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# TOWN OF NORTH BRANFORD

TOWN HALL, 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT 06471  
TOWN MANAGER (203) 484-6000 TOWN HALL FAX (203) 484-6025

## MINUTES SPECIAL MEETING

### NORTH BRANFORD CONSERVATION & INLAND WETLANDS & WATERCOURSES AGENCY

Wednesday, June 18, 2025 – 6:30 p.m.

Town Hall, 909 Foxon Road, North Branford

#### 1. CALL TO ORDER and ROLL CALL

Chairman Scavo called the meeting to order at 6:38 p.m.

#### ROLL CALL

**Present:** Chairman Scavo, Member Brigano, Member Fischbach, and Member Joiner.

**Also Present:** David Perkins, Town Planner

**Not Present:** Member Galdenz, Member Whitworth, and Marie Diamond Town Council Liaison.

#### 2. PLEDGE OF ALLEGIANCE

#### 3. MINUTES

- Meeting of May 28, 2025- tabled until July 23, 2025 meeting.

#### 4. PUBLIC HEARING AND POSSIBLE ACTION

**A. Appl. #2025-2, West Pond Road/Glenwood Road** – application for subdivision for six (6) lots. *Owner/Applicant: BIC Investment Properties LLC, Bruno Ciccone.*

Chairman Scavo wanted to discuss the rules of the Public Hearing, Our Town Planner will share his comments and recommendations, then the applicant speaks next, then the Commission members, and finally the public.

Public Hearing Notice read into the record by Town Planner Perkins.

Legal Notice

North Branford Conservation and Inland Wetlands and Watercourse Agency. The North Branford Conservation & Inland Wetland Watercourse agency as its 5-28-25 regular meeting took the following action:

- 1) Set Site Walk for June 14, 2025 at 9:00 a.m. IWWA Appl# 2025-2 West Pond Road/Glenwood Road-Subdivision application for six (6) lots. Meet at cul-de-sac on Glenwood Road.
- 2) Set Public Hearing for June 18, 2025 at 6:30 p.m. IWWA Appl# 2025-2 West Pond Road/Glenwood Road-Subdivision application for six (6) lots. Owner/Applicant- BC Investment Properties LLC, Bruno Ciccone

Published in The Sound on Thursday June 5, 2025 and Thursday June 12, 2025.

Town Planner Perkins received a correspondence on June 17 2025 from David Sargent, 271 Forest Rd, Northford concerning App. 2025-2 West Pond Rd Glenwood Rd.

Dear Members,

I watched the May 28, 2025 presentation of the proposed cul-de-sac on Glenwood Road. He also participated in the walk held on Saturday June 14, 2025.

In the presentation, the proposed subdivision included a ROW (Right of way) for a future road. A road the engineer expressed the developer had no intention of building, but understood it may be built at a future time. The sole purpose of including this future road is to circumvent the Town Regulation limit of a “maximum of 12 residential lots on a cul-de-sac road” (the proposed 6 lot subdivision would make a total of 13 lots on the cul-de-sac road).

I think the most important purpose of zoning regulation is to limit the number of residential structures on a cul-de-sac road for fire and emergency service accessibility. Overriding regulation by creating a ROW for a possible future road, does nothing to protect the residents-until the road is built.

The future road is nearly 1,400 ft long. There are two areas where the road crosses the wetlands, and well over ½ of it is within the 100 ft review area. As the road is part of the development plan, and the development plan does not work without it, CIWWA should consider it as if it will be built and how it will affect the wetlands.

If an incident occurred on the cul-de-sac (such as loss of life or significant property damage), because first responders were hampered in attending to the issue (because of lack of egress or ingress), the town might be found liable- because it didn't follow its regulations. Further once the development is complete, and further reviews found the road necessary, the town would be responsible for the construction of the road, clearly a cost the developer should bear, not the town. Thank you for your time and consideration, David Sargent.

from zoning pov lot can only have sole access and applicant is saying is they have dual access to property but is not using it but showing on plan as access.

Member Fischbach would ask for legal doc for paper road. but with legal docs you could never develop it. would not approve of putting a road through there. Perks said it would depend on what the court determines access needs.

Chairman Scavo stated Before we move any further, is this is truly a planning and zoning issue? In other words, we are going to get an application, this application, we're going to be asked to approve it with this here how can we do that if I'm not convinced planning and zoning would maybe you can answer it would support or do it. I know we always have to see the application before planning and zoning I understand. It kind of puts us in a bad spot considering all the other issues we have to work through.

Town Planner Perkins responded that the proposal shows no impact to inland/wetlands on the site plan. Member Joiner added but the paper road certainly does. Town Planner Perkins responded that it shows no filling, or deposition on the site plan. Member Joiner stated that no, because they're not developing it. But what the question is, is if it has to be developed in the future, the town would be responsible for doing that at a cost to the town. Member Fischbach stated that our agency would not approve that if a road were to be built. Town Planner Perkins stated that there's no road being proposed. Member Joiner stated that it is proposed with the six lots. Town Planner Perkins stated that the proposal lives up to the legal interpretation of what access means. So, you can have from a zoning point of view, a lot can have sole access and what the applicant is saying is that there is dual access to the property, though whether I'm using it or not I'm showing it on the plan. Member Joiner said it's not access, it's flooded wetlands. Town Planner Perkins said that it is really a Planning & Zoning issue and in front of you it shows no filling, clearing, or deposition. It's not really an issue for your Commission; it's an issue for Planning & Zoning.

Chairman Scavo wanted to clarify that for better or worse if this moves to Planning & zoning, they will have to address it right? Town Planner Perkins responded that it may get to Planning & Zoning, and they say you need to show us access, and it would be sent back to CIWWA.

Member Fischbach stated that he thought, as wetlands agents if we asked for legal documentation prohibiting the development of the paper road and just leaving it as is. But with legal documents, it could never be developed.

Town Planner Perkins stated that it all depends on the court's interpretation of what access means. I mean if access means from a judge's point of view that you have the ability to get there or whether it's just frontage. I mean I would argue in front of you, is it the ability to get there once developed or the ability to get there as proposed.

Member Brigano said if they had to drive a fire truck down that 1,400 ft road, they wouldn't be able to do it. If it's approved, it goes to P&Z and then it says it needs the access road and then it has to come back to the CIWWA and then it would impact the additional lot.

Town Planner Perkins read his report. The wetlands report is from January 2000 and should be updated in the possible crossing areas. A 3-sided box culvert with natural soil bottom instead of pipes will have less impact on the wetland. Storm water/stream flow analysis is needed to size piping/culvert correctly.

Drainage near the crossing is desirable to clean road flow before it enters the water course. Swales and low impact designs are encouraged.

Provide prudent and feasible alternatives. Can the crossing be located somewhere else? How will the crossing affect the biology of the area? Please address tree removal in regulated areas.

See the following from the regulations:

7.5 e. The purpose and a description of the proposed regulated activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including but not limited to, measures to (a) prevent or minimize pollution or other environmental damage; (B) maintain or enhance existing environmental quality; or (C) in the following order of priority; restore, enhance and create productive wetland and watercourse resources;

7.5 f. Alternative (s) which would cause less or no environmental impact to the wetlands or watercourses and why the alternatives as set forth in the application was chosen; all such alternatives shall be dignified on a site plan or drawing.

7.6 d. A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland/watercourse functions.

7.6 e. This additional information shall also include, but shall not be limited to, the following information.

- 1) Terrestrial and aquatic dominant botanical species, rare species, and the height, age classes, and density of this vegetation.
- 2) Terrestrial and aquatic animal life.
- 3) Habitat value of the wetlands and/or watercourses for all indigenous and/or migratory, terrestrial, and/or aquatic wildlife species.
- 4) Depth of the water table or level of water if inundated.
- 5) Date of field determination of these data.
- 6) Evaluation of the probable effect of the proposed activity on the factors addressed in the biological evaluation (e.g. Section 7.6e 1-5)

7.6. f. Description of how the applicant will change, diminish or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which would cause less or no environmental impact to the wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent.

Chairman Scavo said we should have a request to have a soil scientist and have a biological evaluation of the property, which don't have. Member Joiner echoed that sentiment and added that it should include anything close to the wetlands in the 100ft review. Member Brigano said there should be a survey of the trees; there is a lot of wildlife in the trees and the forest over there to be considerate of.

Member Joiner stated that original application generalized application, there were no specific site plans for each lot, just generalized lot sizes with the wetlands. The original map we received didn't even have the houses located on them. So, we had asked for a map with the houses located on them. What we received is still too generalized. It delineates the wetlands and the 100-foot buffer, but it does not show the size or specs of each of the houses on the map, just to generalize the location of them.

When we went on the site walk, the mapped-out areas, the purple tagged corners. Again, we're just general outlines because the houses will probably be built to suit, but that's not good enough for this Commission. House designs and specific locations need to be identified and applied for before we will consider without specific locations, size and distance to the wetlands and upland review areas, I cannot approve any of this. I would need those things as well as all of the things Town Planner Perkins listed in his report before this Commission decides on anything, and it has to be recent.

Town Planner Perkins said with this subdivision application they use possible locations, but they may need to come back to the Commission for site development of each individual lot.

Member Fischbach stated that the house locations that were staked out were rectangular and larger than houses would be and if the houses are going to be within space it would be acceptable.

Member Joiner asked for clarification on lot 3. The distance from the road to the corner of house is in question and from the side to end of property and driveway. Member Joiner also asked, How wetlands will be marked in the subdivisions and people do not go into the wetlands.

Chairman Scavo said that could be something that can be added in the conditions.

Annette Ellis, from Juliano Associates, located in Wallingford representing BC Investments, LLC. This application is for 6 lot subdivision. It's on 30.9 acres and it's in an R80 zone. Its property has access on West Pond Road and at the end of Glenwood Road. There are 9.94 acres of wetlands on the map. There are two separate systems. According to the Connecticut DEEP Natural Diversity database, there are no state or federal listed species or critical habitats on the property. The wetlands were flagged by Elizabeth Young, soil scientist in 1994 and reviewed by her again at the end of 1999, beginning of 2000 and it found that nothing had changed during that time.

According to Ms. Young's wetland report the wetlands soils are very poorly drained, Whitmans fine sandy loam and poorly drained richer fine sandy loam. Her report indicates that these soils formed in depressions and drainage ways of glacial tilt. The seasonal high-water table, depth ranges from zero to 18 inches. The maximum water depth during the wet season is estimated to be between 6 inches and 1 foot and the northwest wetland system estimates to be between 1 foot and 2 feet in depth. Town Planner Perkins did send over some comments which I did not receive until this afternoon. I understand you would like the report to be updated. I reached out to the soil scientist that we use today but have not heard back on their schedule. It can be helpful for some of the other comments raised. We are reserving 2 parcels for open space. There is a 3.35-acre parcel on West Pond Road and a 2.86-acre parcel with access on Glenwood Road. The parcel on Glenwood also abuts the North Branford Land Conservation Trust which is nice. If you combine the two areas it equals 20.7% of the total property area or 6.39 acres of open space. The six proposed lots range in area from 2.1 acres to 6.05 acres. Although the wetlands can count for up to 25% of the minimum law area all six lots have the required 80,000 sq. feet without taking the wetlands into account. So, they're all oversized lots. They will be served by well and septic.

Soil testing was completed by East Shore Health District, and all test data is on the plans. We proposed one area of disturbance. It will disturb 6,278 sq ft and the wetlands on either side, there's upward review and that disturbance is and 18,593 sq ft. The disturbance is basically for the combined driveway to lots 1 and 2. We are creating an easement overlap in favor of Lot 1, so that we only have one driveway and therefor one wetland crossing. We did consider running the driveway parallel with the lot lines, which is more typical, maybe a little neater, but it would've resulted in a much larger crossing. So, by creating this easement we're able to cross the wetlands at one of the narrowest points.

The last time I was here, and on the site walk we had two 36-inch reinforced concrete pipes at the crossing. I revised it to a six-foot wide by three-foot-high open bottom concrete box culvert, which will allow the bottom to remain natural having less impact. According to the drainage calculations, which I need to provide a copy of, is more than adequate to handle a 10 year/ 24 hour storm. In addition, I have revised the combined driveway to the Lots one and two have a cross slope pitched to the northeast. I've also added a swale along the edge of the driveway in both directions, heading towards the wetland in order to filter the runoff from the driveway before it enters the wetlands. Throughout the project, we're providing a silt fence, downslope of all the disturbed areas, and where it's in proximity of the other review area, that silt fence is supposed to be docked by hay bales. While this is more of a planning and zoning item rather than a wetlands item. I want to point out one more revision to the plans. Originally, we had a 24-foot-wide combined driveway providing assets to lots four, five and six. It was in this vicinity here and ended in a little kind of pseudo cul-de-sac. This has been revised to a 12-foot-wide driveway solely for a Lot 4 and a combined 12-foot-wide driveway for Lots 5 and 6. There is a regulation that states a maximum of only two lots can share a driveway. I believe the particular regulation pertains to rear lots. These aren't rear lots. They're all frontage lots. However, just to be on the safe side, I made the revision. It was an easy design change, so I figured that safe and sorry.

Lastly, I want to address Lot 6, because obviously there's a lot of discussion surrounding it. As I think you're aware there's a regulation stating that the maximum number of lots that have sole access to the cul-de-sac is 12 lots. Having these six would bring that number up to 13. Therefore, for Lot 6, which is great here, we're providing dual access. It has frontage on both West Pond Road and on Glenwood Road. The access to West Pond Road is about 690 feet. The access strip is only from here to here. The access strip is not a paper street. Paper streets require a 50-foot right of way. This access is only 25 feet wide. The plan does not propose a street or even a driveway through this 25-foot-wide access, the access to West Pond Road provides only legal access. The practical access will be on Glenwood Road. There are several times where lots have access to more than one road. It doesn't mean you put a driveway out to both roads. It just means it has access. So, this would provide practical access for emergency vehicles, and day-to-day traffic. This is just legal access.

Member Brigano asked, whose legal access means that vehicles should be able to go down at, right? But you just said if it's developed, right? So what you started out in conversation by your presentation by saying there's access to West Pond Road, So I interpret that as you're going to develop something there in order to do that lot. You even said that Lot 6 is going to have two means of access, and it can't be because it has frontage on two streets. nothing is going to be up through that access. Well, where's the other street? I don't see the other street. Glenwood Road and extended here and the driveway to Lot 6 six is right here. And then where's the other, in West Pond?

Ms. Ellis responded that in an R80 zone you are only required to have 25 feet right of way. Town Planner Perkins said there is no plans to develop it. Ms. Ellis said that for some reason, whatever house that developed wanted to put a driveway through there, which I don't think they ever would, they would have to come back to you for the wetlands. This plan does not show any driveway or anything going through.

Member Fischbach stated that the town in the past has also said that they wouldn't allow a driveway cut on that part of West Pond Rd. for safety reasons because it's right on the end of a fairly sharp corner.

Member Fischbach asked how would you deal with the common driveways, the homeowners will have to decide the responsibility or split it. Ms. Ellis shared that her neighbors share a driveway, and they split the cost of plowing, which is not always the norm.

Member Joiner asked about the culvert; It was said to be 6' x 3', would it support 2 vehicles. Ms. Ellis responded that it's 6 by 3 and it spans 51 feet perpendicular to the driveways.

### **Public Comments**

Robert Fischbach, 50 W Pond Rd. I am adjacent to the proposed access. What does the word access mean? If there is no accessibility where the proposed road is then how is it considered access? In response to David Sargent's letter, I don't know how accurate the 1,400 ft, but from a zoning standpoint you can only have 1000 ft and since there is no real access at West Pond Road, it would be 1400 ft to the proposed access anyway moving on to the wetlands.

I attended site walk and Lots 1 and 2 need to have a culvert. My understanding was that there was going to be a large amount of fill brought in there. What kind of impact will the construction have on the wetlands with the dump trucks of fill and everything else that needs to be done excavating. I feel there is going to be a significant impact to the wetlands overall, which has a running stream through it.

Secondly, nobody has talked about these two houses. I believe it's Lot 4 and 5 that are on top of a huge trap rock kind of hill, I'll call it. It looks like a mountain when you walk there and they're going to build these houses up on top there with long driveways. Where's that water going to go? What kind of impact will building up on top of these hills have on the wetlands down below?

Thirdly, this is not entirely wetlands issue, but if you walk through that property and see how beautiful with these 100 year old oak trees the it's going to be an abomination of that forest and everything that's going on there. If it were, if you want to compromise, I suggest getting rid of Lots 1 and 2, and just sticking with the four properties. The least harmful impact would be getting rid of lots one and two, and then you wouldn't have to worry about culverts and everything else.

Member Joiner responded that the applicant did clarify that the road is 690 ft to the access road; to house it would be 1,400 ft.

Bonnie Symansky 50 West Pond Rd. I also am an abutter and hiker. I have walked from our property through the proposed property to the trolley trails and the land is lush due to wetlands. I participated in the site walk and aside from looking for markers, I was struck by the huge boulders, ledges and hills that would need to be blasted for proposed construction, and I wondered about the animal habitat that would be disrupted or worse, destroyed. I then went to DEEP and I spoke with Jenny Dixon there and I looked at the net Natural Diversity database area map; And I notice that this property and the map is from 2024 is adjacent to an area that has state and federal listed species, which according to the map are of concerned, threatened or endangered. It's not on that, but it's right next to it. I believe that the common 5 lined skink, which is a state threatened species, is located in that area. In fact, I've seen that in our woods which, abuts the proposed development. Now my question is, has the Inland Wetlands Committee requested that the applicant conduct a DEEP Natural Diversity Database review to determine if there are listed species in the area. Also, based on the size of the development, it appears that this project would require a stormwater permit and the first step in this process is a Natural Diversity database review.

Chairman Scavo clarified that the Commission is requesting this a DEEP Natural Diversity Database review along with the soil scientist survey of the soils and often are the natural habitats. So, we hope that should be included in all that verified you know

Mayor Rose Angeloni, 67 Glenwood Rd who is also an abutter to the proposed development. Their property is next to the open space, but I am very concerned about Lots 1 and 2, especially that culvert that has to be put in that stream that runs right thorough our property in the back. Our daughter lives right next door and that stream runs through her property also. Having lived there for 30 years and knowing what the construction is and what that site, all of that property there with the ledge and the granite, there will be extreme blasting that has to be done on every single lot in that development. Lots 1 and 2, bringing all of that equipment to the back of that area, I am very concerned as to what it's going to do to the adjacent properties. Also to address the culvert, you know the any floods, or the water and it's supposed to handle for the 100-year mark and everything else. My concern also is who is going to maintain if that gets blocked up and any debris gets in there, who cleans that out afterwards? Also, there is concern about the amount of fill that has to come in by that culvert. I know this is not an inland wetland specific concern, and would be addressed by Planning & Zoning but safety emergency vehicles going down those drive because those are driveways, they are not town roads and that is very much a concern. There are areas in North Branford and Northford, in case you did not know, in developments where homeowners have to sign off that emergency vehicles fire departments may not be able to get to their house to save their house, and this may qualify for that. Also because of the way it is.

The way I look at this, I am not in favor of the ROW (right of way). The 25 feet that gives them frontage onto West Pond Road when the regulation is for 5 lots. It may have frontage but not access and critical points. By eliminating Lots 1 and 2 and still have 4 and within regulations and don't worry about the right of way, the culvert concern, effect on wildlife and blasting and lasting effect it would have on habitats, trees, and areas.

Chrysanne Vogt, 244 Forest Rd expressed concerned about the paper road and the access road. If it's put in, it will infringe on the wetlands.

Ms. Ellis stated I think we have touched on a lot of them already. I just want to point out that the wetlands disturbance here and the area that I gave to you does include the area for grading or the filling. And the only reason for that is to grade the edges of the driveway.

You know this culvert being 3 feet tall, the driveway has to go over it. The bottom is at the wetlands. We have to fill that down. That's the reason for it. And obviously this driveway would have to be built before these lots. These houses went in, you know, I have included disturbance in the buffer area in the upland review area. The developer does not intend to take down more trees than he has to the silt fence line, which is shown in orange would basically be the clearing line and he does have a right to develop this property. I think that you know he's providing much more open space than he needs to. He's only getting this proposal that has 6 lots on 30 acres. I don't think that's excessive. Where we place the houses, we're trying to work with the land as best we can. Again, this is just a feasibility, but you know when I laid it out and did the grading, you know for example, Lot 6, my suggestion and the way I have it designed is to have a garage under you know the basement level.

As far as some of the impacts and the ecological studies we're getting, the soil scientists on board, I think we just had our last meeting was two weeks ago and he is a way out and backup will work, so we intend to be responsive to that.

Member Brigano asked about the blasting and if Ms. Ellis has any insight into how much blasting may be needed. Ms. Ellis does not have an estimate regarding the amount, but is aware they will need to blast, and particularly on Lot 6.

Member Brigano also asked, because we have run into this issue before, another question that was brought up was about making sure that culvert is not obstructed in any way. How is that going to be addressed. Ms. Ellis responded that it would fall on the property owner for maintenance. The good thing about a box culvert is that it is 3' x 6' so it will pass a lot more through than 24in or even 36 in pipe. So that will be helpful but ultimately the maintenance would be on the homeowner. If it is affecting any of the other properties, they would call the town and Town Planner Perkins would contact the property owner and notify them of their responsibility.

Chairman Scavo stated, getting back to the culvert, it looks like update you made a recommendation to go to a three-sided box culvert now. So, I assume by doing that, we're going to get, it's got to be improved for the flow, correct. I assume that's why you want it, right? Bigger, bigger opening, less chance of you knows there's nothing is 100%. He also asked would that affect the grading. Would it make it a little better about the same?

Town Planner Perkins responded that it would make grading a whole lot easier and less filling. You're going to have an open bottom channel of the stream rather than, you know. So the turtles can go down into the stream under the box rather than having to go in.

**Motion:** To continue public hearing until the July 23rd meeting.

**Moved:** Member Joiner

**Second:** Member Brigano

**Discussion:** None

**With all in favor, the motion is passed.**

**Motion:** To cancel the June 25<sup>th</sup> meeting.

**Moved:** Member Joiner

**Second:** Member Fischbach

**Discussion:** None

**With all in favor, the motion is passed.**

Member Fischbach wanted to disclose that he is a land abutter and told Town Planner Perkins and the members of the Commission that if it were to be built, I thought I could be useful for this whole project because I, you know, I really know the property quite well. And if I had any strong feelings about this with regards to how it affects my property, I would immediately refuse.

## **5. OLD BUSINESS**

## **6. NEW BUSINESS**

## **7. WETLAND ENFORCEMENT OFFICER'S REPORT (STAFF)**

Town Planner Perkins shared that he is involved with an organization called Friends of the Farm River Estuary which was recently renamed Friends of the Farm River and now includes all of North Brantford. One of their tasks was they received a grant to clean up the water chestnuts at Mill Pond, at Lindsey Suter's property, so they're going to affect that. But one of the projects that the three wanted to do was to go in and remove chestnut water from that water body, but since they are going to eradicate them, they're looking for another location. They had talked about the Augur Pond behind where the POCO festival is behind Public Works. It's town land that has this little water body that is sort of choked with water chestnuts and they would like to create an event where people would go there with canoes and rip out all of the water chestnuts.

Chairman Scavo stated I think it's a great idea. You know, the sooner we get because it's spreading everywhere and so you can eradicate or minimize it those fields. Member Brigano stated that it has been approved before for Mill Pond. Town Planner Perkins will speak with the Town Manager to see who else needs to give permission for this to occur. Member Fischbach asked if the water chestnuts are rooted into the stream? Town Planner Perkins responded yes as they are all over the Mill Pond by Lindsey Suter's house. The Land Trust is taking responsibility for that property, as part of that subdivision it's all sort of coming together.

## **8. ADJOURNMENT**

**Motion:** To adjourn at 7:45p.m.

**Moved:** Member Brigano

**Second:** Member Fischbach

**With all in favor, the motion is passed.**

Respectfully submitted by: Kathleen Daly, Board Clerk

June 19, 2025