

Annual Town Meeting Minutes
May 26, 2022

The Town Meeting was called to order at 6:00 PM by First Selectman Steven Mattson with approximately 40 people in attendance. Mr. Mattson thanked everyone for wearing masks since COVID numbers in the area are up substantially. Mr. Mattson then asked for a moment of silence out of respect for the students and teachers lost in the Uvalde, Texas school shooting on Tuesday, as well as for the boy who drowned in Uncas Pond over the weekend. The Meeting was then organized by the selection of Don Gerber as Moderator. The Moderator asked Linda Winzer, Town Clerk, to read the Call to the Meeting:

“Electors and citizens qualified to vote in Town Meeting are hereby warned and notified that the ANNUAL TOWN MEETING will be held in Lyme Town Hall, 480 Hamburg Road, Lyme CT Thursday, May 26, 2022 at 6 P.M. EDT for presentation of the following agenda:

1. Acknowledge receipt of the Town of Lyme Annual Report for the Fiscal Year ending June 30, 2021.
2. Consider and act on a Resolution accepting Thurston/Holbrook Cemetery.
3. Consider and act on an Ordinance to delete the appointment of a Board of Assessors to be replaced by the appointment of one Assessor.
4. Consider and act on an Ordinance concerning the Attachment to Town Road Right-of-Way.
5. Consider and act on estimates of the Board of Finance for the Fiscal Year ending June 30, 2023.

Please remember to license your dog(s) during the month of June.

Dated at Lyme, CT this 16th day of May 2022.

Steven Mattson
For the Board of Selectmen”

The first order of business to come before the Meeting was to acknowledge receipt of the Town of Lyme Annual Report for the Fiscal Year ending June 30, 2021.

Moved and seconded.

John Kiker commented that it is a gorgeous annual report. Don Gerber thanked those involved in putting it together.

Voted: affirmative. The vote was unanimous.

The second order of business to come before the Meeting was to consider and act on a Resolution accepting Thurston/Holbrook Cemetery.

Whereas: The owners of Thurston/Holbrook Cemetery desire to transfer ownership of the cemetery property to the Town of Lyme, and,

Whereas: The Town of Lyme is ultimately responsible for cemeteries that become abandoned within the borders of the Town, and,

Whereas: The Board of Selectmen and the Planning & Zoning Commission have endorsed the acquisition of the property,

Now, Therefore: Be it resolved by the Town of Lyme in Town Meeting convened, that the Board of Selectmen, acting on behalf of the Town of Lyme, be authorized to accept Thurston/Holbrook Cemetery and the First Selectman be authorized to execute any documents relative to said acceptance.

Moved and seconded.

Mr. Mattson stated that the Thurston/Holbrook Cemetery is a very small cemetery adjacent to the Joshuatown Cemetery, containing approximately 7,500 square feet. The grave markers are flush to the ground, so maintenance is minimal. The owners would like to transfer it to the town, and the town would like to accept it and hopes that the town will vote to accept it.

Voted: affirmative. Vote was unanimous.

The third order of business to come before the Meeting was to consider and act on an Ordinance to delete the appointment of a Board of Assessors to be replaced by the appointment of one Assessor.

Whereas: Lyme has authority to appoint 3 members of a Board of Assessors (Town of Lyme Code Chapter 6), and,

Whereas: State statute allows for the appointment of one to five Assessors (Title 7 Chapter 96a Section 7-100k), and,

Whereas: Lyme believes the interest of the town best served by the appointment of one Assessor,

Be it therefore ordained that: Chapter 6 of the Code of Lyme be deleted and replaced with the appointment of one Assessor to serve for a term of six years.

This ordinance shall become effective fifteen (15) days after the publication in a newspaper having general circulation in the Town of Lyme.

Moved and seconded.

Mr. Mattson commented that this is basically a government cleanup. We have had a Board of Assessors for many years. For at least the last fifteen years, no meetings have been held. Having Boards of Assessors with up to five Assessors is appropriate for larger towns but serves no purpose in a town of our size. The town would like to clean up its boards and commissions and hopes people serving on those boards will choose to volunteer on others within the town where we certainly need more volunteers. The Board of Selectmen suggest that the town approve this.

Voted: affirmative. Vote was unanimous.

The fourth order of business to come before the Meeting was to consider and act on an Ordinance concerning the Attachment to Town Road Right-of-Way.

Whereas: The Town of Lyme adopted an ordinance regulating the construction of driveways intersecting with any town road effective June 6, 1967 as amended in 1976 and 2013 (now existing as Town of Lyme Code ARTICLE II Section 272), and

Whereas: The Town of Lyme maintains over 40 miles of municipally owned roads, and,

Whereas: The town road Right-of-Way exceeds the width of the actual travel surface, and,

Whereas: The Right-of-Way is used by the town to hold and maintain a stormwater collection system, safety guide rails along stretches of steep roadside incline, and safety signage that all require access for maintenance and repair or future alteration, and,

Whereas: Property owners may want to connect a property to the travel surface or make alterations in the town's right of way, and

Be it therefore ordained that:

Any such activity in the town owned right-of-way requires a Road Frontage/Driveway Permit, and

Town of Lyme Code ARTICLE II Section 272 be amended to include reference to alterations of the road Right-of-Way and expanded to describe the manner of driveway connection with the travel surface.

Revised ARTICLE II Section 272 is attached.

Moved and seconded

Mr. Mattson stated that this is a housekeeping item. The town has had a driveway ordinance for many years. It has become apparent that not everyone understands that the town owns the land on both sides of the road, beyond the travel surface. This amendment to the existing ordinance is meant to encompass anything done in the town right-of-way requires a permit.

Herb Ross inquired as to how wide the area is that is considered town owned. Mr. Mattson responded that it varies by location, but generally the right of way is sixty feet. If there are stone walls along the road, the assumption is that the stone wall is the property line. The purpose of this amendment to the ordinance is not to take land away from anyone, but to require a permit for anything done in the right-of-way. Mr. Mattson also mentioned that the travel surface may not necessarily be in the center of the right-of-way. For example, on Route 156 at Marvin Cemetery, the wall is the end of the state's right-of-way, and they have a lot more land on the other side of the road. The town has situations like that as well. This is not for the town to say no to property owners, this is to make sure that any work is done does not disturb stormwater control and the other items mentioned. The town has had individuals fill in culverts without permission, and that does not help the property owners downhill where all the water then flows.

Mary Powell-St. Louis questions whether the reference to alterations includes plantings. She feels it doesn't apply right now, and that this will catch homeowners by surprise. Mr. Mattson stated that it does. Most homeowners do not know that the town owns the right-of-way, they

think they own the land right up to the travel surface, but that is not correct. The term alterations to be all encompassing. All that is required is to come in and have a discussion with the Zoning Enforcement Officer or the First Selectman. If there is no impact on stormwater control, etc., there will be no problem giving permission for things. It's when people fill in catch basins or place large rocks in front of their houses so others don't park on the grass that there is a problem with snow plowing and such.

Voted: affirmative. Vote was unanimous.

The fifth order of business to come before the Meeting was to consider and act on estimates and recommendations of the Board of Finance for the Fiscal Year ending June 30, 2023.

Moved and seconded.

Alan Sheiness, Chair of the Board of Finance, provided some comments for context regarding the budget. For four out of the last five years, there has been no change in the mill rate, and this year is no different. Income will rise by about 8%, but that rise is not due to any mill rate increase, it is from non-town sources of revenue. All expenditures go down by approximately one million dollars. The biggest part is due to the Regional School District 18 budget. Expenditures for the school budget went down 0.13%, and the cost to Lyme went down 1.3%. The difference comes from the change in the percentage of Lyme students and from a bookkeeping error that was made to Lyme's benefit in the amount of \$21,000. The non-education expenses in the town budget go down approximately 10%. In the current fiscal year, general fund surpluses were used to pay down virtually all town debt. Capital expenditures are going up by 2.4 million dollars. This is to fully fund the Open Space Fund reserve up to one million dollars and for two bridge projects – the Macintosh bridge and the Birch Mill bridge. Federal and state reimbursement is expected for those projects, which will eventually bring the net cost down for the town in future fiscal years. There was also ARPA funding that came in, which is included in capital expenditures and income line dollar for dollar. The Board of Finance feels it is a sound budget and leaves the town in as healthy financial shape ending next year as it is going into the year. In the future, there are no large expenditures on the horizon though they are watching inflation as well as RSD 18's future renovation plans.

Diana Fiske asked for details regarding the increase in the cemetery line. Mr. Mattson replied that is the continuation of the Marvin Cemetery wall rebuild project. For the past couple of years, funds have been expended for the engineering plans. The increase is for the actual work. Permits were just approved, and the project is currently out to bid.

George Fowler inquired about significant changes in multiple line items, which Mr. Mattson replied to. Affordable Housing – budget increased due to the state mandate to develop an affordable housing plan, which is not a recurring cost. Building Inspector Office – bump due to retirement of former building inspector and certification of the current building inspector; during the transition time both were on the payroll, next year will return to one official. Planning and Zoning - same amount is budgeted yearly; contingency to cover expenses should there be litigation. Recreation Commission - during COVID, there were no activities thus no expenditures; the reconstituted commission is now scheduling activities thus expenses will be incurred. Visiting Nurses – contracted service for seniors out of the Senior Center; former VNA in bankruptcy, uncertainty about what new contract would be; contract with new agency less than expected. Information Technology (IT) – improvements and protections for the IT system; erring on side of caution in budgeting. Road Maintenance – budget does not show encumbrances, and Board of Finance suggested including monies for removing more dead trees;

budget includes guard rails, chip sealing, catch basins which the town has 299 of all requiring some repair. Hadlyme Firehouse – HVAC work was done last year; in 6-7 years there will be a capital project to replace the station on land next door to the current station, donated by Parker and Diana Lord. Macintosh Bridge – in final design, waiting for final permits, work will begin mid-summer 2023 if all permits are approved. Mr. Mattson commented that if Mr. Fowler has concerns regarding more monies to be appropriated for certain lines or projects, he could share his concerns with the Board of Finance.

Voted: affirmative; with one dissenting.

The moderator announced that the Board of Finance would meet immediately following the meeting to set the mill rate.

Ellie Sutton asked about the stone wall on Brockway Ferry Road which she feels is dangerous. Mr. Gerber commented that the matter should be addressed to the Board of Selectmen and is outside of the scope of the town meeting. Mr. Mattson commented that it is something the Board of Selectman can certainly revisit.

There being no further business to come before the Meeting, a motion was made and seconded to adjourn the Meeting. Voted: Affirmative. The Meeting was adjourned at 6:30 PM.

The Board of Finance met immediately after the meeting and set the new mill rate at 19.95, which reflects no change from the previous year.

Recorded by: Linda Winzer, Town Clerk

Attachment:

ARTICLE II

Driveways, Approaches to Town Roads and use of Road Right-of Ways [Adopted effective 6-6-1967; amended in its entirety 5-20-2013 by Ord. No. 2013-1]

§ 272-7. Permit required.

Any owners or occupants of real estate, their employee or agent or anyone acting on their behalf intending to construct a driveway or other type of approach which will connect with any Town accepted road or make any alterations within the road right-of-way shall first apply for a permit from the Board of Selectmen or its agent (the Board) authorizing such construction or alteration.

§ 272-8. Grant of permit.

The Board shall grant a permit, provided it finds that said approach or right-of-way alteration is in conformity with applicable sections of Article I, Acceptance of Roads; Minimum Road Construction Specifications, of this chapter, and will not affect sight lines, road maintenance, stormwater control or other uses by the Town.

§ 272-9. Bond; inspection fee. [Amended 12-10-2019 by Ord. No. 2019-4]

The Board is authorized to require a cash or surety bond from an applicant in such amounts as it deems sufficient to cover the construction and inspection of said approach or right-of-way alteration to the satisfaction of said Board. The applicant shall notify the Board when construction is completed and request release of the bond. To ensure compliance with the terms of the permit, the Board shall inspect the construction and, if satisfactory, release the bond upon payment by the applicant of an inspection fee set by the Board of Selectmen which may be deducted from the cash bond. Current fees are available for review at Town Hall and on the Town's website at Townlyme.org.

§ 272-10. Inspection. [Amended 12-10-2019 by Ord. No. 2019-4]

If the applicant fails to notify the Board when construction or right-of-way alteration is completed, the Board may conduct an inspection and, if the construction is satisfactory, deduct the inspection fee from the cash bond and forward the balance to the applicant at his/her last known address.

§ 272-11. Unsatisfactory construction.

In the event construction or right-of-way alteration is not completed to the satisfaction of the Board within such time and under such conditions as the Board deems reasonable, it is authorized to take such action as it deems necessary.

§ 272-12. Penalties for offenses.

Any owners or occupants of real estate, their employee or agent or anyone acting on their behalf who connects a driveway or any other type of approach to a Town-accepted Road or makes a right-of-way alteration without first securing a permit shall be in violation of this article and subject to legal action and costs to remediate the action or any other action the Board deems reasonable.

§ 272-13. Applicability.

The compliance inspection and inspection fee provisions of this article are applicable to all existing and future permit applications.

§ 272-14. Revocation of permit.

The Board, or its agent, shall have the authority to revoke any permit when it deems stipulated terms and conditions have not been met.

§ 272-15. Driveway Construction.

The driveway or access road shall be constructed in such a manner that it does not interfere with the existing drainage, the movement of traffic or the removal of snow from the abutting roadway. It shall be constructed to not permit the runoff of water from the abutting Town roadway to enter into the property of the applicant or adjacent properties, thereby creating a nuisance to the Town or property owner, unless an easement, approved by the Board of Selectmen, is granted by such owner to the Town for such drainage.

Driveway construction will be governed by the permit instructions as amended. Driveway connections to the road travel section shall be a minimum of 12 feet wide with the minimum corner radius at the intersection of a Town roadway and sides of a driveway apron shall be five (5) feet. Driveway grades within the road right-of-way shall not exceed 8%. Driveways shall extend a minimum of eight (8) feet from the travel surface of the road and shall be designed in such a manner so as to confine the surface water to the gutter areas and permit free flowage of the water in the drainageways of the Town roadway. The driveway apron paving shall consist of a minimum of two inches, after compaction, of bituminous concrete over a minimum of eight inches of well-graded bank-run gravel.

§ 272-16. Conditions Under Which the Town May Complete.

If the work to be done under this permit shall be abandoned, or the work or any part thereof is unnecessarily or unreasonably delayed, or the applicant has violated any of the provisions of the permit, the Town may notify the applicant, in writing, to discontinue all work or such part thereof as the Town may designate, and may restore or have restored, to a satisfactory condition, the site in accordance with Chapter 195. Said work shall be done at the expense of the applicant.