

**GLASTONBURY TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, DECEMBER 6, 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.

Roger Emerick of 580 Hopewell Road, followed up on an email he sent to council members regarding his 40-acre property along Roaring Brook. He has recommended selling the development rights to the town if it will remain private property. He is a conservationist but not a fan of public open space. If the Council has no interest in any of the options that he has provided, he asked that they respond to him. He also advocates for a sustainable population, not a growing one, so he does not support the Nye Road land purchase.

D.J. McBride of 263 Spring Street Extension, has built an analysis using data from Glastonbury voters. He shared several points he took away: Glastonbury does not line-item vote, Glastonbury votes blue federally, Glastonbury votes against the presidential party, and Glastonbury rejected Trumpism.

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

Jondahl Mott of 299 Matson Hill Road, is the great-granddaughter of an Italian immigrant who planted some of the first fruit trees in South Glastonbury. The plan the Gondek family proposes will preserve the beauty of Rose's, while keeping it a working farm. Restoration and proposed additions will produce greater commerce and provide sustaining employment for dedicated farm workers. She does not wish to see any development of houses on this open space.

Robert and Virginia Salls of 325 Wickham Road, lament that so much of Connecticut’s farmlands are being developed. They miss the family atmosphere of Rose’s autumn activities, as well as pick your own fruits, cut your own Christmas trees, and breakfasts on the deck. They asked to allow the Gondek family to continue this family-oriented tradition.

Nancy Bestwick of 9 Olde Stage Road, supports the Gondek family’s plan to keep the current farm workers while expanding the farm. It is a win-win for the town and residents.

Tatiana Geist of 933 Tryon Street, is in full support of the Gondek family’s purchase of the Rose’s property and looks forward to the continued operation of one of the gems in this town.

William Geist of 933 Tryon Street, is in full support of the Gondeks making this purchase.

3. Special Reports. *None*

4. Old Business. *None*

5. New Business.

Mr. Johnson explained that a reevaluation of properties is conducted every five years. The data just became available yesterday. Each revaluation is a little different. Typically, when one sees increases in the values, there is also a downward adjustment in the mill rate, all things being equal. The budget has two moving pieces: the influence of a revaluation assessment and the influence of the budget proposal.

Town Assessor Nicole Lintereur reviewed the exhibit she put together. She explained that all the calculations are absent the taxable portion of personal property and motor vehicles. She also asked to keep in mind that values of different property classes do not move in lock step with each other. The average increase for the residential property assessment was 20% versus the average increase for commercial at 8.6%. During the last two reevaluations, in 2012 and 2017, the commercial market rose and took a greater portion of the grand list. The commercial market, which used to carry 19% of the real estate portion, will drop to 17%, while the residential market will go from 81% to 83%. While this 2% shift is not substantial, it is still noteworthy. In 2002 and 2007, when prices went up dramatically, the mill rate decreased just over 20%.

Mr. Niland thanked Ms. Lintereur for this information, which will be very helpful in explaining these effects to residents. He asked if the State’s mill rate cap on motor vehicle taxes will be lifted or readjusted this year. Ms. Lintereur stated that the fixed rate on motor vehicles was a one-year policy move. Mr. Niland asked if the standard deviation is low. Ms. Lintereur replied yes, it is a tight grouping. Mr. Osgood asked if there have been 800 usable sales over the past two years. Ms. Lintereur stated that is correct. Mr. Osgood asked about the dates of those sales. Ms. Lintereur replied, from March 2021 up to October 1, 2022. Mr. Gullotta’s takeaway is that residential properties have increased by an average of 28%. However, there are several moving factors here, so residents should not assume that their taxes will go up 28%. As Ms. Lintereur mentioned, historically, the mill rate goes down when such dramatic increases happen.

Mr. Cavanaugh asked why there was an increase in popularity of ranches and contemporary homes. Ms. Lintereur explained that the ranches were a bidding war between millennials and people looking to downsize. Regarding the contemporary homes, people still wanted to get into the Glastonbury market, and that is what was left. Similarly, lower priced condominiums in town increased tremendously. Mr. Cavanna asked to put this information up on the Town website. Mr. Johnson stated that they will fine tune it and place it up on the website, along with an explanation for context. Ms. Lintereur added that if residents are concerned, they may call their office. They want the data to be correct.

a. Action on acceptance of donation of Kid’s Safety Trailer from Southington Fire Department.

Chief Thurz explained that in August 2022, the Fire Department partnered with the Police Department and Parks and Recreation on activities for getting children back to school. They sought a safety trailer, which the Town of Southington volunteered to donate. The plan is to use the safety trailer to teach fire prevention in elementary schools and as a recruitment tool. Ms. Wang stated that her daughter has experienced the Fire Department’s fire prevention activities. This is a fantastic resource, and she likes that it includes a recruitment aspect.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, the Glastonbury Town Council hereby approves the donation of a Kid’s Safety Trailer from the Town of Southington for use by the Glastonbury Fire Department, as described in a report by the Town Manager dated December 2, 2022.

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

b. Action to establish the Regular Council Meeting Schedule – calendar year 2023 through January 2024.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby adopts the Schedule of Regular Council Meetings dated December 6, 2022, for calendar year 2023 and January 2024.

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

6. Consent Calendar.

a. Action to schedule public information hearing – Main Street/Route 17 sidewalks.

Motion by: Ms. Carroll

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, January 10, 2023, in the Council Chambers of Town Hall with the option for Zoom Video Conferencing, to consider proposed construction of new sidewalks

along Route 17/Main Street sidewalks Phase 3 generally extending between the Cider Mill and Red Hill Drive, as described in a report by the Town Manager dated December 2, 2022.

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

7. Town Manager's Report.

Mr. Johnson stated that the annual CIP workshop will be held on January 19 in the RCC. Longtime recreation supervisor Bill Engle was recognized by the CRPA with a Distinguished Service Award. The Town was awarded a \$500,000 grant to support its Livable Communities Initiative. One of those projects is to place an open-air pavilion at the Cider Mill. Town Planner Jon Mullen will be leaving in mid-December. There will be a period of about a month where the town will not have a Planner Director or a Town Planner. He has also provided a list of capital projects with their status report.

Mr. McChesney asked if sign-ups for road races this year are down as opposed to last year. Mr. Johnson stated that races across the state have not bounced back from the pandemic. He will check whether sign ups were greater last year or not. Ms. Carroll encouraged all to read the staff thank you notes. Regarding the public hearing on sidewalks in January, Mr. Osgood asked to put a few stakes in the property. Mr. Johnson stated that they will send a note to property owners on both sides of the road. They will put stakes in on the west side. The State has agreed to adjust their required snow shelf area. Mr. McChesney also requested photos to show the site. Mr. Johnson agreed to provide that.

8. Committee Reports.

a. Chairman's Report.

Mr. Gullotta stated that this is the week to start reading "A Christmas Carol," and his seed catalogs have begun.

b. MDC.

Ms. LaChance stated that MDC voted on the budget. Water rates went down slightly.

c. CRCOG. *None*

d. Policy & Ordinance Review Committee – report and recommendation – Reserve for Land Acquisition and Preservation.

Ms. Carroll explained that the subcommittee reviewed the language for the Reserve for Land Acquisition and Preservation. The following changes are suggested: in section 2-287 part a #2, to remove "land that has development value for town buildings, such as school or municipal facilities." In #1, to remove "as outlined in the park and recreation plan of development." In #3, to add "and/or historical archaeological value." In #6, to remove "land that promotes orderly development of the town."

Mr. Osgood asked why the suggestion to delete #2. Ms. Carroll explained that, apart from land that became Nayaug school, none of them have been used in the capacity of a school or municipal facility. Mr. Osgood stated that the reserve gives the Council the ability to act quickly on parcels that become available. Mr. Gullotta countered that the process of using the General Fund takes about the same amount of time as the reserve. Thus, to say that it is only land acquisition that one would use to buy a future municipal site is specious. In the public's mind, this land acquisition fund is used for open space recreational purposes, not for municipal things.

Mr. Osgood believes that reducing their flexibility in this manner is short-sighted because the criteria as it is written has been supported by the public this whole time. Mr. Cavanaugh contended that the General Fund Unassigned Fund Balance might not always be there. He was more interested in language that would not permit any housing developments on open space. He was told that eliminating #1 would accomplish that. Mr. McChesney explained that the distinction between the General Fund and what was just voted on is that the Council cannot bond an item with monies used from the General Fund. His concern is that if they take out the municipal use language in #6, then they would not have the flexibility to do what was done with the Welles Street acquisition, which in part, funded parking rights into the land deal. Someone could sue the Town for improperly using the funds by throwing parking rights into the purchase.

Mr. Niland shared Mr. Osgood's concern about limiting their ability in the future. He agreed with Mr. Cavanaugh that they need to protect their fund balance to maintain the Town's AAA bond rating. He looks forward to hearing from the public on their thoughts on municipal space. Mr. Osgood asked about the reason for deleting #1. Mr. Johnson explained that the notion was that limiting recreational value to that defined by the parks and recreation department is restrictive. Now, it would simply read as, "land that has recreational value." Mr. Niland asked the Town Attorney to review the language before voting on it. Mr. Johnson will ask Attorney Collins to do so.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby sets a public hearing to discuss potential changes to the Reserve for Land Acquisition and Preservation language on January 24, 2023, in the Council Chambers of Town Hall, with the option for Zoom video conferencing.

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. Johnson explained that at the last meeting, the Council requested a legal opinion from the Town Attorney regarding the BOF's decision. The Town Attorney opined that the BOF's action was outside of its purview of the matter before them. Future cost was not the matter referred to the Board. In terms of remedy, the Town Attorney's suggestion was to refer the matter back to

the BOF to reconsider their decision. A purchase and sale agreement has been executed, which calls for Council action by December 9. The BOF is looking to have a special meeting this Thursday. If they do reconsider the matter, it could return to the Council.

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

Sara Bass of 5 Knollwood Drive, asked when construction will restart on the five-story apartment building. She also thanked the Council for having someone speak about how housing has been reevaluated. She supports putting something about that in the Glastonbury Citizen. Lastly, she spoke to the Nye Road purchase. She is uncomfortable with how little they know about the cost for the town. There is no guarantee that doing anything will make any difference. Going down this path will pose a tremendous burden on town staff and volunteers.

D.J. McBride of 263 Spring Street Extension, asked the BOF members to reconsider their vote. The reason this is an issue is because 8-30g projects are being built in areas that do not align with the Town's zoning preferences. The Town must start now to get to their goals. The Nye Road purchase must happen because otherwise, more 8-30g projects will come their way.

Luther Weeks of 334 Hollister Way West, stated that this purchase is a unique opportunity which the Town must grab. For three BOF members to go rogue and vote on policy decisions sets a bad precedent. He finds it very surprising that there is no alternative to a town board going outside their scope.

Denise Weeks of 334 Hollister Way West, stated that part of their mission as a community is to be inclusive. This has a direct impact on the way that they educate their children. One is not a fully educated person in today's world if one does not have exposure to people of other races and cultures. She would like to see more diversity and affordable housing allows for that. Having this affordable housing complex will also benefit town employees, as affordability may be an issue for commuters to be able to live in town.

Bill Hyatt of 42 Kenneth Drive, advocates for a more incremental approach to this than has been portrayed in the media. Nye Road is in the most densely developed area of town. The area in question is virtually the only green space left in that part of town and already sees heavy traffic. He supports affordable housing but seeks a more modest proposal for the number of units and sensitivity for environmental areas. He hopes that these additional concerns will be taken into consideration. He has also been troubled by the way this project was communicated. This should be an opportunity to do the right thing, not to get the greatest number of units possible to qualify for a moratorium.

Lois Gamer of 107 Autumn Lane, sees the \$3 million as free money to Glastonbury which could be used to purchase this property. It is a large piece of property that does not come down the road often. If this does not go through, she asked what the alternative plan is. She would rather this project be developed than another five-story complex, which only yields about 22 affordable units. She also noted that if anyone is concerned about the price, the state does not care. They have mandated that affordable units must be built, one way or another. This is a golden opportunity to do so.

Ms. Carroll read the written comments received:

Jim Boice of 274 Spring Street Extension, posed a series of questions that have yet to be answered about this proposed purchase: Why is the owner selling? Are there problems with the buildings or site? What is the lost tax revenue? What is the cost to buy out the leases? How are these costs going to be made up? If the Town keeps one building for the BOE, what are the costs to renovate compared to current lease costs? What are the demolition costs? Are there any unforeseen demolitions issues? What are the site costs and the building cost? What are the environmental impacts to the wildlife? Will there be an environmental impact statement done? Can the infrastructure accommodate the proposed development, or do they need to be upgraded? Will there be a traffic study? How long will this project take? The biggest question is, will this project have any impact on the housing issue? Is this the best way to address the housing issue or are there other ways? He thinks that these questions need to be addressed before moving ahead. Also, this is not free money. It is still taxpayers' money that came from the federal government.

David Gonci of 30 Delmar Road, believes that the Council should take all necessary steps, including legal action, to achieve its objectives and overcome opposition from the Board of Finance. This is appropriate and urgently needed governance in the interests of the town.

Motion by: Ms. Carroll

Seconded by: Mr. McChesney

BE IT RESOLVED, that the Glastonbury Town Council hereby formally asks the Glastonbury Board of Finance to reconsider its decision, given an opinion by the Town Attorney; and to continue the public hearing to a special meeting that is scheduled on Thursday, December 8, 2022, at 6:30 P.M.

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

Mr. Osgood noted that at the BOF meeting, one of the members said that it would have been helpful if the Board had more information from the Council. He would like to have the due diligence information tonight instead of waiting until Thursday, to get that information to the Board before their meeting. Mr. McChesney does not believe that there is a need to hold an executive session tonight, as there will be a conversation on Thursday.

Motion by: Mr. Osgood

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby enters into an executive session.

Result: Motion failed {3-6-0}, with Mr. Osgood, Mr. Cavanaugh, and Mr. Cavanna voting for.

Mr. Gullotta concluded that this public hearing is being continued to the special meeting on December 8, 2022.

NO. 2 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 (CONTINUED FROM NOVEMBER 22).

Mr. Johnson explained that the Council has reviewed what was recommended by the TPZ. There was a question about the 3000 square foot minimum, which they sought to better define. They also asked if there could be some type of formula on preserving the streetscape. The Town Attorney has pointed out that the MacKenzie case confirmed that the guidelines must have specific criteria. He has spoken with the bicycle advocates in town on ideas regarding design, and the TPZ has been asked for a little clarity on their recommendations, which they will redraft. Mr. Gullotta is willing to go above 50%, to perhaps 55%. Mr. Osgood is more comfortable with a lower number, perhaps 40%. Mr. Cavanaugh is very reluctant to give up commercial space in the Town Center area, so he agreed with Mr. Osgood.

Mr. McChesney does not know where he will shake out on the percentage. The impetus behind this is to ensure that the Town Center area does not become a row of apartments along Main Street. He would be more comfortable with some type of discretion. Mr. Niland also does not know where he will land on the percentage. He noted that very few commercial properties are empty in Middlefield. He shares some concerns about giving up retail space. One issue with bringing in new developments is that mom and pop stores will not be able to afford some of these new retail spaces. Ms. LaChance also does not know where she will land on the percentage, and she also wishes that there was a way to have some discretion. She is interested in hearing more from the TPZ.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby continues the public hearing to the January 10, 2022 meeting.

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

9. Communications. None

10. Minutes.

a. Minutes of November 22, 2022 Regular Meeting.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

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

11. Appointments and Resignations.

a. Reappointment of James Noonan to the Housing Authority (D-2027).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Reappointment was approved unanimously {9-0-0}.

b. Appointment of Chris Haaf to the Commission on Aging (R-2025).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Appointment was approved {8-1-0}, with Mr. Gullotta voting against.

c. Resignation of Philip Markuszka from the Zoning Board of Appeals (Alternate, R-2023).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Resignation was approved unanimously {9-0-0}.

12. Executive Session.

a. Potential land acquisition.

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 at 8:53 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, Mr. Kurt Cavanaugh, Ms. Deborah Carroll, Mr. John Cavanna, Ms. Mary LaChance, Mr. Jake McChesney, Mr. Whit Osgood, and Ms. Jennifer Wang, with Town Manager, Richard J. Johnson.

The Executive Session ended at 9:25 P.M. No votes were taken following the Executive Session.

Meeting adjourned at 9:26 P.M.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

Thomas Gullotta

Chairman