

**Town of Lyndeborough, NH**  
**2010 Town Meeting Minutes**  
**March 13, 2010**

Meeting was called to order at 10:00am by Moderator Walter Holland on Saturday, March 13, 2010 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 ninth (9<sup>th</sup>) day of March 2010 at eight of the clock in the forenoon until seven of the clock in the evening, for ballot Voting of Town and School District Officers and all other matters requiring ballot vote; and, to meet at said Citizens' Hall, 9 Citizens' Hall Road in said Lyndeborough, on Saturday, the thirteenth (13<sup>th</sup>) day of March 2010 at ten of the clock in the morning, to act upon Articles 6 through 24:

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

RESULTS:           \*-Indicates elected

Moderator ( 2 years)	*Walter Holland - 317
Selectman (3 years)	Paul A. Martin Jr.- 74 *Donald Sawin - 169 Lorraine Strube- 92
Treasurer (3 years)	*Ellen Martin- 272
Supervisor of the Checklist (6 years)	*Sally Curran - 183 Nancy Tobi - 116
Budget Committee (3 years)	*Walter M. Holland- 279 *Bruce A. Houston- 255 *Scott Roper - 229
Library Trustees (3 years)	*Robert H. Rogers- 279 *Sally B. Curran- 262
Library Trustee (2 years)	*Lee F. Mayhew- 280
Cemetery Trustee (3 years)	*Robert H. Rogers - 302
Trustees of the Trust Fund (3 years)	*Richard Herfurth - 54 (Write-in)
Zoning Board of Adjustment (3years)	*Richard Roy - 283

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

**Article 2. Are you in favor of establishing a Historic District, to overlay Rural Lands I in Lyndeborough Center? The rules and regulations of the underlying district, plus other applicable ordinances, would apply to the district in addition to Historic District regulations.**

**The proposed Lyndeborough Center Historic District boundaries are defined as Map 221, lots 2, 3, 4, and 5, which include the Center Cemetery, an apple orchard, the former Highway Garage, Town Hall, and Town Pound with all of the common areas; and the United Church building; but does not include the field behind the Town Hall.**

Section 1: Purpose:

It is hereby declared as a matter of public policy that the recognition, preservation, enhancement and continued use of the buildings, structures, and the area of Lyndeborough Center having historical, architectural, and cultural significance, are required in the interest of cultural enrichment, health and general welfare of the community. The purposes of this ordinance are to:

- (a) safeguard the heritage of Lyndeborough Center by providing for the protection of the Town Hall, the Center Church building, the Town Pound, the flag pole, the time capsule, former town barn and the common area;
- (b) promote the public and private use of structures and areas within the historic district;
- (c) supervise the upkeep and repair of the buildings and grounds in the historic district.

Section 2: Criteria

Criteria for the designation of the historic district shall be the same as set forth in 36 CFR 60 (“Code of Federal Regulations” Chapter 36, part 60, as published in the Federal Register.)

RESULTS: **Yes: 245** No: 91 **Article Passes**

**Article 3. Are you in favor of creating a Historic District Commission to oversee the Historic District as created?**

Section 1: Membership

- (a) The membership of the Historic District Commission shall consist of five members and two alternates. All members must be residents of Lyndeborough and must have demonstrated interest and ability to understand, appreciate, and promote the purposes of the Historic District.
- (b) One member shall be a member of the Board of Selectmen, or their designee, and one member shall be a member of the Planning Board. Other members, including alternates, shall include:
  - a member of another land use board;
  - a member of the Historical Society;
  - a member of the United Church of Lyndeborough;
  - and in so far as possible, an abutter to the Historic District.

Section 2: Terms of office, vacancies and removal

- (a) Members shall be appointed by the Selectmen for three year terms. Other than the selectman member, the initial appointments shall be staggered so that two members are elected for three years, two members are elected for two years, and two members are elected for one year.
- (b) The Selectmen shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA 673:13.
- (c) Members may be removed for cause as provided by RSA 673:13.
- (d) The Chairman may request the resignation of any member who fails to attend for four consecutive meetings without cause.

The full text of the article may be viewed at the town office.

RESULTS:   **Yes: 222**           No: 106   **Article Passes**

**Article 4. Are you in favor of the adoption of the provisions of Chapter 79-F “Taxation of farm structures and land under farm structures” as an overlay zone throughout the Town of Lyndeborough as proposed by the Planning Board? The full text of this ordinance is on file with the Town Clerk at Citizens Hall, in accordance with the provisions of RSA 675:6 and RSA 675:7.**

RESULTS:   **Yes: 176**           No: 148   **Article passes**

**Article 5. Are you in favor of renewing the existing Town of Lyndeborough Growth Management Ordinance as proposed by the Planning Board? (This renewal is recommended by the Planning Board and will renew the existing growth ordinance for four years). A complete copy of the ordinance is available at the Town Clerk’s office and is posted at Citizens’ Hall and at the Lyndeborough Post Office.**

RESULTS:   **Yes: 249**           No: 74   **Article Passes**

**Article 6. Shall the town vote to modify an Exemption for the Elderly under the provisions of RSA 72:39-a from property tax in the town of Lyndeborough, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, (20,000); for a person 75 years of age up to 80 years (\$30,000); for a person 80 years of age or older (60,000). To qualify, the person must have been a New Hampshire resident for at least three consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person’s spouse, they must have been married for at least five consecutive years. In addition, the taxpayer must have a net income of not more than (\$20,000) or, if married, a combined net income of less than (\$35,000); and own assets not in excess of (\$52,000), excluding the value of the person’s residence?**

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 7. Shall the town vote to modify an Exemption for the Disabled under the provisions of RSA 72:37-b as follows: the exemption from assessed value for qualified taxpayers shall be (\$30,000)? To qualify, the person must be eligible under Title II or Title XV of the federal social security act, must have been a New Hampshire resident for at least five years, must occupy the property as his principal place of abode, must own the property individually or jointly, or if owned by a spouse, they must have been married for at least five consecutive years, had in the calendar year preceding April 1 a net income from all sources; of not less than (\$25,000) if single and (\$35,000) if married, and own net assets not in excess of (\$60,000) excluding the value of the actual residence and up to 2 acres or the minimum single family residential lot size specified in the local zoning ordinance?**

Motion made by Arnold Byam, seconded by Steve Brown.

Lorraine Strube made a motion to amend the article due to a clerical error. I would amend it to say, the warrant article as printed states “ not less than \$25,000 if single and \$35,000 if married,” to amend that article we would like to say “ of not more than \$25,000 if single and \$35,000 if married.”.

Steve Brown seconded the amendment.

Moderator: We have a motion to amend the article to correct a clerical error. All those in favor of changing this at this time, amending it so that we say not more instead of not less, all those in favor signify by saying Aye, all those opposed signify by saying Nay, Ayes have it, **Amendment passes.**

Discussion. Moderator read amended article, **Shall the town vote to modify an Exemption for the Disabled under the provisions of RSA 72:37-b as follows: the exemption from assessed value for qualified taxpayers shall be (\$30,000)? To qualify, the person must be eligible under Title II or Title XV of the federal social security act, must have been a New Hampshire resident for at least five years, must occupy the property as his principal place of abode, must own the property individually or jointly, or if owned by a spouse, they must have been married for at least five consecutive years, had in the calendar year preceding April 1 a net income from all sources; of not more than (\$25,000) if single and (\$35,000) if married, and own net assets not in excess of (\$60,000) excluding the value of the actual residence and up to 2 acres or the minimum single family residential lot size specified in the local zoning ordinance?**

All those in favor signify by saying Aye, all those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 8. Shall the Town of Lyndeborough vote to modify the optional annual tax credit for war Veterans under the provisions of RSA 72:28 to increase the optional Veterans' tax credit from one hundred dollars (\$100) to three hundred (\$300)?**

Motion made by Lorraine Strube, seconded by Arnold Byam. Discussion. Moderator read article. 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 raise and appropriate the sum of one million five hundred nineteen thousand eight hundred thirty six dollars (\$1,519,836), representing the operating budget for fiscal year 2010 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, seconded by Steve Brown. Budget Committee Chairman Burton Reynolds spoke to the article. Moderator read article, 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 close the Ambulance Capital Reserve Fund and the balance of three thousand six hundred five dollars (\$3,605) plus accrued interest to date of withdrawal to be transferred to the town's general fund. *(Majority vote required)*

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 11.** To see if the town will vote to raise and appropriate the sum of twenty two thousand five hundred fifty dollars (\$22,550) to make repairs & renovations to the walls, floor and ceiling of the second floor large meeting room in Citizens' Hall. Five thousand seven hundred dollars (\$5,700) will come from insurance reimbursement and sixteen thousand eight hundred fifty dollars (\$16,850) to come from taxation; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 12.** To see if the Town of Lyndeborough will vote to raise and appropriate the sum twenty five thousand eight hundred dollars (\$25,800) to be expended for the Library addition and to authorize the withdrawal of said amount from the Library Expansion Capital Reserve Fund created for that purpose, and, further, following such withdrawal, that the said Library Expansion Capital Reserve Fund be discontinued and any further funds therein to be transferred to the town's general fund; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Arnold Byam, seconded by Steve Brown. Bob Rogers spoke to the article. Lee Mayhew asked if the Board would accept an amendment that the next to the last line "any further funds therein to be transferred to the town's general fund" I would offer to add "for Library use" and that way the intent of the Capital Reserve if there was one dollar or one hundred dollars still could be used by the Library Trustees for any purpose in the Library.

Moderator: Mr. Mayhew's amendment would read at the very end of the article "any further funds therein to be transferred to the town's general fund; to be used for Library use only". Bob Rogers seconded amendment.

Moderator: We are voting on the amendment. All those in favor of the amendment as has been proposed by Mr. Mayhew signify by saying Aye, those opposed signify by saying Nay. The Ayes have it, **Amendment passes.**

Moderator read amended article:

**To see if the Town of Lyndeborough will vote to raise and appropriate the sum twenty five thousand eight hundred dollars (\$25,800) to be expended for the Library addition and to authorize the withdrawal of said amount from the Library Expansion Capital Reserve Fund created for that purpose, and, further, following such withdrawal, that the said Library Expansion Capital Reserve Fund be discontinued and any further funds therein to be transferred to the town's general fund to be used for the Library use only; or take any other action relating thereto.**

All those in favor of this article signify by saying Aye, all those opposed signify by saying Nay. The Ayes have it. **Article Passes as amended.**

**Article 13. To see if the town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to complete the addition to the J. A. Tarbell Library; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).***

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 14. To see if the town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to develop architectural plans for a proposed addition to Citizens' Hall in order to accommodate the Police Department; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).***

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 15. To see if the town will vote to establish a capital reserve fund (pursuant to RSA Ch. 35) for the purpose of building an addition to Citizens' Hall in order to accommodate the Police Department space and personnel requirements and to raise and appropriate the sum of twenty five thousand dollars (\$25,000) 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 Lorraine Strube, seconded by Arnold Byam. Discussion. All those in favor of this article signify by saying Aye, all those opposed signify by saying Nay. Couldn't tell by voice vote. All those in favor of this article raise your yellow voting card; all those opposed raise your yellow voting card. Results of vote: Yes 34 No 48 **Article does not pass**

**Article 16.** To see if the Town of Lyndeborough will vote to raise and appropriate the sum of eleven thousand dollars (\$11,000) to be added to the Replacement of the Highway one ton truck capital reserve fund (acct. # 4915-04-020); or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Steve Brown, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 17.** To see if the Town of Lyndeborough will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be added to the capital reserve fund for the purpose of replacement of the Backhoe/Loader previously established; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Arnold Byam, seconded by Lorraine Strube. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 18.** 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, seconded by Arnold Byam. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 19.** To see if the Town of Lyndeborough will vote to raise and appropriate the sum of seventy thousand dollars (\$70,000) to rehabilitate sections of Wilton Rd; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Arnold Byam, seconded by Steve Brown. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 20.** To see if the Town of Lyndeborough will vote to raise and appropriate the sum of three thousand dollars (\$3,000) for the acquisition of a storage trailer/container in which to store supplies and resources to be used for emergency operations; or take any other action relating thereto. *The Selectmen and Budget Committee recommend this appropriation. (Majority vote required).*

Motion made by Steve Brown, seconded by Lorraine Strube. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 21. To see if the Town of Lyndeborough will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.**

Resolved: the citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines “marriage”.*(Petition Article)*

Motion made by Steve Brown, seconded by Lorraine Strube. Discussion. Motion made to table the article, seconded by audience member. Moderator felt that the people had a right to have a discussion. All those in favor of tabling the article signify by saying Aye, all those opposed signify by saying Nay. More Nays than Ayes. Vote to table does not pass. Discussion continued. Ballot vote had been requested by five voters. The blue ballot was used. Yes to send, No to not send. Result of Vote; Yes 22 No 53. **Article Does Not Pass**

**Article 22. Shall the Town of Lyndeborough prohibit vote counting concealed from human eye by method of computers or otherwise, and require that all method used for sorting and counting the votes in an election be publicly observable for full citizen oversight of the entire voting system (with the exception of voters casting of the secret ballot)?** *(Petition Article)*

Motion made by Arnold Byam, seconded by Steve Brown. Discussion. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 23. 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. (Majority vote required).**

Motion made by Lorraine Strube, seconded by Steve Brown. Moderator read article, all those in favor signify by saying Aye, those opposed signify by saying Nay. The Ayes have it. **Article Passes**

**Article 24. To transact any other business that may legally come before said meeting.**

Steve Brown recognized Lorraine Strube for her nine years of service to the town. The Board of Selectmen thanked her for her many years of service, hard work and dedication.

Steve Brown moved to adjourn the meeting at the conclusion of the swearing in of newly elected officials. Audience members seconded the motion to adjourn.

Moderator: I have a motion and a second, All those in favor of adjourning this meeting signify by saying Aye, all those opposed signify by saying Nay. Motion passes. Meeting is adjourned at 3:23pm

Respectfully Submitted,

Patricia H. Schultz  
Town Clerk/Tax Collector  
Town of Lyndeborough NH