

**GLASTONBURY BOARD OF FINANCE
SPECIAL MEETING MINUTES
THURSDAY, DECEMBER 8, 2022**

The Glastonbury Board of Finance, along with Town Manager, Richard J. Johnson, and Keri Rowley, the Finance Director, held a special meeting at 4:00 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.

Roll Call

Members

Mr. Constantine “Gus” Constantine, Chairman
Mr. Jared Soper, Vice Chairman
Mr. James McIntosh
Ms. Susan Karp
Mr. Robert Lynn {participated via Zoom video conferencing}
Mr. James Zeller

1. Public Comment Session: Comments pertaining to the call.

The following comment was made via Zoom:

Anne Bowman of 62 Morgan Drive, supports using ARPA monies for the Nye Road land acquisition to increase affordable housing in Glastonbury. She asked the BOF to vote in favor of this land acquisition which is supported by the advice of the Town Attorney and most Glastonbury residents. The Council is the government body charged with making this policy decision. By taking that away, the BOF will set a dangerous precedent.

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

D.J. McBride of 263 Spring Street Extension, runs GlastonburyVoter.com, a website designed to educate voters on political issues. He has spoken to both Democrats and Republicans and found that there is nothing less popular in town than the Manchester Road/Hebron Avenue project. CGS 8-30g is political kryptonite. Voting against the Nye Road project will cause Republicans in town to lose votes and elections. He asked that the Republicans put down the kryptonite and let the Democrats pick it up. Should the project fail, then it will be the Democrats’ loss to bear.

Denise Weeks of 334 Hollister Way West, urged the BOF to support the Nye Road purchase. The Town Charter lays out specific responsibilities for the Town’s various boards and commissions. There are checks and balances. It is the Council’s role to enact policy decisions, not the BOF. The purchase has received overwhelming support from residents in three public hearings. The monies are in the form of a federal grant, so there is no cost to the Glastonbury taxpayer. To vote unfavorably based on that technicality would not honor the intent of the Charter or the voters.

Rob Dakers of 15 Trifiro Circle, also spoke on behalf of Glastonbury’s First Church Interfaith Alliance Team, urging the BOF to vote in favor of the Nye Road purchase. He thanked the BOF

for their bipartisan approach, which has served the town well. The issues legally before the Board are whether ARPA funds are available and if they can be used for this purchase. The broader public policy decision as to the use of those funds belongs to the Town's elected legislative body, the Council, which has received extensive public comments in favor of this proposal.

Pamela Lucas of 145 Moseley Terrace, asked those who voted against the Nye Road purchase to change their votes to yes. This would act in accordance with the Town Attorney's two opinion letters to the Town Manager. Most residents support the use of this purchase. Prioritization of potentially competing needs is a policy decision, which is decided by the Council, not the BOF. She then noted the 1932 Connecticut Supreme Court case of Groton Stonington Traction Co. v. Groton, which found that the statute's provisions are not to be interpreted in giving the BOF unlimited discretion as to the appropriations it will recommend. She asked to respect State Supreme Court precedent and the Council's determination regarding this purchase.

Deb Carroll of 17 Green Briar, is a member of the Town Council. She insisted that the BOF do their job as defined by the Town Charter and identified twice by the Town Attorney, at the Town's expense. The only question the Board is being asked is whether there is ARPA funding available and does the project fall under the parameters of that funding or not. Whether or not the BOF likes the project or thinks that there will be future funding needs is irrelevant.

Larry Niland of 3271 Hebron Avenue, is also a member of the Town Council. He repeated that only two questions are being asked for the BOF to consider: does the Town have the ARPA funds and is it an appropriate use of said ARPA funds. The answer to both of those questions is yes. If there are expenses down the road, the Council will return to the BOF for comment and action. However, acting outside of the Town Attorney's opinion twice and trying to rule on policy is outside of the scope of the BOF.

Whit Osgood of 283 Dayton Road, also spoke as a member of the Town Council. He noted that the Town Charter gives the BOF the obligation to approve any off-budget items. To say that the BOF can only review whether the money is available is not consistent with the Charter. It was legitimate for the BOF to ask what was necessary to understand what the funding was for and whether they have enough information to make that determination tonight remains to be seen.

2. The business to be transacted involves reconsideration and possible action on allocation of \$3.4M in ARPA funding for proposed Town purchase of the property at 50-55 Nye Road.

Mr. Johnson explained that the Council had referred to the BOF an action on funding approval for an affordable housing project which would be constructed either in cooperation with the GHA, a private entity, or both. The Council has been talking about this project for some time. When the Board's vote was brought back to the Council, they asked the Town Attorney to comment on that vote. He determined that the BOF acted outside their purview. Earlier this week, the Council asked the BOF to reconsider the matter. Mr. Johnson noted that the Board sent in a list of questions, which he has responded to. Neil Griffin of the GHA is here tonight to answer any outstanding questions that the Board may have.

Motion by: Mr. Zeller

Seconded by: Mr. McIntosh

BE IT RESOLVED, that the Glastonbury Board of Finance hereby rescinds their actions of the November 16 meeting.

Result: Motion passed unanimously {6-0-0}.

Motion by: Ms. Karp

Seconded by: Mr. McIntosh

BE IT RESOLVED, the Board of Finance makes a favorable recommendation to the Town Council on the proposed appropriation of \$3.4M in American Rescue Plan Act (ARPA) Funds for proposed purchase of the land and improvements at 50-55 Nye Road with such action based on the following determinations:

- 1. ARPA monies awarded to Glastonbury are available for the \$3.4M appropriation*
- 2. Use of ARPA funds for governmental services and in support of affordable housing opportunities are permitted and encouraged uses of ARPA money.*

Disc: Mr. McIntosh stated that the Charter is the source of the BOF's duties and powers. It speaks repeatedly about non-budgeted appropriations. However, he thinks that the use of the term "appropriations" in the Charter was not intended to cover the matter before them tonight. In his opinion, this matter never should have come to the BOF in the first place because it is not an appropriation as per the Charter. The Town Attorney's opinion cites the Council's vote taken on November 9. The Council asked for a funding report and a recommendation from this Board. They did not ask for approval. He thinks that the last thing the Council wanted from the BOF was a recommendation because that leads to the type of discussion that they had.

The Council wants to know whether the necessary steps are in place to spend the money. He does not think the BOF is involved - or should be involved - in that decision. However, his opinion is not shared by the other members of this board. If it is an appropriation, then it means that the BOF should certify that there are sufficient funds available and that they approve of the appropriation, which is what the Charter calls for. If the Board decides that it is an appropriation, he favors amending the motion to reflect that they approve the appropriation.

The motion was amended to read as follows:

Motion by: Mr. McIntosh

Seconded by: Ms. Karp

BE IT RESOLVED, the Board of Finance approves the appropriation of \$3.4M in American Rescue Plan Act (ARPA) Funds for proposed purchase of the land and improvements at 50-55 Nye Road and the Board certifies that sufficient funds are available to allocate to the project, with such action based on the following determinations:

- 1. ARPA monies awarded to Glastonbury are available for the \$3.4M appropriation*
- 2. Use of ARPA funds for governmental services and in support of affordable housing opportunities are permitted and encouraged uses of ARPA money.*

Disc: Ms. Karp asked if the Town Attorney looked at the Charter before giving the Board one of his two opinions. Mr. Johnson stated yes, he did. Ms. Karp asked her colleagues to keep the discussion to the two matters before them. Mr. Soper assumed that these are town funds and that this is an appropriation because it came before the BOF. He felt that the BOF should have had more information before them at their last meeting. The memo they received indicated that this was part of a larger project. Thus, he believes that the Board continues to be appropriate in looking at this in its full scope. He does not believe it appropriate for council members to lecture to the BOF. The Board has never really had input from the Council unless they sought it out. It is his responsibility as a BOF member to look at this whole project. If Mr. McIntosh is correct and this is not town money but a grant, then it would not be his responsibility.

As Mr. Soper understands it, the cost may be higher to the town, but it may not be. This is a question that he would like answered. At this point, it does not appear that the Town has a partnership with the GHA or a private developer. Neither does there seem to be any written letter of intent or obligation. The southerly building may be used for town purposes, but he does not know what the costs are associated with that. Lastly, if the project does not proceed, he asked if there are options to recoup the \$3.4 million. He does not seek to make any sort of policy decision. This project appears to be greater than just the purchase of land, so he has a responsibility to know these things.

Ms. Karp noted that the Town has never received ARPA funding before. Mr. Johnson stated yes, it is a unique situation. These funds are awarded to the town and placed in a special revenue fund, to be allocated at the discretion of the town, for purposes outlined by the ARPA legislation. Because of the uniqueness of the funds, Ms. Karp believes that the Council acted properly in seeking an opinion from the Town Attorney, who determined that this action should go to the BOF to act on the two parameters he outlined. Additionally, there have been many times when land purchases have come through with unforeseen expenses. These questions were answered at the Council meeting by Mr. Johnson and Mr. Griffin. If the Board seeks a guarantee on what the absolute cost will be going forward, that is unrealistic. The \$3.4 million is to purchase the property. If there are additional expenses, the Council will have to make tough decisions about prioritization, and she expects that many of those decisions would return to the BOF to make a recommendation.

Mr. Zeller stated that this is not a political decision for him. He thanked the Council and Mr. Johnson for getting information to the Board. He noted that over a year ago, the BOF was told that they have no role with ARPA. They did not contest that. The BOF did not look to interject themselves into this project. As to the specifics of the legal opinion, he finds it weird that the Town Attorney specified clause 501 but ignored the other subsections. They are not conditional on one another. The day after the BOF voted, Mr. Zeller was informed that the roof on one of the buildings was a problem which could cause substantial funds. He asked Mr. Johnson for more information on that. Mr. Johnson stated that he is not at liberty to discuss that in public. Mr. Zeller asked if the Board could discuss it at an executive session, to which Mr. Johnson replied no because this is a special meeting and executive session is not on tonight's agenda.

Mr. Zeller expressed concern about the real cost of this purchase. It could end up being a \$25 million project. Ms. Karp countered that it has been made very clear that this development is not going to be at the expense of the Town. Mr. Zeller asked, if the Town purchases this property, would the GHA take on the project. Mr. Griffin from the GHA stated that should the Council

decide not to pursue a partnership with a private entity, the GHA is eager to develop this project. They are ready, willing, and able to go forward. Mr. Zeller stated that that was not established up until now. Ms. Karp countered that the Board received that information a few days ago. Mr. Zeller explained that his question was whether there was a law that held the GHA to the project and the answer was no.

Mr. Constantine finds that the word “insist” by Ms. Carroll was inappropriate. Mr. Lynn agreed. Mr. Soper is pleased with Mr. Griffin and Mr. Johnson’s answers to their questions. He encouraged that in the future, when the BOF is being pushed for a decision, that they be provided with more information on a timely basis. Mr. Lynn also wishes that the BOF could have had additional information earlier. He supports affordable housing and wishes that the Town did a better job of integrating it into the community. He will support tonight’s action but hopes that zoning laws will be revisited, and low-income housing will be encouraged throughout the community and not just in this location. Many good opportunities have been missed over recent years which has resulted in this knee-jerk reaction to do this project now. The Board needed better information from the Council, which he hopes will move forward in a more proactive way.

Ms. Karp explained that she served on the Council for ten years, so she understands their frustration. She applauds their persistence because without it, the Board would not be here tonight. She is impressed with town residents who took the time to express their concerns. This process has demonstrated that residents are informed. They know that town government has successfully managed many purchases and projects for the betterment of the community. Residents and voters are who they ultimately answer to. She looks forward to voting for this and bringing forward an outstanding project.

Result: Amended motion passed unanimously {6-0-0}.

3. Adjournment

Motion by: Ms. Karp

Seconded by: Mr. McIntosh

BE IT RESOLVED, that the Glastonbury Board of Finance moves to adjourn their meeting of November 16, 2022, at 4:55 p.m.

Result: Motion passed unanimously {6-0-0}.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

For anyone seeking more information about this meeting, a video on demand is available at www.glastonbury-ct.gov/video; click on Public Broadcast Video On Demand, and an audio recording is available in the Finance and Administrative Services Office.