

**GLASTONBURY TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 8, 2022**

The Glastonbury Town Council with Town Manager, Richard J. Johnson, in attendance, held a Regular Meeting at 7:00 p.m. via Zoom video conferencing. The video was broadcast in real time and via a live video stream.

1. Roll Call.

Council Members

Mr. Thomas P. Gullotta, Chairman
Mr. Lawrence Niland, Vice Chairman
Ms. Deborah A. Carroll
Mr. Kurt P. Cavanaugh
Mr. John Cavanna
Ms. Mary LaChance
Mr. Jacob McChesney
Mr. Whit Osgood
Ms. Jennifer Wang

a. Pledge of Allegiance

Led by John Cavanna

2. Public Comment.

Ms. Carroll read the written comments received, as listed on the Town website:

CJ Mozzochi of 227 Hebron Avenue, believes that the Council should pass a resolution strongly condemning Mr. McFall and Mr. Peniston for their behavior, with a strong recommendation that Chief Porter obtain a warrant for the arrest of Mr. McFall.

Jennifer Hudner of 105 Coach Road, thanked the Racial Justice and Equity Commission (RJEC) for their on-going work this past year. She approves of the 11 recommendations made in their final report, which can help move Glastonbury beyond the politicization of words like diversity, equity, and inclusion. She asked that the Council reestablish the Commission as a permanent entity to implement next steps.

Kennedy Hudner of 105 Coach Road, urged the Council to not attempt to remove Mr. McFall and Mr. Peniston from the BOE, even if the lawyers determine that the Council might have such an authority. Glastonbury Police have already investigated the matter, and no charges were filed. A vocal minority wants to see two Board members removed. Any effort by the Council to sort out what happened at that BOE meeting will only heighten partisan divisions and create more discord. He asked to move on and work on more important matters.

Mr. Niland opened the floor for comments from Zoom attendees.

Nicholas Korns of 73 Shagbark Road, has several issues with the RJEC. The commission was created without a public hearing and only one community conversation was held, which was not recorded, to present results on the online survey. Planned additional public hearings were mentioned but did not happen. One appointed member is not a Glastonbury resident, which is a violation of the Town Charter. The three elected officials on the commission are all Democrats, which gives the appearance of partisanship, and Mr. Peniston should be disqualified because of his actions on the BOE. Commission members do not undergo ethics training that is required of members of other commissions. He requested that the Council schedule a public hearing on the report and its recommendations before any action is taken. He then reviewed what he believes to be significant deficiencies in the report:

1. The results are not statistically valid due to the small sample of respondents.
2. The focus group by an outside consultant yielded results that are completely subjective and made recommendations based on those results.
3. The report's key findings use subjective language.

Denise Weeks of 334 Hollister Way West, supports the RJEC's recommendations to make Glastonbury a more inclusive place for all to live. She asked that greater outreach be made to other communities to break down socioeconomic and cultural barriers. She also proposed adding the following recommendation to the education section: that the town substantially increase its participation in the open choice program.

Jill Durall of 73 Shagbark Road, stated that the Governor's mandate will be lifted on February 28. She asked that the mask order in town be released immediately.

Kristi Vitelli of 9 Martin Terrace, supports the resolution in favor of extended producer responsibility to reduce waste. She also supports town-wide composting with a vendor.

Lisa Eldridge of 108 South Mill Drive, asked the Council to pass the resolution for extended producer responsibility (EPR), which will transfer costs of packaging from households to manufacturers.

Richard Eldridge of 108 South Mill Drive, also supports the extended producer responsibility resolution.

Pamela Lucas of 145 Moseley Terrace, asked the Council to make the RJEC a permanent entity to implement its recommendations. Racism is a public health crisis. That was the impetus for the commission's creation, which remains today. She shared an article from the New York Times which stated that commissions were appointed decades ago to investigate race riots. None of them led to any changes. President Johnson established the Kerner Commission, which produced the Kerner Report that was ignored. She finds the recommendations of the RJEC to be concrete, doable, and important for making the town a more inclusive community.

Anne Bowman of 62 Morgan Drive, supports both the RJEC and extended consumer responsibility. She asked that the RJEC becomes a permanent entity in Glastonbury, composed of residents from the community at large, rather than appointees from town commissions or

committees. She agreed with their recommendations and added some of her own: add diversified housing options, review zoning regulations to bring greater flexibility and increase affordable housing, and provide equal recreation opportunities in all areas of town. She supports EPR because it will create new pathways for waste reduction this year while saving taxpayers money in municipal waste costs over time.

Steve Michaels of 225 Grandview Drive, finds that the Town Attorney's firm has a conflict of interest because they represent both the Council and the BOE. He would like an impartial, unbiased opinion regarding the removal of two BOE members for racism and violence. He also would like the Council to take a position on this issue because there is no middle ground.

Ethan Pelletier of 15 Coralberry Lane, worries that lifting the mask mandate will leave the most vulnerable people in their community, including the unvaccinated, exposed and at risk.

Miles Ingram at 61 Boulder Circle, spoke in favor of BOE members, Mr. Peniston and Mr. McFall, and in favor of the democratic system where voters can vote members out of office. He asked elected officials to focus on the work they should do, rather than working outside of the democratic system to remove said members.

Pamela Lockard of 10 Southgate Drive, opposes efforts to remove Mr. Peniston and Mr. McFall from the BOE. They have done wonderful work, and she sees Mr. McFall as a victim and Mr. Peniston reacting to said violent act. She also favors continuing the RJEC. She hopes that Glastonbury continues to become more diverse through its policies of promoting affordable housing and increasing the number of choice seats provided for students from other towns to attend school in Glastonbury. She also supports the comments made tonight regarding trash handling.

Stephanie Johnson of 50 Smithbrook Terrace, hoped that Mr. Peniston and Mr. McFall would have stepped down on their own. They are not only volunteers. They are elected officials who were nominated and voted. She wants to hear what each council member has to say about the potential removal of said members.

Jon Forrest of 52 Jasmine Lane, stated that all the topics tonight intersect. He asked what the RJEC looks like, optics-wise, with Mr. Peniston as a member. The narrative from the BOE is wrong. He asked that the Council remove the two members, Mr. Peniston and Mr. McFall, from the BOE. He believes that doing so would not be a partisan action because one member is a Democrat, and the other is a Republican.

Jennifer Jennings of 34 Cranesbill Drive, stated that she falls into the category of people who cannot get safely vaccinated. She does not appreciate people speaking on behalf of the vulnerable regarding the issue of masking. She agrees that Town buildings need to remove the mask mandates. She also pointed out that there is a line item of \$1500 for resource speakers in the BOE budget, but the Board authorized over \$11,000 to just one speaker. 900 students were mandated to attend that event, but only 20% filled out a survey. She finds it concerning to allocate over 10 times the budgeted number for one perspective. She asked that the Council take a closer look at budget items.

Jody Kretzmer of 2400 Hebron Avenue, agreed with Mr. Kornis regarding the RJEC. Not following proper procedure for the creation of the commission is unacceptable. He also agreed with Mr. Michaels that the Council needs to establish a commission to change the law regarding the removal of elected officials. Not doing so would diminish their credibility. While he agreed with Mr. Ingram that their only option is to elect people out of office, he finds that unacceptable. He stated that Mr. Peniston has made racial statements before and lied about it. He disagreed with Mr. Pelletier on the mask mandate, stating that people have a choice to wear a mask or not.

3. Special Reports.

a. Report by Commission on Racial Justice and Equity.

Ms. Carroll explained that the RJEC was created in January 2021 following a Council resolution in July 2020. It was charged with conducting a community survey on racism; holding public hearings; collecting data on residents' experiences in the areas of policing, housing, education, and recreation; and making recommendations to the Council for possible action to promote racial equity. The recommendations offer Glastonbury the opportunity to strengthen its community. An online forum was held with TALK and the Open Communities Alliance. The Commission's final report is available on the RJEC website. She hopes that the Council will reestablish the RJEC with new membership and a new charge of community building for Glastonbury.

RJEC member Lillian Tanski presented the final report with its various recommendations. The community survey received over 860 responses. Their research partner, Great Blue, met with the Police Chief, Superintendent of Glastonbury Schools, Director of Parks and Recreation, and the Director of the Housing Authority to gather insight from the leaders of those four areas in town. RJEC member Amo-Mensah Amofah explained that four prevailing findings emerged: many community members feel that racism is prevalent to some degree; there are few readily identified resources for support for community members who are a target of racism; residents and institutions all play a role in supporting a diverse, welcoming atmosphere; there is a perceived lack of representation of the BIPOC community in town government, policing, school faculty, and staff.

Recommendations to Town government include establishing the RJEC as a permanent town entity and requesting that the Town Manager appoint a staff liaison. They also recommend reviewing the town commission/committee appointment process to encourage broader community member service in elected and appointed positions. In the area of recreation, they recommend expanding communication about community and local government events and seeking opportunities to improve recreational facilities in all areas of town. They support the work of the Affordable Housing Steering Committee and reviewing zoning regulations to allow greater affordable housing options. Also recommended is a Police Open House for residents to learn about the GPD and asking the BOE to consider an action plan for Open Choice parents to offer feedback.

Ms. Wang spoke as an RJEC member, echoing the acknowledgements of how hard everyone worked to get to this point, which she called a beginning not an ending. She asked that the community and the Council take time to digest the report, which the RJEC worked on for over a

year. She finds the process to be very important. The Commission has operated via open meetings, and are open to feedback on the process, in addition to the content and substance. She asked that everyone approach this from a growth mindset, rather than a fixed mindset, to make the heavy work light together. Mr. Gullotta stated that the Council received the report very recently. They will schedule another meeting to discuss it at length.

b. Report on October 1, 2021 Grand List.

Assessor Nicole Lintereur reviewed the Grant List, noting that it increased by 3.4% over the previous list. The overall increase in a non-revaluation year reflects the lack of normalcy in the current market conditions. On the real estate side, growth in residential sales increased by 26% while average sale price increased by 10.5%. Local commercial projects remain steady. The personal property sector held steady, and there is continued investment in the community. The motor vehicle list increased by 32%. While that is a stark number, this increase is reflected on the national level, not just in Glastonbury. Mr. Osgood pointed out even though the mill rate may end up being flat, taxes may still go up. Ms. LaChance stated that the Governor may propose to cap the mill rate for cars and the state would make up the difference.

4. Old Business.

a. Action on request to remove public sidewalk – 5 Vista Lane.

Ms. Wang asked if this is the first time that the Town would be removing a sidewalk. Mr. Johnson does not recall a similar prior situation.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves removal of the sidewalk section adjacent to 5 Vista Lane, as described in a report by the Town Manager dated February 4, 2022, and as recommended by the Town Plan and Zoning Commission with said removal to be funded by the owner of the residential property at 5 Vista Lane and all work completed in accordance with Town standards and requirements.

Result: Motion passed unanimously {9-0-0}.

5. New Business.

a. Action on resolution in support of Extended Producer Responsibility.

Mr. Johnson explained that the goal is to remove as much as possible away from the waste stream through recycling and by encouraging producers to make the packaging of materials more efficient. Tom Metzner of DEEP explained that EPR is commonplace in Europe and Canada. By placing the financial burden on manufacturers, this legislation not only saves taxpayers money, but it will also eliminate the use of certain toxics while promoting recycling. He also encourages support for a gas cylinder bill. He asked the Council to not only to support this resolution, but to also bring it to CRCOG and CCM. Mr. Johnson stated that there will be a meeting regarding the 2022 legislative session, and they will bring up the issue with CRCOG and CCM. Ms. Wang noted that EPR practices tend to spur innovation from manufacturers, which is a positive

outcome. Mr. Osgood explained that the word “products” should be added to the motion to cover products such as mattresses and gas cylinders. The Commission agreed to include it. Mr. Gullotta voiced total support and reminded the public that there is a gubernatorial and legislative election coming up. Candidates should be asked how they intend to address the waste issue.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby adopts the attached Resolution in support of Extended Producer Responsibility, as described in a report by the Town Manager dated February 4, 2022.

**TOWN OF GLASTONBURY
RESOLUTION REGARDING MANAGEMENT OF
SOLID WASTE AND RECYCLING THROUGH
EXTENDED PRODUCER RESPONSIBILITY**

WHEREAS

Municipalities bear the primary responsibility for the management of solid waste and recycling within their borders, and;

Municipalities have no ability to impact the cost of managing packaging at the end of its useful life, and;

The recycling rate for packaging has been stagnant for many years, and;

Certain types of packaging are frequently found as litter on our streets and in our parks, and;

Packaging is put on the market without consideration for its environmental impact and recyclability, and:

WHEREAS

Extended Producer Responsibility (EPR) is a strategy that requires the manufacturers to assume financial responsibility for the end-of-life management of their packaging, and;

EPR has demonstrated improvement in the recycling of packaging, and;

EPR for E-waste, paint and mattresses has saved Connecticut municipalities millions of dollars in recycling costs, and;

EPR legislation is necessary to establish a level playing field for manufacturers and require manufacturers to assume the cost of collection, transportation, and processing of recyclables, and;

THEREFORE, BE IT RESOLVED

That the TOWN OF GLASTONBURY supports the passage of legislation for Extended Producer Responsibility for packaging and products and encourages continued discussions with the Department of Energy and Environmental Protection to ensure that this legislation represents the best interests of all Connecticut municipalities.

Result: Motion passed {8-0-1} with one abstention from Mr. Cavanna who lost Zoom connection during the vote.

b. Action on Parking License Agreement – Naubuc Avenue.

Mr. Johnson explained that the Council approved the purchase of the 10-acre site along Welles Street, which backs up to properties on Naubuc Avenue. When the survey was conducted, five encroachments were noted. All but one has been resolved. Triple R, LLC seeks continued use of an area of about 2300 square feet. They will execute a quitclaim to Glastonbury, to confirm that there are no ownership interests in the parcel. In return, they would have a license agreement to use the area. This is the last step before moving forward with closing.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby authorizes the Town Manager to execute the Parking License Agreement between the Town of Glastonbury and Triple R, LLC, as described in a report by the Town Manager dated February 4, 2022.

Result: Motion passed unanimously {9-0-0}.

c. Amendment to Town Code or Building Zone Regulations – Residential Bedroom Windows.

Mr. Gullotta asked that this be placed on the agenda as a result of the 38 Naubuc Avenue application. He is concerned that there could be buildings in town with bedrooms that do not have an outside window. The Council could petition the State to allow Glastonbury to develop an ordinance requiring an outside window in bedrooms. Mr. Johnson explained that the Town Attorney has determined that the State Building Code takes precedence over local regulations, thus, the project at 38 Naubuc Street satisfies the requirements. Town Attorney Bruce Chudwick explained that if the State Building Official deems it doable, then the Council can start the process. The ultimate step is with the legislative review committee.

Mr. Osgood noted that this does not relate to just Glastonbury. He is not sure whether it is worth it to go through the process. Mr. Chudwick pointed out that the statute allows for any single municipality to ask for a change to the building code. Mr. Niland finds it worthy to explore their chances with the state. Mr. Cavanaugh does not want to spend a lot of time and funds on this if it will not be successful. Mr. McChesney does not find this to be the right approach. Ms. Carroll agreed, stating that they are better off with a grassroots approach. Mr. Cavanna asked, if this were to be enacted, would jails have to provide windows. Mr. Gullotta believes that some exceptions would be created.

Motion by: Ms. Carroll

Seconded by: Mr. Osgood

BE IT RESOLVED, that the Glastonbury Town Council hereby moves that Mr. Niland and Mr. Johnson consult with CRCOG and CCM respectively, to assess the possibility and feasibility of

moving forward with amending the Town Code or Building Regulations to require Residential Bedroom Windows.

Result: Motion passed unanimously {9-0-0}.

d. Action to approve update to Bicycle Master Plan

Mr. Johnson explained that the master plan was developed with Glastonbury Bike Walk. As part of the Sustainable CT process, they asked Bike Walk Glastonbury to update the plan, which they did. While the updates are not major, they are timely, such as expanded opportunities for mountain biking and updating long-term goals for sidewalks in town. Allen Friedrich, President of Bike Walk Glastonbury, explained that their focus is to connect the path between House Street and Western Boulevard. Often, the transition from the end of the paths to streets and sidewalks is not safe. They will make some changes to the House Street portion of the trail leading up to Putnam Bridge. The connection will be completed in 2023. In the future, they intend to create a path from Bell Street to Harvest Lane to increase safety on Hebron Avenue. A crosswalk at Buttonball Lane and Main Street needs addressing, and they continue to look for places to install crosswalk signs.

Ms. LaChance agrees that the section on Bell Street and Harvest Lane is dangerous, and a connection is necessary. She likes that mountain biking opportunities are included in the plan. Mr. Cavanaugh asked if there is an easement behind Harvest Lane and Bell Street that could be used instead of having people cross Hebron Avenue. Mr. Johnson stated that there is a sanitary sewer easement there. Ms. Wang supports improving biking in town and increasing the culture of biking. She asked for examples of how the Town provides support for implementation of the plan. Mr. Johnson explained that a road safety audit was conducted a few years ago, which has been used as a guide for initiatives to pursue in town. Every year, there is an allocation to put improvements in place. He can provide the Council with the road safety document.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby expresses its support for the September 2021 update to the Town of Glastonbury Bicycle Master Plan, as described in a report by the Town Manager dated February 4, 2022.

Result: Motion passed unanimously {9-0-0}.

e. Discussion concerning Town Council authority concerning removal of elected officials.

Mr. Johnson explained that the Town Code limits the Council to remove individuals they appoint to various groups. It does not extend the authority to remove elected officials. Additionally, Section 802 of the Town Charter allows removal of individuals the Council appoints, not elected officials. In Connecticut, very few towns have a recall provision, and Glastonbury is not one of them. Under state law, the Council cannot empower itself to remove members of other elected bodies. Town Attorney Chudwick addressed the issue of a possible conflict of interest, which was made during the public comment session. He represents both the Council and the BOE as

two entities. The BOE has not asked to review any of this. He does not see a conflict because this is a narrow issue for which the Council has asked about the powers under their Charter and statutes.

Mr. Chudwick has looked at case law to see if the Council could amend their charter to allow the removal of elected officials. The State must explicitly express that authority, but legislation to do so has never passed in Connecticut. Additionally, members of the BOE are agents of the state, which makes it even more difficult. He has also looked at the Glastonbury Code of Ethics, which contains the ability to remove officials, but those relate to specific issues of ethics violations. Even then, there would be a lengthy procedure for removal. Therefore, the Council does not have the authority, and cannot amend its charter to give them said authority, to remove elected officials because it is not permitted under state law.

Mr. Cavanna stated that state law makes this a moot point. If an elected official were to commit a crime, there is nothing that the Council could do about it. Mr. Chudwick explained that, in that case, the criminal statutory provisions would take place, which would be a state action, not municipal. Mr. Cavanaugh asked if there are any conflicts between state law and Glastonbury's ethics code. Mr. Chudwick stated no, they match up.

6. Consent Calendar. None

7. Town Manager's Report.

Mr. Johnson asked for three volunteers to serve on the naming committee for the new maker space at Welles Turner Library. Mr. Cavanna, Ms. Carroll, and Mr. Cavanaugh volunteered. Mr. Johnson noted that, last week, Glastonbury received \$600,000 from the State to complete the sidewalk project on Bell Street. He then forwarded his expense report for October to December.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby recognizes the Town Manager's Expense Report for October-December 2021.

Result: Motion passed unanimously {9-0-0}.

Mr. Osgood asked for updates on the Cider Mill sidewalk project. Mr. Johnson explained that the State DOT approved the option to move the road easterly up to 9 feet. He will present more details to the Council soon. Mr. Osgood noted that the estimates for the pickleball courts came higher than expected. Mr. Johnson explained that while the post tension methodology is more expensive, it provides greater life expectancy, so the cost benefit is supported. Mr. Gullotta asked to investigate how much it would cost to turn one of the existing tennis courts in town into a pickleball court.

Mr. Cavanaugh asked where the sidewalk would be on Bell Street. Mr. Johnson replied, between Gideon Lane and Bell Ridge Road. The Stallion Ridge subdivision sidewalk is separate. Mr. Cavanaugh asked what the 20% upcharge would be for the New London Turnpike, Douglas

Road, and Sycamore Street project. Mr. Johnson does not yet have the number from the State DOT. He clarified that no changes would be made to Douglas Road. Ms. Wang noted that 115 Glastonbury residents have died thus far because of COVID-19. She thanked the Health Department for their efforts and measures in supporting a healthy community. Mr. Niland reminded residents to call Public Works, should they encounter potholes that need to be addressed.

8. Committee Reports.

a. Chairman's Report. *None*

b. MDC. *None*

c. CRCOG. *None*

9. Communications. *None*

10. Minutes.

a. Minutes of January 20, 2022 Special Meeting (CIP Workshop).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the January 20, 2022 Special Meeting (CIP Workshop).

Result: Motion passed unanimously {9-0-0}.

b. Minutes of January 25, 2022 Regular Meeting.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the January 25, 2022 Regular Meeting.

Result: Motion passed unanimously {9-0-0}.

c. Minutes of January 27, 2022 Annual Town Meeting.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the January 27, 2022 Annual Town Meeting.

Result: Motion passed {8-0-1} with one abstention from Mr. Osgood since he was not present at the meeting.

11. Appointments and Resignations.

- a. Amend term of appointment of Charles Monzeglio to Public Buildings Commission to 2026 vs. 2025 (R-2026).
- b. Appointment of Brooke Oppenheimer to the Ethics Commission (R-2025).
- c. Appoint Council member to Affordable Housing Steering Committee – Whit Osgood.
- d. Appointment of Jennifer DiSette to the Commission on Aging (R-2025).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Appointments accepted unanimously {9-0-0}.

12. Executive Session.

- a. Potential land acquisition.
- b. Draft terms and conditions for sale of Town-owned land off Western Boulevard.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby enters into executive session to discuss a potential land acquisition and draft terms and conditions for sale of Town-owned land off Western Boulevard at 9:50 P.M.

Result: Motion passed unanimously {9-0-0}.

Present for the Executive Session item were council members, Mr. Tom Gullotta, Chairman, Mr. Lawrence Niland, Vice Chairman, Ms. Deb Carroll, Mr. Kurt Cavanaugh, Mr. John Cavanna, Ms. Mary LaChance, Mr. Jake McChesney, Ms. Jennifer Wang, and Mr. Whit Osgood, with Town Manager, Richard J. Johnson.

No votes were taken during the Executive Session, which ended at 10:14 P.M.

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

Thomas Gullotta

Chairman