



**BOARD OF SELECTMEN MEETING MINUTES**  
**Wednesday October 27, 2021**  
**Town Hall Meeting Room – 6:30 PM**

1. **CALL TO ORDER** – A meeting of the East Granby Board of Selectmen (BOS) was held on Wednesday at the Town Hall Meeting Room. First Selectman Hayden called the meeting to order at 6:30pm. Selectman Doering and Selectwoman Wimpfheimer were present.
2. **PUBLIC COMMENT** – Paul Oliva Chairman of the Economic Development Commission expressed his and the Commissions involvement with the Tax and Business Incentive Program Ordinance. Paul along with the Commission are strongly in favor of the Board of Selectman adopting the Ordinance and moving to Town Meeting for approval to induce new development in town.
3. **CORRESPONDENCE** – Connecticut Foodshare, BOF Approved 5-year Capital Plan, East Granby Veterans Memorial, Treasurer’s Report – September, General Government Financials – September, Response to Request for Blind Drive Signs on Route 20, MIRA Presentation on Connecticut’s Solid Waste Disposal Crisis, Cub Scout Thank You Letter,
4. **MINUTES** – Selectwoman Wimpfheimer made a motion to accept the October 13, 2021 minutes as presented. Seconded by Selectman Doering. **Motion Approved Unanimously.**

The consensus of the BOS was to request that the Town Attorney discuss and answer questions on agenda items 5 (e) and 6 (b) and then the BOS would take action on those items later on in the agenda.

**5. OLD BUSINESS**

- a. **School Town Building Committee Report** – First Selectman Hayden mentioned paving has been completed for the year with the exception of driveway aprons. The Building Committee is waiting for State and Federal environmental approvals for the Scour Project at Floydville Bridge.
- b. **Economic Development Report** – Planning and Zoning Commission is conducting a public hearing on November 9, 2021, regarding a possible regulation change that would not allow cannabis retail establishments in Town. First Selectman Hayden mentioned Pioneer Optics is under construction. Almost Famous Brewery is waiting for Federal

approval for licensing. A new bakery, “The Craft” and an optometrist are opening soon in the East Street Shops.

- c. **Back Office Shared Services Opportunities** – No new information.
- d. **Long-Term Recovery Committee Report** –Selectman Doering asked if the town has received any additional information from Community Health Resources (CHR) regarding COVID related mental health programs. First Selectman Hayden said that the town is awaiting a proposal from CHR, and he will ask staff to follow up with them.
- e. **Act Upon Commercial Incentive Draft Ordinance** – Town Attorney Derek Donnelly mentioned the Economic Development Commission has worked on this ordinance for some time. He discussed how the EDC explained what they are trying to achieve through a comprehensive presentation to the Board of Selectman. This ordinance is for both new and existing businesses. The purpose of the Incentive Program is to attract new businesses to the Town, promote expansion of existing businesses, and to encourage rehabilitation and reuse of vacant commercial and industrial buildings. The process can move as quickly as the applicant can get information to the Economic Development Commission, who can make a recommendation to the BOS. If the Ordinance is approved at Town Meeting, the BOS would have the authority to approve incentives for qualified entities.

Selectman Doering made the following motion for Town Meeting action:

*BE IT RESOLVED: That the East Granby Ordinances are hereby amended at Chapter 278 to include a new section titled “Tax and Business Incentive Program Ordinance”.*

**278-1. Tax and Business Incentive Program; Authority.**

*Subject to Connecticut General Statutes (“CGS”) Sec. 12-65b and Sec. 12-65h, the Town of East Granby (sometimes referred to herein as the “Town”) may, by affirmative vote of its Board of Selectmen (BOS), enter into a written agreement with any party owning or proposing to acquire an interest in real property in the Town or with any party who is the lessee of, or proposes to be the lessee of real property in the Town, or an interest in real property upon which is located as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon, which is the subject of the agreement in accordance with provisions of this Ordinance.*

**278-2. Purpose**

*The purpose of the Tax and Business Incentive Program (the “Program”) is to attract new businesses to the Town, promote expansion of existing businesses (including home based businesses relocating into commercial and industrial zones), and to encourage rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town: (1) to assist in the creation of jobs for local area residents, (2) to create long term tax base growth through the replacement, reconstruction, expansion and remodeling of*

*existing business facilities where appropriate and not injurious to the surrounding environment , (3) to encourage construction of new commercial and industrial facilities, and (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.*

### **278-3. Economic Development Commission.**

*The East Granby Economic Development Commission (EDC) acting through the Director of Community Development, shall provide any property owner or lessee with general information concerning the Program, prepare and supply interested parties with a fact sheet about the Town, an application to participate in the Program and any other information that may be reasonably requested by an interested party.*

*A. For purposes of this ordinance, an “interested party” is one who owns or proposes to acquire an interest in real property in East Granby or otherwise meets the definition of an owner or lessee of real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be relocated in East Granby.*

*B. The EDC, or its designee, may perform research about any party applying to participate in the Program and may request of such party any relevant information that in the opinion of the EDC or the Board of Selectman (BOS) bears upon consideration of the application. The EDC, or its designee, shall obtain from the Tax Assessor an opinion of the impact of any proposed abatement of taxes on the applicable Grand List and on future Grand Lists.*

### **278-4. Qualifying Businesses.**

*All business uses enumerated in subdivision (b) of CGS Sec. 12-65b, provided that the business use is consistent with Town ordinances, regulations, rules, and codes and with the East Granby Plan of Conservation and Development, may apply under the provisions of this ordinance. However, applicant applying for Tax and Business Incentive Program will not be eligible if they have already been approved for the Brandley Development Zone tax abatement program and receiving both incentives at any time for same project is strictly prohibited.*

*All applicants should have no fines or violations assessed against the applicant or its subsidiaries by state or federal agencies regarding environmental or health codes and be able to demonstrate adequate documentation on the proposed capital investment being proposed for the improvements and expansions to the real property that would be the subject of the agreement. Applicants shall apply for New Business Development or Expansion Abatement, or Commercial Lease Vacancy Abatement as set forth in this ordinance.*

### **278.5 General Requirements.**

- A. *Applications filed with the Town will be granted provided:*
- a. *The applicant is seeking either a New Business Development or a Business Expansion Abatement or Commercial Lease Vacancy Abatement, as defined herein.*
  - b. *The proposed use is located in an appropriate zone as defined in East Granby's Zoning Regulations.*
  - c. *The proposed use receives all necessary approvals, licenses, and permits from the East Granby Planning and Zoning Commission and any other Town, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, if such approvals, licenses, or permits are required under applicable laws, regulations, rules, and codes.*
  - d. *No real estate property tax or other tax or fee or municipal charge due East Granby is unpaid at the time the Application is submitted or at any time thereafter.*
  - e. *If the applicant is relocating its business to East Granby, the applicant shall provide a maximum of five-year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated, as is available, and as determined by the Town. The project should have a clear economic benefit to East Granby.*
- B. *The applicant shall submit in writing with the Application a list of benefits, such as new jobs and growth of the Town grand list, to be realized by East Granby if the applicant receives tax incentives under the Program. Applicants are encouraged to provide East Granby residents with the opportunity to apply for open positions and businesses the opportunity to bid for construction jobs and projects and be accorded priority provided such applicants meet all of the criteria of established job requirements or are competitive and qualified bidders.*

### **278-6. Application Procedures.**

- A. *All tax incentive requests shall be made in writing on a form referred to as Tax and Business Incentive Application (the "Application") published and provided by the EDC and approved by the BOS as it may be amended from time to time. The Application shall have a processing fee of One Thousand Dollars (\$1,000.00).*
- B. *The Application, fee and all accompanying documentation required hereunder or voluntarily provided shall be submitted in duplicate at the Office of the First Selectman. Upon receipt by the BOS, one copy of the Application shall be provided to the EDC for preliminary review.*

- C. *For purposes of this ordinance, “receipt by the BOS” means an Application and all accompanying documentation required in accordance with all applicable provisions of this Ordinance is submitted. The following time periods for review of the Application and action are not mandatory, nonetheless, the EDC and the BOS shall try to meet the time limits stated hereafter: From date of receipt by the BOS of the Application the EDC and the Director of Community Development will review the Application for completeness, request additional information and meet with the property owner and/or lessee or the property owner and/or lessee’s representatives. Provided the property owner and/or lessee has provided all information required in the Application, by this Ordinance and by the EDC, or its designee, the Director of Community of Development will approve the application thereafter report its findings to the BOS. The BOS will place the application on the agenda of the next regularly scheduled BOS meeting for discussion and will take action on the application within thirty (30) days. If the BOS approves the application, the First Selectman and the property owner/lessee shall enter into a written agreement.*
- D. *The approval of this ordinance by Town Meeting shall provide the Board of Selectman with authority to enter into such agreements as set forth by Connecticut General Statutes Sec. 12-65b and Sec. 12-65h.*

**278-7. Assessment of the Property Subject to the Agreement.**

*The East Granby Assessor shall determine the assessment of the real property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement and report those findings to the Board of Selectmen before any final approval is voted on by the Board of Selectmen.*

**278-8. Specific Requirements of the Tax Incentive Agreement.**

*Pursuant to CGS Sec. 12-65b(a) the assessment of real property and all improvements in or on or to be constructed in or on said real property may be abated for a period of not more than five years. The level of abatement shall be dependent upon the value of the applicant’s investment into the property as defined below.*

- a. *New Business Development or Expansion Abatement: For commercial real property investments, expansions, and new construction. New Business Development shall be defined as an eligible project involving real property, new construction, or renovation, or tenant buildout, for either a new to town business, or the relocation of town business to new project site. Business Expansion shall be defined as an eligible project involving an addition or renovation, or tenant buildout of the applicant’s existing property and/or facilities.*
- i. *Applicants making an investment of \$500,000 shall receive an abatement of 50% of their increased tax assessment.*
  - ii. *Applicants making an investment of \$1,500,000 shall receive an abatement of 55% of their increased tax assessment.*

- iii. *Applicants making an investment of \$3,000,000 shall receive an abatement of 60% of their increased tax assessment. Additionally, such applicants shall also receive a 15% discount on all required Building Permits.*
  - iv. *Applicants making an investment of \$6,000,000 shall receive an abatement of 65% of their increased tax assessment. Additionally, such applicants shall also receive a 25% discount on all Building Permits.*
- b. *Commercial Lease Vacancy Abatement: If the applicant is a tenant operating under a written lease, the term of the lease must be for no less than five years. Additionally, the lessee must lease from the lessor a minimum of 15,000 sq ft of commercial space. The agreement and the tax incentives must be clearly recited in said lease and be for a period no less than the applicable term of the tax abatement period. A copy of said lease shall be submitted at the same time as the Application to enter the Program.*
- i. *Applicants leasing space that has been previously vacant for a period of at least a year shall receive an abatement of 50% of their total tax assessment for the space applies to the lease, for a period of three years, provided that the real property taxes are the responsibility of the applicant pursuant to lease.*
  - ii. *Applicants leasing space that has been previously vacant for a period of three years or more shall receive an abatement of 100% of their total tax assessment for the space as it applies to the lease, for a period of five years, provided that the real property taxes are the responsibility of the applicant pursuant to lease. The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the October 1st immediately following the issuance of a Certificate of Occupancy for construction of the buildings, additions, and all improvements in or on the real property which is the subject of the agreement.*
- c. *In the case of new construction or improvements to an existing facility, such construction shall commence within six months of approval of the Agreement by the Town Meeting and shall be completed no later than twenty-four months from date of approval by the Town Meeting. The times for commencement and completion of the construction are mandatory except owner or lessee's performance may be excused when the owner or lessee is prevented from performing by causes beyond owner's or lessee's control including natural disasters, fires, or other calamities or a state or national declared state of emergency.*

**278-9. Default by the Owner or Lessee.**

- A. *Under the Terms of the Agreement In the event the owner or lessee of the real property:*

- a. *Fails to pay real estate and/or personal property taxes when such taxes are due and payable; or*
  - b. *Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement; or*
  - c. *Becomes insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within ninety (90) days or such other proceedings have not been dismissed or withdrawn by such other parties within ninety (90) days or makes an assignment for the benefit of creditors or if the property or lease is taken under any writ of execution or becomes the subject of foreclosure proceedings; or*
  - d. *Abandons the real property or, in the case of the lessee, purports to assign its lease without the express consent of the Town as set forth in Section J of this Ordinance; or,*
  - e. *Fails to perform any obligation of owner or lessee under the terms of the agreement.*
- B. *Then such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (i) the right of the owner and/or lessee to receive tax abatements and any other considerations granted to the property owner and/or lessee under the terms of the agreement shall cease and come to an end; and, (II) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs of the Town in providing in kind considerations to the property owner and/or the lessee.*
- C. *In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted to the property owner or lessee under the terms of the agreement shall cease and come to an end; and, (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs of the Town in providing in kind considerations to the property owner and/or the lessee.*

**278-10. Assignment of the Agreement.**

*The agreement between the Town and the owner and/or lessee of real property shall not be assigned by the owner or lessee to any person(s) or business organization or entity or estate or trust without the express consent of the BOS. A conveyance of the real*

*property or a transfer of ownership of the business or substantially all of the assets of the business, which is the subject of the agreement, to a person or business organization or entity that is not owned or controlled by the owner of the real property and/or the owner of the business who are parties to the agreement with the Town, shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee of the real property or transferee of the business or of the assets of the business including but not limited to any remaining tax abatements under terms of the agreement. For purposes of this section a “controlled entity” means a business which is eighty or more percent owned by the grantor or transferor, as the case may be.*

**278-11. Amendments to Applicable Statutes.**

*All references to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.*

**278.12 Effective Date.**

*This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes, §7-157(b).*

Seconded by Selectwoman Wimpfheimer. **Motion Approved Unanimously.**

- f. Consider and Act Upon Property off Floydville Road** – No new information.
- g. Wildlife Crossing** – No new information.

**6. NEW BUSINESS**

- a. Tax Refunds** – Selectwoman Wimpfheimer made a motion to accept the Tax Refunds as presented. Seconded by Selectman Doering. **Motion Approved Unanimously.**
- b. Consider Draft Ordinance Use of Cannabis on Town Property** – Attorney Donnelly discussed that the proposed Ordinance would prohibit the use of Cannabis in terms of smoking, using vaping device, ingesting or any other edible substance in town parks and on all Town properties. The offender would get fined with an infraction.

Selectman Doering made the following motion for town meeting action:

*BE IT RESOLVED: The Code of the Town of East Granby is hereby amended to add a new chapter: "Chapter 226:Cannabis Use", which shall read as follows:*

***ORDINANCE PROHIBITING USE OF CANNABIS ON TOWN PROPERTY***



**226-1. Authority.**

*This ordinance is adopted pursuant to General Statutes Sections 7-148(c)(7)(H), as amended by Public Act 21-1 (June 2021 Special Session), Section 84, which allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned or controlled property. Said law further allows a municipality to control smoking of tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products), as well as and other types of cannabis use or consumption.*

**226-2. Definitions.**

*For purposes of this Chapter, the Town of East Granby adopts the definitions used in Public Act 21-1 (June 2021 Special Session), Section 1.*

**226-3. Cannabis Product Use Prohibited on Town Property.**

*It shall be unlawful for any person to use cannabis or cannabis-derived products, regardless of form or manner of ingestion, on any property owned or controlled by the Town of East Granby. This prohibition includes but is not limited to: the lighting or carrying of a lighted cannabis or marijuana cigarette or cigar or pipe, use of a vaping device producing vapor of any cannabis product, or carrying or ingestion of a cannabis edible substance. Violation of this section shall be punishable by a fine of \$50.00 per offense.*

**226-4. Sale, Gift, or Transfer of Cannabis Products on Town Property Prohibited.**

*It shall be unlawful for any person, organization, entity, or any other party to sell, give, trade, or in any other way transfer cannabis products of any sort to another person, organization, entity, or other party on property owned or controlled by the Town of East Granby. Such products include but are not limited to: cannabis or marijuana cigarettes or cigars or pipes, vaping devices and vaping substances, and edible substances. Violation of this section shall be punishable by a fine of \$50.00 per offense.*

**226-5. Effective date.**

*This ordinance shall take effect fifteen (15) days after publication of a summary of its provisions pursuant to Connecticut General Statutes §7-157(b).*

Seconded by Selectwoman Wimpfheimer. **Motion Approved Unanimously.**

**c. Appointments** – Selectwoman Wimpfheimer made a motion to appoint Trish Rondeau to the Inland and Wetlands Commission and to reappoint Doreen Jacius and Karen Hines to the Parks and Recreation Commission and to reappoint Josette Lumbruno to the Youth Services Commission. Seconded by Selectman Doering. **Motion Approved Unanimously.**

7. **PUBLIC COMMENT** – Resident Paul Calebaugh commented on the State DOT denial of his request for a blind driveway sign on Route 20. First Selectman Hayden said he would revisit that topic with CT DOT. Resident Calebaugh also said he was supportive of residents responsibly partaking of alcohol and marijuana at their private events at town parks. He mentioned other towns have a special permitting process allowing residents to have alcohol available at their event providing liability insurance and paying a fee. He also commented on the paving of Newgate Road. First Selectman Hayden explained that driveway aprons are still being paved.

8. **ADJOURN** – Selectman Doering made a motion to adjourn. Seconded by Selectwoman Wimpfheimer. **Motion Approved Unanimously** at 7:43pm.

Respectfully Submitted,  
Nicole Sokolowski