

**GLASTONBURY TOWN COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 22, 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  
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 Mr. Gullotta***

**2. Public Comment.**

Ms. Carroll read a communication from Peter Alter, attorney of Sandra J. Rose, the owner of 23.18 acres on 297 Matson Hill Road. The letter confirmed that the Town of Glastonbury exercised its right of first offer within the time specified in the 2018 agreement between the Town and the owner. After which, both parties have agreed to weekly extensions to finalize the details of the purchase and sale agreement.

The following comments were made in person, at Council Chambers:

***Susan Karp of 32 Rampart Drive***, is a member of the BOF. While she voted to approve the request for purchase of the Nye Road property, her three Republican colleagues did not, so the motion failed. She explained that the BOF was tasked by the Town Attorney to determine two criteria: whether there were sufficient ARPA funds and whether the purpose of this purchase qualified for ARPA funding. The answer to both was yes and was not disputed by BOF members. The Council, with continued input from residents, should make this important community decision. She requested pursuing all avenues, including a review by the Town Attorney, to determine whether her BOF colleagues acted outside of their authority.

***Harry James of 265 Belltown Road***, spoke in favor of the purchase of the Rose's Farm. The Town has done a fantastic job in preserving open space.

**Attorney Ben Potok, representing the Gondek family,** noted that his clients have overwhelming support from both the community and Ms. Rose to continue farming this property. Their plans would include running the farm and property as is, while also adding farm to table dinner. They would also bring back Christmas trees and pumpkins, restore and update the property, and add a large wrap around deck to offer year-round breakfast. If the deal is reached on the Rose property, they would be willing to offer up the development across the street, as well. The property needs major renovations, and the Gondeks are prepared to take on those repairs. If the Town acquires the property as is, then they will be taking on a tremendous liability.

**Laurie Paternoster of 48 Chatham Hill,** supports the Town's purchase of the property. She noted that the Town has purchased many other pieces of property which have been put to good use. Passing on the right to first offer was a shame because the Town received the property for a good price.

**Wendy Upton of 102 South Mill Drive,** moved back to Glastonbury because of the farming community. She is worried that if the Town buys the property, then the status quo would be maintained. A lot of improvements need to be made to the property, and she does not see that happening if the Town owns the property. This opportunity should be brought to the businesspeople in town.

**Judy Taylor of 8 Homestead Drive,** would like to see the farm stay a farm. She does not want the property to go to the Town, but rather to someone who will farm the property. She supports the Gondeks' plans.

**Karen Roblyer of 74 Blueberry Lane,** stated that Connecticut has lost too many farms over the last few decades and should not lose any more. She hopes that the Town will buy the development rights and an interested person will buy the farming rights.

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

**Darcy McDonald of 384 Griswold Street,** is a new resident who has enjoyed visiting Rose's Berry Farm on routine stops. She supports the new ownership and expansion, which will allow other new families the joy of this cornerstone.

**Kirsten Birish of 415 Dayton Road,** saw a social media post indicating that the Gondek family is currently under contract to purchase the remaining portion of Rose's Berry Farm. She supports their purchase, finding it important to support farming and open space in town. There needs to be a focus on preservation of natural resources, instead of development. She continually votes for the Town's \$3 million appropriation for land acquisition, and will vote in favor of any other efforts, including private purchase of land, which seek to achieve the same end result.

**Geri Andrew of 89 Hampshire Drive,** asked to permit the Gondek family to take over the management and development of Rose's Berry Farm. This is a unique opportunity to blend the vision and love of one of Glastonbury's treasures while granting the Gondeks their request.

**Trish Dawson of 110 Neipsic Road,** supports the Gondeks purchasing the Rose's parcel.

**Chelsea Casali of 38 Red Hill Drive**, supports the Gondek family purchasing and preserving Rose's Berry Farm. Between the natural beauty, family-based fun, friendly community, and farm-to-table food, Rose's is beaming with charm. She has full trust in the Gondeks to preserve that charm.

**Nancy Netcoh of 21 Adenas Walk**, supports the Town affording the Gondek family the opportunity to continue running the Rose's Berry Farm property as is, selling berries, offering pick your own, and breakfast with a view. She also fully supports the addition of providing farm to table dinners, adding a cidery using the fruits from the farm, and bringing back their Christmas tree and pumpkin growing fields. With the restoration and enhancement of existing structures, the farm will continue to be an incredible feature of town while also bringing it into a business model that more closely suits the current community.

**Ashley Boillat of 16 Sunrise Drive**, supports the Gondek family purchasing Rose's Berry Farm. She does not support its sale to developers or losing the farmland charm that Glastonbury offers.

**Kelly Mulryan of 45 Lindsay Lane**, supports the Gondek family's purchase of Rose's farmland. Keeping the land as it is currently used provides resources to the community and preserves Glastonbury's legacy as a farm town. She is against more development. The community wishes to preserve this land as a farm. Farmland and farming are becoming rare, and they should be saved when they can.

**Jesse Boillat of 16 Sunrise Drive**, supports Rose's Berry Farm being sold to another family with intentions to keep it farmland. He does not support it being sold to a developer and made into housing. The farms of Glastonbury give the town its charm.

**Amy LaPanne of 118 Long Hill Drive**, strongly favors the Gondeks' proposition to keep this land as it has been used for so many years now.

**Caitlyn Muro of 151 Riverview Road**, supports the local family in purchasing, updating, and maintaining Rose's Berry Farm. It would be a shame to lose a farm that is so well-known in Glastonbury. She welcomes the idea of it continuing under new ownership.

**Nicole DiCicco of 84 Ridgewood Road**, supports the Gondek family continuing Rose's farm operations.

**Ilene Grueneberg of 86 Hubbard Street**, is hopeful that Rose's Berry Farm will continue to be preserved as farmland and protected from other development. The Gondeks' intention to continue the use in that fashion should be supported in every way to continue the land's beautiful agrarian history.

**Aurora Delbon of 18 Falcon Lane**, asked to keep the beauty of the farmland within the town.

**Patricia Bickford of 34 Summersweet Drive**, supports the offer by the Gondek family to preserve the farm with updated amenities. She is concerned about turning over development

rights to the Town. The farm/property should have a built-in covenant to protect and preserve the current use and prevent the Town from selling it off to developers in the future.

**Audrey Yellen Quinlan of 90 Candlelight Drive**, asked to preserve as much farmland as possible. The preservation of Rose's Berry Farm by the Gondek family, with Sandi Rose's input, is wonderful news.

**Rusty Brown of 90 Uplands Way**, asked the Council to preserve Rose's Berry Farm, which is a true Glastonbury treasure.

**Jodi Bond of 43 Wren Hollow**, believes that the Town should support the Gondeks' vision for Rose's Berry Farm.

**Deborah Torres of 479 Manchester Road**, would love to see Rose's Berry Farm stay a farm. She asked to not ruin historical areas.

**Kelsey Bond of 78 Cambridge Drive**, fully supports the Gondek family's purchase of the Rose's farmland.

**Sean Heald Sr. of 479 Manchester Road**, believes that Rose's Berry Farm should always stay a farm. What the Gondek family seeks to do with the farm is the best thing for the town. Farms must be preserved.

**Alexis Ramirez-Arnold of 755 Manchester Road**, supports the Gondek family purchasing the land of Rose's Berry Farm to continue use of it as a farm, while giving up development rights so that it always stays a farm.

**Daniel Cummins of 30 Taylor Town Road**, supports protecting Rose's Berry Farm from further development. He asked to allow the Gondek family to take ownership to keep the South Glastonbury gem as a gem for years to come.

**Meliss Passarello of 1786 Chalker Hill**, supports the Gondek family's purchase of Rose's Berry Farm to continue and preserve its tradition.

**Elissa Slavin of 548 Thompson Street**, stated that Rose's Berry Farm is an amazing place which should remain an active farm. Allowing that area to be developed would be detrimental to the beauty that is Glastonbury. The town must be maintained and not developed like other surrounding towns which are crowded.

**Sylena Edlund of 68 Douglas Road**, asked to keep Rose's Berry Farm as it is. She supports upholding six generations of farming in town instead of development planning. Glastonbury needs to keep what charm it still has.

**Amanda Lang of 98 Quarry Road**, encouraged the Council to think long and hard about the best use of that land. Rose's Berry Farm has been around for generations and is the epitome of the quaint local charm that brings residents to town. She asked to not fill the land with more

residential and commercial real estate to generate more town revenue. She supports the Gondek family moving forward with their plans to keep the true spirit of that farm alive into the future.

***Alicia Haffner of 1033 Manchester Road***, does not want to see Rose's Berry Farm sold to the Town for future possible development. She would like the land to stay the way it is and be sold to someone who will continue to maintain it as a farm.

***Charles Jefferis of 19 Fairfield Lane***, implored the Town to support the Gondek family's proposal to purchase Rose's Berry Farm, to continue its farm operations, while also preventing future development of the land. Arrangements can be struck between the Gondeks and the Town to make this happen while also limiting the Town's liability. Preserving open land and farming protects Glastonbury's unique character. Without that, Glastonbury becomes just another town in Connecticut.

***Jenna Vullo of 541 Griswold Street***, asked to keep the farmland, which helps make Glastonbury, Glastonbury.

***Emily Turker of 37 Brewster Road, Apt. C***, thanked the Gondek family for their support and dedication to preserve this Glastonbury treasure.

***Jaclyn Brancato of 208 Clark Hill Road***, supports the Gondek family to continue the operations of Rose's Berry Farm, and to give up the development rights to the Town. She asked to preserve local farms and prevent any development of this land for residential use.

***Jake Scoville of 35 Dickinson Road***, supports the Gondek family acquiring Rose's Berry Farm to use as farmland. There is no fear of development if the family sells the development rights, which they stated they would. Farming is an essential part of South Glastonbury's history, which must be preserved. He is concerned about a serious lack of communication with residents from the Council about what the Town intends to do with the farm if it is purchased. He also wonders whether it makes sense for the Town to make such a purchase from a financial standpoint.

***Brittney Gondek of 15 Dickinson Road***, spoke as a member of the Gondek family, who have been working with Ms. Rose over the past year to acquire this land. She hopes that the Town will let them proceed with the third parcel, as they already own one and the second is under contract. They wish to work with the Town in giving away the development rights for all three parcels. If that does not work at this time, then there is still a willingness to purchase if the Town would step down from purchasing. The Gondeks have unwavering support from townspeople to preserve the land and continue the Rose legacy. They plan to keep all the Rose traditions alive, with enhancements, and will keep all the farm employees. The Gondek family has been in Glastonbury for six generations and started farming on their arrival. Having a private buyer of this farm will support a small business, while increasing town revenue, saving tax dollars for residents. If the Town purchases the land, they must keep in mind not just the cost of the acquisition, but also the maintenance, repairs, upkeep, and the families who will lose their jobs.

***Brooke Gondek of 35 Dickinson Road***, stated that her father, Paul Gondek, has been in business in town his entire life. As he approaches retirement, he has been talking passionately about

taking over Rose's Berry Farm. He seeks to better the community and keep that business going, which is why he is more than willing to give up development rights. She hopes that the Town will allow their family to continue the Rose's Berry Farm legacy.

***Bette Pisarski of 270 Overlook Road***, asked to keep Glastonbury farms working.

***Scott Bassette of 479 Main Street***, is related to someone who runs an active farm in South Glastonbury. Family run farms are a dying breed but have so much history in town. Rose's Berry Farm should have zero development rights so that it can prosper off the land for generations to come. He supports the Gondeks on their intended plans to continue farming the land.

***Peter Tyczkowski of 523 East Carriage Drive***, asked to keep Rose's Berry Farm under the stewardship of people who can maintain both its agricultural character and its value as a wonderful source of locally grown berries. He fears that if it is not maintained by skillful farmers, then it will begin a downward spiral.

***Sysannah Webb of 173 Farmstead Lane***, asked to support the Gondek family in this proposal. Rose's Berry Farm is a dear family farm which has been an integral part of Glastonbury history. She supports its preservation.

***Donna Preli of 625 Matson Hill Road***, believes that preserving the beauty of Rose's Berry Farm as a working farm is in the best interest of the town. There are not many places like it left for families and friends to enjoy. She hopes that the Town will do the right thing by allowing the Gondek family to continue its wonderful tradition.

***Chip Beckett of 308 Tryon Street***, hopes that the Town will preserve the remainder of the farm. Rose's Berry Farm is the gateway to Glastonbury's orchard district. He asked to protect the gateway in a manner that is appropriate for the town.

**3. Special Reports.**      *None*

**4. Old Business.**      *None*

***Four items were added to the agenda: Items 5a, 5b, 5c, and 5d.***

**5. New Business.**

- a. Action on potential land acquisition – Rose parcel – Matson Hill Road (refer to Town Plan and Zoning Commission and Board of Finance; set public hearing) (added to Agenda).**

Mr. Johnson explained that the proposal is for town acquisition of the western most portion of Rose's Berry Farm. Over the weeks, a variety of scenarios have been presented for preservation of that farmland. The property owner, Sandra Rose, executed a purchase and sale agreement this afternoon. The right of first offer had been presented to the Council at \$1.09 million. The timeline involves holding public hearings in early February, with action to close on the property by early March.

Mr. Cavanna is thrilled that the Town is buying this property to preserve open space. He looks forward to keeping it a farm. He asserted that the land will not be developed, and the Council has guaranteed as much. He would like to acquire water rights on the property to irrigate for frost protection. He supports a plan that is fruitful for all parties in town. Ms. Carroll agreed. The Town's goal is to preserve farmland. She noted that the conversations that the Council holds in executive sessions are confidential. She asked Mr. Johnson to describe what has been discussed in those sessions in a way that does not break the confidentiality clause.

Mr. Johnson explained that the Town originally considered purchasing the easternmost 52 acres when it became available in 2018, as it was consistent with the goal of preserving open farm space. However, the purchase went forward in cooperation with Belltown Orchards. The Town purchased Development Rights and Belltown Orchards, the Fee Interest. The Town acquired the right of first offer to guarantee the additional 23 acres, which is the subject of tonight's action. The Council considered various scenarios and concluded that the acquisition of the property was the best approach.

Ms. Carroll remarked that there has been a false dichotomy presented tonight that either one family is going to preserve the land or that the Town will build houses on the land. The narrative is untrue and unfair, given the work that the Council and Town Manager have put into preserving farmland in town. Respecting the confidentiality of closed-door negotiations is fundamental. In the absence of that, it becomes incredibly difficult for the Council to do their work.

Mr. Gullotta added that those executive session discussions were always about farmland and never development. Ms. LaChance concurred. South Glastonbury farms make the town great, and to imply that the Council would put developments there is insulting. Mr. McChesney was also frustrated by the narrative that was pushed out recently. He is hopeful that Rose's Berry Farm will remain a working farm in town. The plan that was discussed by the Gondeks sounds nice. While he understands the frustration of the public for not knowing everything, sometimes it is necessary, particularly when it comes to land agreements.

Mr. Cavanna pointed out that while it may be scenic for residents to have a farm as a neighbor, it is more beneficial for farms to be located next door, as they can share equipment. Additionally, farming activities can get quite noisy, which could bother non-farming residents. Therefore, the Town will try to keep farms next to farms. Mr. Cavanaugh cannot believe the accosting that the Council received tonight. Many of the comments received tonight were inappropriate. The Town has never built a house on any open land acquisition over the last 30 years, so to insinuate that it will do so now is inappropriate. If Mr. Gondek seeks to negotiate with the Town in the future, he will have to pursue a different approach. Mr. Cavanna stated that Mr. Gondek's heart is in the right place. Ultimately, the Council promises that the land will stay a farm.

Mr. Niland iterated that the Town is purchasing this land with the open space fund, so they cannot put up houses there. The negative public sentiment, especially on social media where council members could not respond, was inappropriate. He finds that the way this matter has been dealt with has been wrong. Mr. Osgood noted that outright acquisition gives the Town greater control over how those buildings and the parking lot is used. The Gondeks have an

interesting plan for this project, but there are many residential properties in the area, so he wants to ensure how to best proceed.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. McChesney

*BE IT RESOLVED, that the Glastonbury Town Council hereby approves the following concerning proposed Town purchase of the 23± acre Rose parcel off Matson Hill Road:*

- 1. Referral to the Town Plan and Zoning Commission for a report and recommendation under CGS Section 8-24;*
- 2. Referral of a \$1.090 million appropriation and transfer to the Board of Finance for a funding report and recommendation;*
- 3. Schedules a public hearing for 8:00 p.m. on Tuesday, January 10, 2023, to consider proposed Town acquisition of the 23± acre Rose parcel off Matson Hill Road;*

*all as described in a report by the Town Manager dated November 22, 2022.*

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

## **PUBLIC HEARINGS:**

### **NO. 1: ACTION ON PROPOSED TOWN ACQUISITION OF THE 10.86± ACRE NYE ROAD PARCEL AND A \$3.4M APPROPRIATION AND TRANSFER.**

Mr. Gullotta opened the floor for public comment. The following comments were made in-person, at Council Chambers:

**Lisa Rouleau of 12 Conestoga Way**, stated that Glastonbury needs more affordable housing. This is a golden opportunity to use ARPA funds to purchase lands for homes adjacent to another piece of property which is landlocked. The Town Attorney has reviewed the purchase and deemed it acceptable. She suggested that the BOF members and council members who oppose this do soul searching to see why that is.

**Laura Cahill of 17 Montauk Way**, voiced strong opposition to the BOF's decision not to approve ARPA funds to purchase the Nye Road property. Affordable housing advocates have waited decades for action. This purchase aligns with the recommendations in the Town's adopted affordable housing plan. Support comes from key stakeholders, and it will be paid from ARPA federal monies. The BOF split along partisan political lines to reject this purchase, but the Council sets the agenda for policy recommendations. She implored the Council to work on a bipartisan basis to reverse the decision by the BOF.

**DeeJay McBride of 263 Spring Street Extension**, stated that 85% of voters strongly support this affordable housing project. Both parties have brought up valid ideas that need to be addressed. He proposed a bipartisan solution to the problem, which would entail setting up a sequester to purchase the property now but would set up a list of criteria that need to be met before a shovel goes into the ground.



**Robert Dakers of 15 Trifiro Circle**, is a member of First Church. He expressed concern at the BOF's decision to override the Council's policy decisions. The GHA uses their own funds and financing sources to construct these projects. The matters brought up by the BOF included peripheral impacts and minor concerns. The Nye Road purchase would meet a pressing community need and offer Glastonbury a viable path forward. A town board should not exceed its scope to assume a policy making scope of the Council.

**Chip Beckett of 308 Tryon Street**, explained that this property has been up for potential sale for several years. One cannot answer questions about the traffic impact or cost until the purchase is made. If the Town owns the office buildings, then it will receive the rents, but all those questions come far after they buy the property. The Town Council needs to oversee this property, not three unelected members.

**Beth Hillson of 283 Imperial Drive**, spoke in favor of the Nye Road purchase for affordable housing. The development will provide more opportunities to benefit the community. She is disappointed in the position of the BOF members who voted against the motion. The Council is the policy authority, so the decision should be made by them. They answer to voters every two years, as opposed to the BOF, which is an uncontested election with six-year terms. Their action was an effort to take away decision making from the Council and from voters, by acting as partisan officials. She asked the Council to continue to fight for the acquisition of this land.

**Susan Pearlman of 35 Bunker Hill Road**, advocates that the Town proceed without further delay to purchase the Nye Road property for affordable housing. She was very involved with the ABC house in the mid-1980s. Little has changed in over 30 years. The population has grown, but the price of housing is out of reach for many. Not much has been done to make Glastonbury a welcoming place for those with limited means. She is saddened and ashamed that three BOF members rejected this opportunity to buy the property at no expense to taxpayers.

**William Marut of 264 Carriage Drive**, noted that the TPZ unanimously voted for this purchase. The Town has not yet developed any specific plans regarding what will be built on the site, so they are working with limited information on a short time. This is a risk. However, there is a need for affordable housing and Glastonbury can take steps to have control over property. Additionally, 11 acres of developable land will open up with this purchase. Control of the land, the human factor, and the synergistic effect all tip the scale towards support of this purchase.

**Michael Proulx of 314 Hollister Way West**, supports this purchase and challenged the actions of the BOF members who failed to vote on the merits of the matter before them. The Council held two public hearings on this project and the support was overwhelming. The BOF's role was to weigh in on the financial impact of the purchase. Since ARPA funds are used, there is no financial impact, so the vote should have been unanimous. He urged the Council to challenge the BOF's decision and to proceed with the purchase.

**Pam Lockard of 10 Southgate Drive**, is beyond disappointed by the vote of three BOF members. One member acknowledged the need for affordable housing but questioned the urgency. A second member expressed concern about the increase in student enrollment which would cause taxes to increase. The third member questioned whether there was even a need for affordable

housing. Those three individuals are guilty of willful ignorance, as well as overstepping their boundaries. Over 1000 people are on the waiting list for affordable housing in Glastonbury. The argument that this project should be scrapped because it would not achieve a moratorium is out of line. The BOF overstepped their authority and failed to educate themselves on the vast amount of information out there.

***Shawnee Baldwin of 57 Nuthatch Knob***, stated that there is a need for affordable housing in Glastonbury, especially for people who do not have a car or cannot use one. The subject property is close to Route 2 and conveniently located along bus routes.

***Luther Weeks of 334 Hollister Way West***, noted that when the TPZ were faced with the overwhelmingly unpopular Manchester Road property, they stuck to the law and approved the property. Otherwise, the Town would have been sued and the developer would have won. The BOF acted out of bounds, and there must be some recourse. He also compared the acquisition of the Rose property to this, noting that the discussion there was also not defined completely. If the Town purchases the Rose property, residents trust that the site will be kept as farmland. Nobody expressed that those details need to be finalized before purchasing that property. He asked the Council to take the actions necessary to proceed with this purchase.

***Denise Weeks of 334 Hollister Way West***, stated that the opportunity to purchase the Nye Road property does not come by often. It could help close the gap for affordable housing and has no fiscal impact. In voting against it, the BOF ignored the questions at hand and demonstrated their inability to operate within their bounds. They based their concerns on issues which could have been voiced at the prior two public hearings. The Council must challenge the validity of that vote to move forward on this proposal, which has seen citizen support on three public hearings now.

***Julie Thompson of 252 Bluff Point Road***, thanked the Council for creating opportunities for affordable housing in Glastonbury. She was thrilled to hear about the Nye Road purchase because it also provides current residents in the area with open space. The TPZ unanimously agreed. The BOF decided to elevate politics over respecting their role as elected officials. She urged the Council to listen to the public, who is asking to seek avenues to purchase this property.

***Pam Lucas of 145 Moseley Terrace***, asked the Council to implore BOF members to act within the parameters of their proper authority. The federal government determined that affordable housing is an appropriate use for ARPA funding. The Council made the same determination after several public hearings. As an attorney, she has reviewed old court cases and found a 1932 Connecticut Supreme Court case called Stonington Traction Co. v. Town of Groton, which found that the provisions of this statute shall not give the BOF unlimited power regarding final discretion of expenditures. One aspect of the BOF's role is to take the limits of their role seriously and not second guessing the Council's authority.

***Michelle Riordan-Nold of 97 Brentwood Drive***, supports moving forward on the purchase because Glastonbury needs more affordable housing. She asked to challenge/override what was done by the BOF.

The following comments were made via Zoom:

***Celeste Smith of 212 Sunset Drive***, feels profoundly grateful to have grown up in Glastonbury. She condemned the untoward decision made by three BOF members to deny the community a starting point of affordable housing while also undermining the power of the Town Council. Many people who would live on Nye Road have been priced out of the housing market, such as herself. As public service members, it is the Council's job to ensure that they make the best decision. By voting against affordable housing, they will vote against their future.

***Kim McClain of 12 Sunset Drive***, thanked council members and the TPZ for acting in the best interest of the community to make this purchase. She is dismayed at the BOF's overstep in authority for obvious political reasons. The BOF was established as a non-partisan body, and their refusal here is short-sighted and just plain wrong. She was raised by a single mother who was a waitress. It is impossible to imagine how anyone could survive on the earnings of a waitress now. She sees her ability to own a home in this community as both a privilege and a responsibility. Glastonbury should reflect a vibrant, diverse community.

***Lisa Mendum of 45 Candlewood Road***, asked if residents would be able to give input on where the houses would be. Mr. Gullotta answered that, if this project were to go forward, an entire planning process would be involved; it would go before the TPZ, where the public would have the chance to comment. Ms. Mendum asked that future affordable housing developments consider the current demographics in elementary schools. Naubuc is by far the most diverse and already has a significantly higher percentage of lower income families. Affordable housing is needed all over town.

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

***David O'Connor of 1140 Main Street***, is disappointed in the negative vote by the BOF on the land acquisition at Nye Road for an affordable housing project. The Town has completed an affordable housing plan and residents have repeatedly supported new projects at town meetings. Based on the Town Attorney's recommendation, the BOF only had to acknowledge that the project was funded by ARPA, not from the town budget. Instead, they involved themselves in areas of policy. The Town has a responsibility both statutorily and morally to provide an opportunity for families who seek affordable housing options to settle here. He applauds the Council for its vote a few weeks ago to move ahead with the purchase, and he hopes it can still be salvaged, despite the unfortunate vote by the BOF to defeat it.

***Carolyn Wray of 320 Hollister Way West***, expressed support for the Town purchase of the Nye Road property and encouraged the Council to do whatever it can to challenge the actions of the BOF members who failed to vote on the merits of the questions before them. The Council held two public hearings on this purchase, and support was overwhelming. The BOF's role was to weigh in on the financial impact of the purchase only. Since ARPA money will be used, there is no financial impact on the town budget, so the Board's vote should have been unanimous. The opinions and concerns expressed should have been made at the Council public hearings and not used to justify a no vote in their role as BOF members.

**Audrey Beatty of 139 Williams Street West**, expressed her continued support for the proposed affordable housing development on Nye Road. She was shocked to hear about the actions of the BOF and implored the Council to do all that they can to ensure that the plan moves forward. There has been robust public support. Even the Council, regardless of party lines, seems to generally support the idea of increasing affordable housing stock in Glastonbury. She hopes that meaningful progress will be made this evening, to demonstrate that the Council believes that affordable housing is not just a "nice idea" that will receive funding in the nebulous future, but something that Glastonbury will make a specific, significant investment in today.

**Robyn Guimont of 62 Chimney Sweep Hill Road**, expressed her disappointment in the Republican members of the BOF for their decision to vote no on the release of ARPA funds for the Town's purchase of the property on Nye Road. This purchase would allow the Town to access land it already owns for the purpose of creating additional affordable housing in town. Given the recent outcry regarding the monstrosity that is being built at the corner of Hebron Avenue and Manchester Road, people in town should be outraged. They will be forced to accept more eyesores if no effort is made to rectify many years of affordable housing denial.

**David Kuzmak of 20 Tryon Farm Road**, believes that the Nye Road plan needs to be approved, regardless of the lack of a positive recommendation from the Board of Finance.

**Gail Kuzmak of 20 Tryon Farm Road**, asked to vote yes on the purchase of the Nye Road property. Affordable housing is needed in Glastonbury, and this is a good site for it.

**Shawnee Baldwin of 57 Nuthatch Knob**, supports purchasing the Nye Road property for an affordable housing site. She would not be able to afford her own home if it were to go on the market today. However, she considers herself an asset to the town, having participated in various charitable capacities over the past 40 years. Affordable housing is necessary to attract high quality, engaged citizens of all backgrounds who can contribute to the economy and community. Nye Road is a good spot for affordable housing, as it is within walking distance to many town amenities and located on a bus line.

**Robyn Castano of 147 Hollister Way North**, stated that the BOF ignored the state and public mandate for affordable housing, the Town Council and TPZ votes, and the questions before them to cancel the will of the people and elected council members to pursue the purchase. They stepped out of their narrow finance role into the policy making role reserved for the Council. She urged the Council to take appropriate action to challenge the validity of their vote and move forward with the purchase of the Nye Road property.

**Barbara Massy of 203 Hollister Way North**, strongly favors purchase of the Nye Road property to build much-needed affordable housing. She is also outraged at the position taken by the BOF to oppose the purchase. None of the concerns they raised had anything to do with the two questions before them. The Town Manager assured them that both criteria were met. Yet, those in opposition used the vote to effectively block a purchase because they disagreed with the public and Council's position on the purchase. She urged the Council to challenge the validity of the BOF's vote and to defend their role as the town's policy-making body. The BOF's vote sets a bad precedent. The Council must continue to move forward with the purchase.

**John P. Wentland of 348 Spring Street Extension**, is disappointed in the partisan vote by the BOF to oppose the purchase of property on Nye Road. Board members stepped outside their finance role to reject policy decisions they oppose but which are the rightful domain of council members after input from citizens. He urged the Council to take appropriate action to challenge the basis for and validity of the BOF vote on the purchase. The future policy-making role of the Council is at stake, as well as the future of the Nye Road purchase.

**Michelle Riordan-Nold of 97 Brentwood Drive**, stated that instead of focusing on the questions at hand, Republican BOF members raised irrelevant questions and concerns. The Town needs to develop affordable housing because it is the right thing to do and because the threat posed by CGS 8-30g will continue until the lack of affordable housing is addressed. The ill-advised and uninformed BOF decision must be revisited to move forward with the Nye Road purchase.

**Jeff Boyce of 392 Addison Road**, expressed frustration that this process and vote is merely a formality. Several crucial issues were not addressed by the Council. First, the Town Attorney made a decision that building affordable housing would do nothing to assist the Town in court cases on CGS 8-30g. Second, the Council acknowledged that jamming all these units into one project would be bad. Third, the Council confessed that no other sites have even been evaluated for this housing cluster. The Town fails to make decisions in the best interests of its constituents.

Mr. Osgood noted that the Council cannot act tonight because the BOF voted against the purchase. Mr. Gullotta asked Neil Griffin whether the GHA has ever asked the Town for financial assistance in developing a property. Mr. Griffin replied no, not in his memory. The GHA has funds set aside for development activities. Mr. Osgood stated that the GHA financing for this project has never been discussed with the Council. Additionally, the Town has discussed a potential partnership with a private developer. He asked if the GHA currently has funds available for development activities. Mr. Griffin stated yes, over \$1 million. Mr. McChesney pointed out that the Council has held conversations regarding how the GHA finances its developments, usually with grants.

Mr. Niland addressed the comment made by Mr. Boyce, explaining that the Council does hear him. However, if the Town fails to purchase the Nye Road property, then likely, a private developer will bring in a full scale CGS 8-30g project. Instead, the Town is offering a measured approach, with lower density and much less traffic. Even after this development is built, the Town will still need to increase its affordable housing stock to acquire a moratorium, which only lasts four years. The BOF members who voted against the approval expressed worry about “unexpected expenses” arising from this project. Mr. Niland noted that nearly everything faces that possibility. To preclude every other project in town because of a nebulous possibility is inappropriate. This project needs to move forward.

Ms. Carroll is deeply concerned by the Republican BOF members who tried to usurp the role of the council. The general public does not know who they are because BOF members do not campaign, their terms are essentially appointed, and they are not policy makers. To disregard the Town Attorney’s opinion is to behave like an election denier and storm the Capitol. As Mr. McIntosh pointed out in that meeting, the three BOF members who voted for the approval have

all served on the council, whereas the three who voted against it have not. She stated that it does not matter whether one supports this project or not. Her primary concern is that the BOF has decided to do the job of the council.

Mr. Cavanaugh countered that this is not the first time that the BOF has done this, but suddenly, there is mayhem, and the Council would like to hire a lawyer. He addressed another comment which affirmed that ARPA money is not local taxpayer money. It is printed money, which is causing inflation, so local taxpayers are paying for it. Mr. Gullotta noted that he was on the Council when Minnechaug Mountain and Killam Farm came up, and the BOF said no. However, there are a couple nuances. This project would use ARPA funds, not town funds. Additionally, those two applications were over 30 years ago.

Mr. Gullotta then responded to Mr. Osgood's point about the BOF's concern with unexpected costs going forward. Mr. Griffin has stated on the record that the GHA has never asked for additional town assistance. The Town would give them a parcel of land. The question would be whether the GHA alone, or with a private developer, would go ahead with it. Mr. Gullotta asked the BOF to reconsider their decision, considering Mr. Griffin's statement tonight. Mr. McChesney clarified that the request is for the Town Attorney to issue an opinion on whether the action was legal, not whether it was based on policy/politics. It is important to have that response before returning to the BOF to ask to reconsider their decision. The ARPA funds are essentially a massive grant from the federal government. He does not understand why three non-attorneys on the BOF questioned the appropriateness of the Town Attorney's opinion.

Mr. Osgood believes that the negative votes on the Nye Road acquisition were well within the BOF's jurisdiction, given that they did not feel that the information provided was extensive enough to make a determination. It was not a partisan decision. The Town Charter gives the BOF responsibility to approve all off-budget items, which serves as a strong financial checks and balances. He noted that the day after the BOF's vote, there was a \$500,000 estimate increase in one of the buildings, which is a 15% cost increase. Rather than trying to overturn the BOF's decision, the Council should move ahead with trying to develop affordable housing in town. They should hold a workshop with the GHA to understand the financing for the project and which projects they would recommend. The Council should fully evaluate the cost of the two buildings and review all sites in all sections of town.

Ms. LaChance countered that if the Council believes that the BOF acted properly, then she does not see why Mr. Osgood would be concerned about another opinion from the attorney regarding their decision. She is concerned that the BOF is delving into policy decisions. They had a legal opinion, which they ignored. Mr. Johnson explained that, right now, the agreement with sellers calls for Council action by December 9. To date, they have not agreed to an extension. There is an RFQ going forward. There will be an opportunity for the GHA to participate and hear from respondents on the RFQ before the Council's December 6 meeting. He recommended that the Council schedule a formal public hearing with potential action on the acquisition and allocation of funding.

With no further comments, Mr. Gullotta closed the hearing, and explained that three items will be considered after the public hearings conclude this evening:

1. Asking the BOF to reconsider their decision.
2. Reviewing whether there is support for the Town Attorney to advise on the appropriateness of the BOF's decision.
3. Setting another public hearing in December.

*A short recess was taken. The Council reconvened at 9:35 P.M. to begin the next hearing.*

**NO. 2: ACTION ON APPROPRIATION OF \$155,000 IN ARPA MONIES IN SUPPORT OF THE SMALL BUSINESS ASSISTANCE PROGRAM ESTABLISHED BY THE TOWN COUNCIL.**

Due to the inflationary environment ahead, Mr. Osgood believes that the Council should use ARPA funds to help all residents. Funds should be used to pay for projects that the Town would have otherwise paid for through local taxpayer dollars, such as boilers and roofs. Ms. Wang echoed thanks to Town Staff for administering this process. She asked if the listing of awardees can be made available to the public. Mr. Johnson will post the list on the Town website. Ms. Wang asked to not only post the awardees, but also add a basic accounting line in the budget for ARPA expenditures to date. Mr. Johnson thinks that it is there, but he will check to make certain.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby approves allocation of \$155,000 in American Rescue Plan Act (ARPA) funds for the Small Business Assistance Program, as described in a report by the Town Manager dated November 18, 2022.*

**Result:** Motion passed {8-1-0}, with Mr. Osgood voting against.

**NO. 3: ACTION ON PROPOSED AMENDMENT TO SECTION 4.13 OF THE BUILDING ZONE REGULATIONS REGARDING COMMERCIAL SPACE RETENTION/REPLACEMENT FOR MIXED USE PROJECTS IN THE TOWN CENTER ZONE.**

Mr. Johnson stated that the Town Center zone currently requires that if a residential component is introduced to a commercial property, then the commercial square footage needs to be retained on a 1:1 basis. Some have felt that the 1:1 was inappropriate. This is the first draft of a regulation from the TPZ which provides for the ability for a developer to acquire a credit of up to 50% toward the commercial requirement by meeting certain benefits. The most significant reduction would be for historic preservation, with other potential benefits at a smaller amount, ranging from 2.5-5%. Benefits include providing amenities such as public parking spaces, electrical vehicle charging equipment, universal design, and other factors that support sustainability and a bike friendly community. Existing commercial buildings of less than 3000 square feet do not qualify. The TPZ has unanimously approved a favorable recommendation on this but noted that the 50% number can be amended. The Town Attorney has reviewed it and saw no issues.

Ms. Wang appreciates the opportunity to investigate this in more detail. While she supports a lot of the initiatives listed as public benefits, she struggles with how the percentages were decided because they seem a little arbitrary. Mr. Johnson explained that historic preservation was the key driving factor, so it has the largest category. It was a challenge to figure out how to weigh the

other criteria, so it is not an exact science. It was simply a best estimate of what made sense. Mr. Niland asked to explain how the TPZ landed on 50%. Mr. Johnson explained that when the first draft was put together, it was up to a 75% reduction. The TPZ felt that was too aggressive. 50% was a middle ground. There is no magic to the percentages.

Mr. McChesney explained that the town seeks to protect and preserve its streetscapes, which is why this kind of retention of commercial space was enacted. He asked if the new Land Use director has reviewed the document. Mr. Johnson replied not yet. Mr. McChesney noted that the Town Attorney has reviewed the current language, but that might change. Mr. Johnson clarified that the attorney's concerns about the language were not so much the substance, but rather, that the document be written more clearly. For example, to explain why the 3000-square foot minimum and what universal design means. Mr. McChesney seeks to ensure that the language is clear and consistent with case law, and that it is written to be entirely discretionary because the statute should be easily interpreted by the TPZ. Mr. Johnson clarified that typically when a town attorney looks at the zoning regulations, they make certain that it is based on criteria, so it is not discretionary. However, the TPZ would not want too much discretion, so they will revisit that.

Mr. Osgood explained that the reason for this regulation is to keep the Town Center as it is, with storefronts and not overrun with apartments. He asked if universal design means handicap accessibility. Mr. Johnson replied yes, but it is also a design that people can age with. Mr. Gullotta agrees with the regulation and supports a designation for important architectural landscape features, such as trees. He would also be open to supporting a benefit of more than 50%. Mr. McChesney expressed that if this is not discretionary, that worries him. Mr. Gullotta stated that the Town Attorney will provide guidance. Mr. Osgood is opposed to a benefit that is less than 50% and suggested differentiating between restaurants and commercial retail establishments. Mr. Gullotta likes that idea. Mr. Cavanaugh agreed with Mr. McChesney. He is very wary about giving up commercial space.

Ms. Wang spoke to the question that was brought up regarding onsite showers. She explained that Town Staff and the TPZ were trying to incorporate elements of the LEED certification process, without an applicant having to go through the process, which can be costly. She asked to involve the bicycle advisory group in the efforts to encourage people to bike to work. Additionally, she asked to include the Commission on Aging on the universal design measures. These stakeholders might have knowledge to contribute to what she feels is a little arbitrary.

**b. Action on potential land acquisition – 50-55 Nye Road (set public hearing)  
(added to Agenda).**

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Niland

BE IT RESOLVED, that the Glastonbury Town Council hereby sets a public hearing on December 6 for discussion and potential action on the acquisition of 50-55 Nye Road.

**Disc:** Mr. Cavanaugh noted that there are several outstanding issues: the BOF opinion, the upcoming RFQ, and whether an extension will be granted by the seller. Mr. Osgood stated that if the Town Attorney deems that the BOF's decision was legal, then he would not support holding another public hearing on that date.



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

**c. Action to seek legal opinion on actions of the Board of Finance concerning potential land acquisition – 50-55 Nye Road and a \$3.4M appropriation through ARPA funding (added to Agenda).**

Mr. McChesney agreed with Mr. Cavanna that if this is going to return to the BOF, then they should have the Town Attorney's opinion beforehand. Ms. Carroll responded that they do not have the time to wait for the Town Attorney, but they can pursue it concurrently, to have everything in place for the December 6 meeting. Mr. McChesney would like to receive the opinion quickly. The Council asked Mr. Johnson to speak with the Town Attorney to review the BOF's decision and opine on whether it was an appropriate and proper decision.

Mr. Johnson noted that, if that is the question, then the Council must also ask what the remedy is. It would be helpful to have clarity as to what specifically was the concern of the BOF. Ms. Carroll stated that they are also asking the Town Attorney whether the members of the BOF were asking outside the purview of their role. Mr. Osgood agreed that the Council should be specific on both of those points. Mr. Cavanna seeks answers to both of those questions. If the Town Attorney finds that there was a violation, how does the Council move forward in correcting it?

Mr. Osgood stated that the BOF turned down the project for the reason of not knowing the cost associated with the proposal. He asked that the Town Attorney review whether the BOF acted outside their purview, according to the Town Charter. Mr. McChesney commented that, as an attorney, if a client approached him with such convoluted questions about political considerations, he would be frustrated. They are overcomplicating this. The Town Attorney should evaluate what happened and whether it is consistent with the opinion that he made.

Mr. Johnson read the language of the motion, which the Council then voted on.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. McChesney

BE IT RESOLVED, that the Glastonbury Town Council hereby seeks a legal opinion from the Town Attorney on actions of the Board of Finance concerning potential land acquisition of 50-55 Nye Road and a \$3.4M appropriation through ARPA funding. The Council seeks an answer to the following two questions: in taking its vote, did the BOF act outside of its purview, and if so, what options does the Council have to rectify that?

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

**d. Action to request Board of Finance to reconsider its vote concerning potential land acquisition – 50-55 Nye Road and a \$3.4M appropriation through ARPA funding (added to Agenda).**

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Niland

BE IT RESOLVED, that the Glastonbury Town Council hereby requests that the Board of Finance meets after the legal opinion given by the Town Attorney to reconsider its vote regarding the potential land acquisition of 50-55 Nye Road and a \$3.4 million appropriation through ARPA funding.

**Disc:** Mr. Carroll explained that this request is concurrent with the request for the Town Attorney's legal opinion. They seek to have everything in place in case there is the possibility for action on December 6. Mr. Cavanaugh stated that this is not giving the BOF all the information that would satisfy them. The proposal is not just about the GHA, but also about the southern building, and whether it needs renovations or will be used for town facilities or the BOE, and how much that will cost. Ms. Carroll argued that the decision before the BOF was only about that piece of property and whether the Town had the ARPA funds to purchase it. Whatever other concerns the BOF has conjured up does not matter based on what they were asked to do. Mr. McChesney agreed that the clarification from the Town Attorney is important.

**Result:** Motion passed {8-1-0}, with one vote against by Mr. Cavanaugh.

**6. Consent Calendar. None**

**7. Town Manager's Report.**

Mr. Johnson explained that the Annual Workshop for the Capital Program is scheduled for either January 18 or 19, to be held in the Community Room at the RCC. The Annual Town Meeting will be held on January 25. He asked to hold it at 6:30 P.M. instead of 7:00 P.M., followed by the Regular Council meeting. The Council agreed to proceed this way. Mr. Johnson also reminded the Council that the cannabis moratorium will expire in March. He will also speak with Town planning staff and the TPZ about this. The CCSU Criminology and Justice Department has created a police fellowship program to help develop the next generation of police officers. Chief Porter is one of just nine chiefs who have been appointed to the program.

**8. Committee Reports.**

**a. Chairman's Report. None**

**b. MDC.**

Ms. LaChance explained that the MDC is starting the Colebrook project which residents have wanted.

**c. CRCOG.**

Mr. Nilan explained that various studies are moving forward, and crumbling foundations are being addressed.

**9. Communications. None**

**10. Minutes.**

**a. Minutes of November 9, 2022 Regular Meeting.**

*Motion by:* Ms. Carroll

*Seconded by:* Mr. Cavanaugh

*Result:* Minutes were approved unanimously {9-0-0}.

**11. Appointments and Resignations.**

**a. Appointment of Thomas Gorman to the Board of Education unexpired term (U-2023).**

Ms. Carroll explained that the Town Council was asked to appoint an unaffiliated member to the BOE. Because there were no unaffiliated candidates to appoint, the Council formed a subcommittee to review applications. The subcommittee unanimously recommended Mr. Gorman to fill the unexpired term. Mr. Cavanaugh thanked Mr. Johnson and Ms. Lauzier for getting information together. Ms. LaChance has known Mr. Gorman for years and is thrilled that he will join the BOE. Mr. Niland concurred, stating that Mr. Gorman has a lot of community experience which will greatly benefit the Board and the Town.

*Result:* Appointment was approved unanimously {9-0-0}.

**12. Executive Session.**

**a. Potential land acquisition. *None***

*Motion by:* Ms. Carroll

*Seconded by:* Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby adjourns the meeting of November 22, 2022, at 10:33 P.M.

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

Respectfully submitted,

**Lilly Torosyan**

Lilly Torosyan

Recording Clerk

**Thomas Gullotta**

Chairman