

Town of Lyndeborough NH  
2009 Town Meeting Minutes  
March 14, 2009

Meeting was called to order at 10:09am by Moderator Walter Holland on Saturday, March 14, 2009 at Citizens' Hall in Lyndeborough New Hampshire.

TOWN WARRANT LYNDEBOROUGH, NEW HAMPSHIRE

To the Inhabitants of the Town of Lyndeborough, in the County of Hillsborough in said state qualified to vote in Town affairs; You are hereby notified to meet at Center Hall, 1131 Center Road in said Lyndeborough on Tuesday, the tenth (10<sup>th</sup>) day of March 2009 at eight of the clock in the forenoon until seven of the clock in the evening, for ballot Voting of Town Officers and all other matters requiring ballot vote; and, to meet at Citizens' Hall, 9 Citizens' Hall Road in said Lyndeborough, on Saturday, the fourteenth (14<sup>th</sup>) day of March 2009 at ten of the clock in the morning, to act upon Articles 2 through 13:

**Article 1. To choose all necessary Town officers for the year ensuing.**

RESULTS: \*-Indicates elected

Selectman (3 years)	Andrew Roeper -149 Laurent Boivert II- 29 *Arnold A. Byam III – 262
Town Clerk/Tax Collector (3 years)	Patricia “Trish” Schultz - 436
Supervisor of the Checklist (5 years)	*Jessie Salisbury – 12 (write-in)
Budget Committee (3 years)	*Donald Guertin - 343 Paul A. Martin Jr.- 164 *Burton Reynolds -288 Laurent Boisvert II - 81 *James W. Button- 277
Library Trustees (3 years)	*Nadine Preftakes - 412 *Chase Wilson Roeper - 261
Cemetery Trustee (3 years)	*Lawrence S. Cassidy - 334 Sharon Boisvert - 89
Trustee of Trust Funds (3 years)	*Sally J. Reynolds - 400
Zoning Board of Adjustment (3 years)	*Karen A. Grybko - 261 Gary LeBlanc - 189 *David M. Roemer - 197 Sharon Boisvert – 95

ALL THOSE ELECTED WILL BE SWORN IN AS THE LAST ORDER OF BUSINESS TODAY.

**Article 2. Shall the Town of Lyndeborough vote to adopt the provisions of RSA 36-A:4-a, I(b) to authorize the Lyndeborough Conservation Commission to expend funds to ‘qualified organizations’ for the purchase of property interests, or facilitating transactions related thereto, where the interest in the property is to be held by the qualified organization and the town will retain no interest in the property. (Majority vote required).**

Motion made by Andy Roeper to accept article as written, seconded by Lorraine Strube.

Mike Decubellis: In January of this year a new law went into effect which clarifies a practice that Con Comms have been using around the state and it has been ambiguous under the existing RSA’s. Basically what it does is enable Con Comms to contribute towards qualified land trusts such as Society for Protection of NH Forests, Monadnock Conservancy and allowing to pitch in towards their goal of conserving properties without actually owning an interest in the property. It is an efficient way of doing business for Con Comm. It allows us to meet our goal without actually buying a property and holding it in fee or taking a conservation easement. Conservation easements themselves can be a liability, long term because you have to be the steward of the land and monitor it regularly in perpetuity and that is exactly what land trusts are set up to do. The Con Comm can make sufficient use of its funds by contributing a small portion of the funding towards that goal and just pitch in and help these qualified organizations. In the past what has happened is, the language has been so ambiguous in the RSA’s that some town’s attorneys have said that it was allowed, other attorneys have said it wasn’t allowed, and this language makes it clear. It specifically states that the conservation of land is a public purpose and it is okay to use these town funds towards that purpose. In order for it to be used the town has to vote to accept it and it went into effect January 1<sup>st</sup>. I think it would make our job a lot easier if it were in place. (Mike) further explained that there is no cost to the town, that it is funded through the land use change tax penalty which is paid by the people who are developing their land as they take a piece out of current use. Fifty percent of that penalty goes to the Conservation Committee; fifty percent goes to the town budget. Further discussion from townspeople. Member of the audience made a motion to move the question. It was seconded. Moderator: All those in favor of moving the question signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. Are we ready for question? Read Article 2, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 3. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of one million four hundred eighty three thousand four hundred ninety seven dollars (\$1,483,497), representing the operating budget for fiscal year 2009 as prepared by the Budget Committee. Said sum is exclusive of all special or individual articles addressed; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion made by Lorraine Strube to accept article as written, seconded by Steve Brown.

Burton Reynolds, Chairman of the Budget Committee gave an overview of the budget. Paul Martin: I am suggesting that we cut that by three thousand bucks to two thousand. On page 13, police budget, the police budget is up 8%, I am recommending that we remove five thousand nine hundred

fifty one dollars (\$5, 951) from that budget and make it a two hundred thousand dollar (\$200,000) budget and it still gives them an increase in the police department. The other one, and I would just like an explanation, is the legal budget 4153 on page 12. Andy Roeper: The legal budget, this is an area where we have to spend what we have to spend. The most expensive thing was the Police Study Committee, the second most expensive thing was a resident of town, the third most expensive was a sub-division and the fourth most expensive was a tax appeal case. Paul Martin: (Police Budget) It is up by 8.6% and I am suggesting that we remove just shy of six thousand dollars (\$6000) out of that budget and it still gives them an increase of what seventeen thousand two hundred dollars (17,200). I am suggesting that we take two hundred dollars (\$200) off the thirty two hundred (\$3200) for street lighting 4316, page 14. Andy Roeper: On street lighting, we actually looked at LED lighting, electricity wise it would be great; the problem is you still have to pay the line crews to change out the fixtures, the payback would be something like thirty years, it doesn't really work. We are in the process of going through and reviewing all the street light locations. For safety reasons you want to have them at intersections. More than likely you are going to end up with less street lights. Right now we are dealing with another PSNH rate increase that is why the numbers are up. Further discussion on budget line items. Dwight Sowerby: When we are all said and done here, what we are going to pass is the bottom line, we don't pass any individual line items, so taking two thousand dollars from one line item and putting it in another or changing this line item does nothing, the only thing that really accomplishes what Mr. Martin is setting out would be to reduce the total budget. I recommend that we pass this budget and move on. Richard Herfurth: I reference page 12, line 4155-02-292, Merit pay increases. I think it is inappropriate that pay raises be proposed to be paid by citizens who perhaps are not getting a raise, others who have received reduced wages and still others who have lost their income altogether. I move that we strike this line from the budget. That would be fifty three hundred dollars (\$5300). Steve Brown spoke to this line item. Paul Martin: I want to put in a motion to cut the budget by thirty eight thousand nine hundred fifty one dollars (\$38, 951). Richard Herfurth: I would like to ask what the procedure is, I made a motion, didn't get a second, Mr. Martin made a motion, didn't get a second. What is the procedure to reduce the budget? Moderator: I have had a motion from you to reduce or remove the merit raise and Mr. Martin made a request to reduce the total budget by thirty eight thousand nine hundred fifty one dollars (\$38,951). Do we have a second on any of those? Doug Mercier: I will second Mr. Martin. Moderator: You second Mr. Martin, that is to reduce the total budget by thirty eight thousand (\$38,000). Further discussion from audience members. Arnold Byam: Move the article Moderator: We have an amendment to reduce the budget by thirty eight thousand nine hundred and fifty one dollars. All those in favor of reducing the budget by thirty eight thousand nine hundred and fifty one dollars (\$38,951) signify by saying Aye, those opposed signify by saying Nay. The Nays have it. The amendment does not pass. We are back to the smaller motion to remove the merit raises. We are going to talk about the motion to remove the merit raises. Mark Altner: I would like to second this motion. Further discussion from audience members. Moderator: Ready for the question, the motion. The motion is to remove the merit raises this year, fifty three hundred dollars (\$5300); it has been moved and seconded. All those in favor of removing the merit raises this year

signify by saying Aye, those opposed signify by saying Nay. I think we should do a raise your hand. All those in favor of removing the merit raises signify by raising your right hand, raise your yellow card, those opposed raise your right hand with your yellow card. Yes 34 No 51, Motion does not pass. Back to original article. Kevin Boette: Motion to move, Second from audience. Moderator: All those in favor of moving the question signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. Back to original article. Read Article 3, all those in favor of the town budget as read, signify by saying Aye, those opposed signify by saying Nay. The ayes have it. **Article Passes.**

**Article 4. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty eight thousand fifteen dollars (\$28,015) and to withdraw the sum of twenty eight thousand fifteen dollars (\$28,015) of accrued interest from the Library Expansion Capital Reserve Fund to be expended for the library addition. (Majority vote required).**

Motion made by Lorraine Strube to accept article as written, seconded by Steve Brown. Bob Rogers explained that two years ago the town voted to authorize the Trustees to expend the principal of the Library Building Trust Fund, at that time they neglected to add on the interest. Since then there has been accrued interest and the Trustees are asking the Town to allow them to spend the interest on the Trust Fund as well. Moderator: Ready for the question? All those in favor signify by saying Aye, those opposed signify by saying Nay, the Ayes have it. **Article Passes**

**Article 5. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of thirteen thousand dollars (\$13,000) to be added to the Replacement of the 2002 Rescue Vehicle Capital Reserve Fund previously established; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion made by Steve Brown to accept the article as written, seconded by Lorraine Strube. Fire Chief Rick McQuade spoke to the article explaining that this is a replacement for two thousand eleven, the hope is to keep the 550, keep the cab and chassis and replace just the rescue body, where it is coming up in two thousand eleven we would like to continue to fund it so the money is there to do it. Geoffrey Brock: I would actually like to offer an amendment to that, it is not actually about this, it is about the CIP on page 34. My amendment is to increase that amount to twenty six thousand dollars (\$26,000). The reason being, we have got to do something about Kindergarten at the Lyndeborough Central School and we presented that to the Budget Committee and the Capital Improvement Plan. What we planned to do this year was voted down and if you look at schools in the two thousand and nine time frame, the Capital Improvement Plan had thirteen thousand dollars (\$13,000) for the Lyndeborough addition. That need has not gone away and we will need to spend money next year, most likely. In order to preserve the level funding and the whole idea of the Capital Improvement Plan I suggest taking that thirteen thousand dollars (\$13,000) and adding it to this line item, so that they won't need it in two thousand ten and we can expend it at Lyndeborough without changing the budget at all. So, this would have the net effect of not affecting your budget this year and protecting your budget next year. Moderator: Does everybody understand what his question is, what his comment is? If you look on page 34, two thousand nine the first article that comes down, the first line item there, is for thirteen thousand (\$13,000), that is for the rescue vehicle body, if you look two thirds of the way down there is another thirteen thousand (\$13,000)

and that was for the Lyndeborough Central School addition and since the addition did not get enough votes for the sixty percent, it did not pass on Tuesday. What Geoff is saying is the School does not need that thirteen thousand (\$13,000), he would like to add that to the Rescue Vehicle this year, keep the budget even and next year the Rescue Vehicle won't need that thirteen thousand(\$13,000) in twenty ten so we are buying it forward, so to speak. And, I have a second for that motion. Any questions or comments? Motion before us is to increase Article number 5 by thirteen thousand dollars (\$13,000). All those in favor of increasing this amount to twenty six thousand dollars (\$26,000) signify by saying Aye, those opposed signify by saying Nay. The Nay's have it. Motion does not pass. Back to original warrant article. (Discussion by audience members on Capital Improvement Plan and the benefits of having one. Further discussion on the Rescue vehicle and its use and that it is used fifty percent of the time). Ready for the question? All those in favor signify by saying Aye, those opposed signify by saying Nay. The Aye's have it. **Article Passes**

**Article 6. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of forty thousand dollars (\$40,000) to purchase an ambulance and authorize the withdrawal of forty-thousand dollars (\$40,000) from the 1997 Ambulance Replacement Capital Reserve Fund created for that purpose. The Selectmen and Budget Committee recommend this appropriation.**

Motion made by Lorraine Strube to accept article as written, seconded by Steve Brown. Carylyn McEntee spoke to the article. Wilton's share would be \$88,000; Temple's share would be \$32,000. The ambulance would be owned by Wilton. Lorraine Strube explained that Lyndeborough has a contract for service with Wilton. Next year the same amount of money will be built into the operating expense instead of a separate Capital Reserve Account. Dwight Sowerby questioned why are we spending forty thousand dollars if we might not be contracted with them in the future. Lorraine Strube replied that we do have an agreement with the Town of Wilton and Temple as well that if any of us should leave there is a proportioned amount that gets back to the towns for the cost of the ambulances. We have worked this out on a year contract basis and this is the second year we have done the one year contract. We are not comfortable with going forward with a five year plan at this point because we didn't want to get into an inter-municipal agreement; we just wanted to do a contract for service. Dwight Sowerby asked if after one year or two years that we no longer contract with Wilton, there is a written ironclad contract that we get a pro-rated portion of the ambulance back. Andy Roeper replied yes. Donald Anderson asked what is the call for service. Lorraine Strube replied twenty seven thousand eight eighty (27,880) Moderator: Ready for question? Read Article 6. All those in favor signify by saying Aye, all those opposed signify by saying Nay. The Ayes have it, **Article Passes**

**Article 7. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty nine thousand dollars (\$29,000) for the purchase of a new 4WD Police Vehicle and to authorize the withdrawal of twenty nine thousand dollars (\$29,000) from the Police Vehicle Replacement Fund created for that purpose; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion made by Lorraine Strube to accept article as written, seconded by Andy Roeper. Mike French spoke to the article. Moderator: Ready for the question? Read Article 7, All those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 8. To see if the Town of Lyndeborough will vote to discontinue the capital reserve fund established for the purchase of the backhoe (acct. # 4915-03-019). Said funds, with accumulated interest to date of withdrawal, are to be transferred to the town's general fund.**

Motion made by Steve Brown to accept article as written, seconded by Andy Roeper. Jim Bingham, Town Administrator explained this is a housekeeping issue. DRA recommends that a CRF be discontinued when the purpose has been accomplished. There is just over six hundred dollars in interest. Moderator: It is a general bookkeeping issue. Any questions or comments? Ready for the question? Read Article 8, All those in favor signify by saying Aye, those opposed signify by saying Nay, The Ayes have it. **Article Passes**

**Article 9. To see if the Town of Lyndeborough will vote to establish a capital reserve fund (pursuant to RSA Chapter 35) for the purpose of replacement of the Backhoe/Loader and to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be placed in this fund; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion made by Steve Brown to accept article as written, seconded by Lorraine Strube. Road Agent Kent Perry spoke to this article. Moderator: Any questions or comments? Ready for the question? All those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 10. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of fifty five thousand dollars (\$55,000) to purchase a one ton truck and authorize the withdrawal of forty-five thousand dollars (\$45,000) from the Replacement of the Highway One-Ton Truck Capital Reserve Fund created for that purpose. The balance of ten thousand dollars (\$10,000) is to come from general taxation; or take any other action relating thereto. The Selectmen recommend this appropriation. The Budget Committee does not recommend this appropriation. (Majority vote required).**

Motion made by Andy Roeper to accept article as written, seconded by Lorraine Strube. Road Agent Kent Perry spoke to this article. Burton Reynolds explained that the decision to not recommend was made at the last minute in trying to keep the tax rate down and in making the decision Kent was not available to speak to the Budget Committee so they did not have the benefit of knowing what was going on with the repairs and so forth. Further discussion from audience members. Moderator: Ready for the question? Read Article 10. All those in favor signify by saying Aye, those opposed signify by saying Nay. Too close to tell. All those in favor of this article please raise your voting card with your right hand. All those opposed to this article please raise your voting card with your right hand. Yes 33 No 33. Let's try this again. All those in favor of Article 10 please raise your card. All those opposed to Article ten please raise your voting card. Yes 39 No 36 **Article Passes**

**Article 11. To see if the Town of Lyndeborough will vote to raise and appropriate the sum of one hundred ten thousand dollars (\$110,000) to rehabilitate sections of the Turnpike; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion was made by Steve Brown to accept article as written, seconded by Andy Roeper. Discussion from audience members. Moderator: Ready for the question? Read Article 11. All those in favor signify by saying Aye, those opposed signify by saying Nay. Ayes have it. **Article Passes**

**Article 12. To see if the Town of Lyndeborough will vote to authorize the Selectmen to accept the reports of auditors and committees as printed in the Town Report; or take any other action relating thereto. The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).**

Motion made by Lorraine Strube to accept article as written, seconded by Steve Brown. Discussion from audience members Moderator: Ready for the question? Read Article 12. All those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 13. To transact any other business that may legally come before said meeting.**

Motion made by Lorraine Strube to move that the meeting be adjourned at the conclusion of the swearing-in of newly elected officials, seconded by Steve Brown. Lorraine Strube: I would like to thank Steve Brown as the head of the EOC (emergency operations center), he is our director and he did a wonderful job and spent many, many hours manning the center here that was in Citizens Hall during the ice storm. We would also like to acknowledge Andy Roeper and sincerely thank him for the contributions he has made to this board and to the Town. He has been a real asset, his technical skills are unsurpassed and we could not have done a lot of the things that we got done this year and the past two years without his expertise and his help. So, thank you very much Andy.

Moderator: People that were elected please come forward to get sworn in.

Andy Roeper: Mr. Moderator, I move we adjourn. Seconds from audience members.

Moderator: All those in favor signify by saying Aye, all those opposed. **Article Passes**

Respectfully Submitted

Patricia H. Schultz  
Town Clerk/Tax Collector