

**GLASTONBURY TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 13, 2022**

The Glastonbury Town Council with Town Manager, Richard J. Johnson, in attendance, held a Regular Meeting at 7:00 p.m. in the Council Chambers of Town Hall at 2155 Main Street with the option for 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 {excused}
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 Dennis McBride*

2. Public Comment.

The following comment was made in-person, at Council Chambers:

Dennis McBride of 263 Spring Street Extension, has designed a website called GlastonburyVoter.com which contains information about voting in town. The site is non-partisan and non-profit. He asked the Council to help promote this tool which helps citizens vote better this fall.

3. Special Reports.

a. Presentation of Resolution – Welles-Turner Memorial Library.

Mr. Gullotta presented a resolution to library director Barbara Bailey, who is retiring soon. Ms. Bailey invited all to the library reopening ceremony which will be held on Saturday. The Council moved to Item 8e to vote on the name of the library.

b. Presentation on CGS 8-30g – Affordable Housing.

Attorney Joseph Szerejko of Murtha Cullina reviewed the state statute on affordable housing, which was first presented to the Town in May by his colleague, Attorney Kari Olson. Section 8-30g gives developers a lot of tools to bypass certain land use regulatory requirements. It is a remedial statute which must be liberally construed for those whom the legislation was intended

to benefit. The statute defines an affordable housing development as an assisted housing (or “subsidized housing”) or a set-aside development, of which at least 30% of the units must be deed restricted. Connecticut still lacks affordable housing. Municipalities must increase affordable units to at least 10% of their housing stock to exempt them from the 8-30g appeals process. If an application is denied, the developer has the right to appeal the decision. This appeals process shifts the burden on the Town to substantiate the denial.

Mr. Szerejko explained that Public Act 21-29 was more recently enacted, and it modifies the zoning enabling act. While both CGS 8-30g and PA 21-29 have increased the availability of affordable housing in Connecticut, PA 21-29 is more attractive to municipal officials because of the lack of an appeals process. He noted that an affordable housing plan must be prepared and amended every five years. While there are no sanctions yet for noncompliance, legislation may come soon on that. He recommends that towns establish an Affordable Housing Committee, which Glastonbury has already done. Towns can also consider zoning text and map amendments, as well as tax incentives for multi-use developments, to encourage affordable housing.

Mr. Cavanaugh asked how this statute was appealed to the Supreme Court and what exactly the court ruled on. Mr. Szerejko stated that it was the Kaufman case. He will report back on the details. Mr. Cavanaugh asked when the 10% threshold applies. Mr. Szerejko stated that it is a recurring assessment which is updated annually, so it is a moving target. Mr. Cavanaugh asked which entity determines a town’s exemption. Mr. Szerejko stated that the Department of Housing staff makes the ultimate decision. Mr. Cavanaugh asked about the legal argument of the Town of Woodbridge for their appeal. Mr. Szerejko does not know the details of that case. Ms. LaChance remarked that while there may be “affordable” housing units in town, if they are not designed as such, then they do not add to the Town’s affordable housing stock. Mr. Szerejko clarified that set-aside developments are not the sole means of meeting that 10% threshold. ADUs might be counted towards that affordable housing metric.

Mr. McChesney asked how many Connecticut towns have received a moratorium. Mr. Szerejko stated about 6 or 7. The reasons for doing so were achieved by a complex formula promulgated by HUD. Mr. Niland asked to clarify how much affordable housing the Town needs to increase in its stock, to meet the moratorium. Mr. Osgood finds the state’s understanding of “affordable” to be very arbitrary. He suggested that the Council finally send a resolution to state legislators, vocalizing their concerns about this statute. Beyond that, he does not know what more the Town can do.

Ms. Wang asked to confirm the following: that CGS 8-30g developments are market affordable housing, which do not receive any government subsidies; and that the requirement of 30% of units being affordable is not necessarily low income, but 15% for 60-80% of AMI and another 15% for 80-100% of AMI. Mr. Szerejko stated that is correct. He clarified that the 2% calculation is not the exclusive means by which a municipality can achieve a moratorium. If a town has at least 20,000 dwelling units, then it can achieve a moratorium via a different avenue. Mr. Gullotta pointed out that Glastonbury does not qualify for that. He also noted that 30 years ago, the Town did attempt to address the affordable housing issue by issuing deed-restricted units, but it was a failure.

4. Old Business.

- a. Action to appoint Alternate Town Attorney.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby appoints the firm of Murtha Cullina as Alternate Town Attorney for the three-year term September 1, 2022 through August 31, 2025.

Disc: Mr. Cavanaugh asked if there was any movement on the hourly rate. Mr. Johnson stated that the current hourly rate would continue for the next three years, but beyond that, he does not yet know. Mr. Cavanaugh does not support the rate for the Alternate Town Attorney being higher than the rate for the Town Attorney.

Result: Motion passed {7-1-0}, with Mr. Cavanaugh voting against.

5. New Business.

- a. Action to schedule public information hearing – CGS Section 8-30g.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby schedules a public information hearing for 8:00 p.m. on Tuesday, September 27 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing to hear public comment concerning CGS Section 8-30g – Affordable Housing, as described in a report by the Town Manager dated September 9, 2022.

Disc: Mr. Gullotta remarked that this issue is here, and it will not go away. They need to publicly discuss and decide which actions the Town should take. The moratorium can be obtained by municipalities that do not even meet the 10% threshold. To this end, the Town of Glastonbury could partner with the Housing Authority to build affordable housing and achieve a moratorium. This discussion will begin at the next Council meeting. Ms. Wang's recommends using the affordable housing plan as a blueprint for discussion. Mr. Cavanaugh asked the public to attend the next meeting to express their opinions about CGS 8-30g.

Result: Motion passed unanimously {8-0-0}.

- b. Action on \$1.2M appropriation and transfer – General Fund-Unassigned Fund Balance – Gideon Welles School Boiler/HVAC (refer to Board of Finance; set public hearing).

Mr. Johnson explained that there is a potential grant program which requires that municipal funding be appropriated. If approved, it would be at the reimbursement rate of 33.57%. He suggests that the Council fund the project with the Capital Reserve Fund and reimburse the

General Fund. If the grant is not approved, then this would be considered as part of the Capital Reserve budget next year.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby refers to the Board of Finance the request for a \$1.2M appropriation and transfer from the General Fund-Unassigned Fund Balance to Capital Projects-Gideon Welles HVAC Project and schedules a public hearing for 8:00 p.m. on September 27 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing to consider the proposed appropriation and transfer, as described in a report by the Town Manager dated September 9, 2022.

Result: Motion passed unanimously {8-0-0}.

6. Consent Calendar.

- a. General Fund Transfer – Goods and Services (set public hearing).

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby schedules a public hearing for 8:00 p.m. on Tuesday, September 27, 2022 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing to consider a transfer from the General Fund-Unassigned Fund Balance \$501,514.86 for goods and services ordered but not yet received as of June 30, 2022, as described in a report by the Town Manager dated September 9, 2022.

Result: Motion passed unanimously {8-0-0}.

7. Town Manager’s Report.

Mr. Johnson explained that the Town Hall has received the Energy Star Award again, with a rating of 99/100 points. An RFQ was conducted and GZA has been selected to work with the Town on Open Space/Forestry Management planning for select open space parcels. To start, he suggests the five parcels totaling 542 acres off Hebron Avenue, Keeney Street, and Howe Road. Mr. Cavanaugh asked to begin instead with the most populated parks first, such as J.B. Williams. Mr. Johnson stated that both could be done at the same time, since the funding is available.

Motion by: Mr. Niland

Seconded by: Mr. Osgood

BE IT RESOLVED, that the Glastonbury Town Council hereby moves forward with the five parcels totaling 542 acres off Hebron Avenue, Keeney Street, and Howe Road, as well as the J.B. Williams Park, to begin the process for open space and forest management.

Disc: Mr. Osgood finds that 542 acres is a sizable piece of land, so the former MDC parcel is important. J.B. Williams Park and Blackledge Falls are actively used, so they should be properly maintained, as well. Since funding is available to pursue both, he supports the motion. Mr.

McChesney agreed. Mr. Cavanna seconded Mr. Cavanaugh. It will take a while for the public to acclimate to the former MDC property, whereas the parks get foot traffic every day. Their focus should be on the parks first. Ms. Wang supports the motion because J.B. Williams is a frequently used park, and the process to begin using the former MDC property should start soon.

Result: Motion passed {6-2-0}, with two votes against by Mr. Cavanaugh and Mr. Cavanna.

Mr. Johnson noted that the survey of the Botticello land acquisition has confirmed that the total acreage is 9, not 8 acres. They will make the adjustment. Mike Bisi will be retiring this month after 49 years. Michael Manfre will be the new Sanitation Superintendent. Library Director Barbara Bailey and Fire Marshal Chris Siwy will also be retiring this year.

The Town has received a competitive bid for the pickleball court. His advice is to transfer the money to the contractor and build the courts. Ms. Wang wonders whether donations have been requested from pickleball enthusiasts to offset the rising costs posed by inflation to construct the courts. Mr. McChesney asked if this transfer is made and the Town receives donations, could they receive the money back. Mr. Johnson stated yes, they could.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby transfers \$60,000 from other capital projects completed below budget under the Cultural/Parks and Recreation category to complete the pickleball court project.

Result: Motion passed {7-0-1}, with one abstention from Mr. Gullotta.

Mr. Johnson stated that 50 applications were received for the Small Business Assistance Program. There is funding for 30 applications at \$5000 each. They are working their way through the applications. Work has begun on the sidewalks extending from Buttonball Lane and Overlook Road. This would include a new crosswalk at Main Street and Overlook Road. At the next meeting, he hopes to have a definitive response from the DOT regarding Town proposals for a sidewalk along the west side of Main Street.

Ms. LaChance thanked Town staff for their efforts and stated that the retirees will be missed. Mr. McChesney asked about the potential for a sidewalk on Neipsic Road. Mr. Johnson stated that it is on the sidewalk matrix. He will check on details. Ms. Wang commended the Health Department on their outreach regarding flu clinics and education. She also supports the bear safety information in the newsletter. An email was received from Matt Conway regarding painting a mural. She asked that it be placed on the agenda for discussion at the next meeting. Mr. Gullotta noted that the Agenda Setting Committee will discuss it.

Mr. Cavanaugh stated that the screening of the utilities outside Chase Bank is outstanding. The approval for 400 Hebron Avenue has a requirement for the widening of Sycamore Street at the intersection of Hebron Avenue. He asked if that will be done before the facility opens. Mr. Johnson stated that is the goal, but he will double check. Mr. Cavanaugh received a note from an angry parent who could not access the locked bathrooms at the field house. Mr. Johnson

explained that the BOE would like to have the restrooms open for Sunday games. The daily custodial rate is \$972. With 9 home games, that totals nearly \$9000.

8. Committee Reports.

a. Chairman's Report. *None*

b. MDC.

Ms. LaChance stated that MDC ran a cyber test, which received good reviews. They also conducted an internal investigation. Details are available in the newspaper.

c. CRCOG.

Mr. Niland stated that the Municipal Services Committee met this afternoon. CRCOG is partnering with the Town of Avon to lend out a building inspector to other CRCOG towns. This could help Glastonbury in the event of a staff shortage.

d. Policy & Ordinance Review Committee – report, recommendation, and possible action – panhandling and commercial vehicles.

Mr. Johnson explained that the committee looked at the street vendor panhandling matter. A series of ordinances have been enacted in other communities, which fall under two categories: prohibiting aggressive behavior and fraudulent/misleading information. The latter could be difficult for a police officer to ascertain. Thus, if the Town were to pursue an ordinance, the committee recommends focusing on preventing aggressive behavior.

Mr. Cavanna stated that he constantly receives complaints about panhandling. Mr. Niland noted that other communities which passed an ordinance have run into legal challenges regarding possible First Amendment violations. It would be prudent to hear the results of those court cases before drafting their own ordinance. Mr. Osgood concurred. Mr. Cavanna had proposed a motion but withdrew it following Mr. Niland's comments.

Mr. Johnson explained that the committee also discussed the matter of parking commercial vehicles in residential zones but did not reach a consensus. The potential for a public information hearing was discussed. He noted that the Town receives calls from time to time on enforcing the regulation.

Motion by: Mr. Cavanna

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby explores the possibility of providing a temporary exception for parking commercial vehicles in driveways.

Disc: Mr. Cavanna stated that if an individual can park a motorhome in their driveway, then people should be able to park their work cars in their driveways, too. Mr. McChesney is not opposed to exploring language to address this issue, but he would like to prevent the parking of commercial vehicles with advertisements. Ms. Wang asked how many complaints are typically

received per year. Mr. Johnson explained that the calls come under several categories, and they are generally complaint-driven. The Town typically enforces the regulation. Mr. Niland expressed skepticism but is open to hearing more information.

Result: Motion passed unanimously {8-0-0}.

Mr. Johnson stated that the committee also briefly discussed the Reserve for Land Acquisition and Preservation but made no recommendations.

- e. Committee to Name a Public Facility – report, recommendation, and action to name the Makerspace at Welles-Turner Memorial Library – “Second Century Fund Innovation Center”.

Motion by: Mr. Cavanaugh

Seconded by: Mr. Niland

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the naming of the Welles-Turner Memorial Library Makerspace as “Second Century Fund Innovation Center”, as recommended by the Committee to Name a Public Facility.

Disc: Mr. Cavanaugh stated that the committee, of which he is a member, was insistent that the library be named after the Second Century Fund. There were no other recommendations, and the committee was happy to support it.

Result: Motion passed unanimously {8-0-0}.

9. Communications. *None*

10. Minutes.

- a. Minutes of July 26, 2022 Regular Meeting.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the July 26, 2022 Regular Meeting.

Result: Minutes were accepted unanimously {8-0-0}.

- b. Minutes of August 2, 2022 Regular Meeting.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the August 2, 2022 Regular Meeting.

Result: Minutes were accepted unanimously {8-0-0}.

11. Appointments and Resignations. *None*

12. Executive Session.

- a. Potential land acquisition.
- b. Draft terms and conditions for sale of Town-owned land – Eastern Boulevard.
- c. Draft terms and conditions for lease of Town-owned land – Gideon Welles House.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby enters into executive session to discuss a potential land acquisition; draft terms and conditions for sale of Town-owned land – Eastern Boulevard; draft terms and conditions for lease of Town-owned land – Gideon Welles House. – 280 Western Boulevard at 9:15 P.M.

Result: Motion passed unanimously {8-0-0}.

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

No votes were taken following the Executive Session, which ended at 9:50 P.M.

Meeting adjourned at 9:51 P.M.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

Thomas Gullotta

Chairman