Title III Chapter 41:2-c, to be the legal assessing authority for the town.

(Majority Vote Required.) (Not recommended by the Select Board by a vote of 3-0)

Article 26 needed to be an Official Paper Ballot.

Article 26 was VOTED IN THE NEGATIVE BY OFFICAL BALLOT

YES 145 NO 336

TO CONVERT A SECTION OF RIVER ROAD TO CLASS VI HIGHWAY STATUS

PETITIONED WARRANT ARTICLE

ARTICLE 27. To see if the Town will vote to convert the 600 foot long section of River Road located from 1,400 feet to 2,000 feet south of the East Thetford Road intersection, in accordance

with NH RSA 231:22-a, to a Class VI Highway; to direct the Selectmen to allow access from River Road to such Class VI section of River Road and to allow private individuals to maintain such section of River Road without Bond; and to request the Selectmen to declare an emergency lane through such section of River Road pursuant to NH RSA 231:59-a, for keeping such lane passable by emergency vehicles on Class VI highways if deemed appropriate for such use by the Selectmen.

This article was moved to earlier in the meeting for consideration. See results earlier in minutes.

AFFIRM CIVIL RIGHTS IN THE TOWN OF LYME NEW HAMPSHIRE
PETITIONED WARRANT ARTICLE

ARTICLE 28. James Graham made the motion that the Town vote to adopt the following resolution:

The citizens of Lyme are concerned that some of the actions and stated intentions of President Donald J. Trump are a threat to basic civil rights and liberties we enjoy under the Constitution. We believe that respect for Constitutional rights is essential for the preservation of democratic society. Our concerns are by example but not limited to the following:

- President Trump's promise to establish a ban on Muslims entering the United States.
- His plan to constitute a so-called deportation force to deport all undocumented noncitizens.
- His advocating of profiling U.S. Muslims and Muslim communities as a counterterrorism tool and his promotion of the surveillance of mosques.
- His advocating the use of waterboarding and other forms of torture and suggesting that he would use torture for both punishment and interrogation.
- His assertion that doctors who perform abortions should be punished.
- His encouraging the violent removal of peaceful demonstrators from his political rallies.

With this Article we do not intend to inhibit or prevent the apprehension, trial, or conviction of anyone who has broken the law. We believe, however, that a threat to any one person's Constitutional rights is a threat to the rights of us all.

WHEREAS the United States Constitution provides protection of the rights of religious worship; the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures; the right of the people not to be compelled in any criminal case to be a witness against themselves; the right not to be subject to excessive bail or cruel and unusual punishment; and the right of any person within the jurisdiction of the U.S. the equal protection of its laws;

THEREFORE, BE IT RESOLVED that the Town of Lyme affirms the rights of all people--including United States citizens and citizens of other nations--within the Town in accordance with the Bill of Rights and the Fourteenth Amendment of the U.S. Constitution; and

BE IT FURTHER RESOLVED that Lyme Town Meeting calls upon all Town officials and employees to respect the civil rights and liberties of all members of this community, including those who are citizens of other nations; and

BE IT FURTHER RESOLVED that Lyme Town Meeting calls upon all private citizens--including residents, employers, educators, and business owners--to demonstrate similar respect for civil rights and civil liberties, especially but not limited to conditions of employment and cooperation with investigations; and

BE IT FURTHER RESOLVED that, to the extent legally possible, no Town employee or department shall officially assist or voluntarily cooperate with investigations, interrogations, or arrest procedures, public or clandestine, that are judged to be in violation of individuals' civil rights or civil liberties as provided in the 1st, 4th, 5th, 6th, 8th, and 14th Amendments of the United States Constitution;

BE IT FURTHER RESOLVED that the Town Clerk communicate this resolution to all Town departments, the General Court, the Governor and Attorney General of the State of New Hampshire, the New Hampshire Congressional delegation, the United States Attorney General, and the President of the United States; and

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be severable, and if any phrase, clause, sentence, or provision of this Resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the State of New Hampshire or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this Resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby. (Majority vote required.) (No action taken by the Select Board.)

Seconded by Kathy Wohlforth

A significant discussion concerning this article took place. There were some who felt that a Town Meeting Day is for implementing the business of the Town, and that no articles not related to Town business or of a political agenda be permitted; others disagreed.

Wilkes McClave proposed an AMENDMENT to Article 28. Add the following: Condemn the attacks on freedom of speech as evidenced by the actions of Middlebury College and University of California at Berkley, California.

Amendment seconded by Russell Balch

Amendment to Article 28 was VOTED IN THE NEGATIVE BY VOICE VOTE.

Seven petitioners requested a vote by PAPER BALLOT. Ballot "D" was used.

Article 28 was VOTED IN THE AFFIRMATIVE BY PAPER BALLOT

YES 99 NO 39

REPORTS OF AGENTS, AUDITORS & COMMITTEES

ARTICLE 29. To hear reports of Agents, Auditors, or Committees or other officers heretofore chosen, and to pass any vote relating thereto. (Majority vote required.)

No reports or discussion. No vote required.

OTHER BUSINESS

ARTICLE 30. To transact any other business that may be legally brought before this Town Meeting.

Tom Toner moved that in the future, Town Meeting Day be for implementing the business of

the Town, and that no articles not related to Town business or of a political agenda be permitted. (Advisory)

Motion was seconded by Russell Balch

Comments concerning free speech were made.

Motion as presented was VOTED IN THE NEGATIVE BY VOICE VOTE.

Lee Larson expressed appreciation and acknowledgement to the people who contributed to the new fence along the Little Common area.

Phil Kinsler asked if any motion previously considered and voted could be reconsidered after the closing of the meeting. Town Counsel confirmed this is not allowed.

There being no further requests for considerations, the Moderation thanked everyone for the outstanding attendance and participation on this very stormy day and adjourned this Annual Town Meeting at 2:20 PM

Respectfully Submitted



Patricia G. Jenks
Lyme Town Clerk