

# BOARD OF SELECTMEN

## REGULAR MEETING

February 21, 2024 at 7:00 PM

Buck-Foreman Community Room, 265 Main Street, 2<sup>nd</sup> floor, Portland Connecticut 06480

**In-person and through Zoom A – [www.portlandct.org](http://www.portlandct.org)**

*Note: Any potential conflicts of interest are stated under Communications/Correspondence*

### AGENDA

1. FIRST SELECTMAN CALL REGULAR MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVE MINUTES: (Regular) February 7, 2024
4. ACCEPT AGENDA
5. COMMUNICATIONS / CORRESPONDENCE: Swearing-in of Police Sergeants
6. PUBLIC COMMENT
7. OLD BUSINESS:
  - A) Monthly Report – Committee on Solidarity
  - B) Update on EV Charging Station Study (Andy Bauer)
  - C) Proposed Revisions to Policy on Fixing Real Property Assessments
  - D) **Appointments/Re-appointments to Boards and Commissions:**
8. NEW BUSINESS:
  - A) Certified Resolution: DECD
  - B) Resolution: DECD grant – Portland Downtown & Quarries Master Plan II (*set special town meeting date – February 28, 2024*)
  - C) REFUNDS OF EXCESS PAYMENTS: [\$]
9. STATUS & COMMITTEE REPORTS
10. PUBLIC COMMENT
11. BOARD OF SELECTMEN GENERAL INFORMAL DISCUSSION
12. FOLLOW UP ITEMS:
  - Ethics Ordinance
  - Review Town Charter
13. Executive Session: Strategy on Collective Bargaining (J. McQuade)
14. Action on Executive Session: Ratification of Tentatively Agreed Collective Bargaining Agreement with MEUI Library Union
15. Executive Session: Fixed Assessment Agreement
16. Action on Executive Session: Fixed Assessment Agreement
17. ADJOURN MEETING

*The Town of Portland will provide reasonable accommodations to assist those with special needs to attend and participate in public meetings. Please contact the First Selectman's Office at (860) 342-6715 at least 48 hours in advance to discuss your special needs.*

## Policy on Fixing Real Property Assessments

### A. Goal

The Town of Portland seeks to encourage the growth and expansion of commercial and industrial parcels. To accomplish this goal, the Town establishes a policy to take advantage of available economic development incentives found in the Connecticut General Statutes (CG). The following policy is in accordance with State Law.

### B. Availability

Per CGS Sec. 12-65b, The Town of Portland may enter into a written agreement, as approved by the Board of Selectmen, with a party owning (or proposing to acquire) an interest in real property in the Town of Portland to fix the assessment of such real estate, provided the party is proposing substantial improvements to the real property and otherwise meets the requirements set forth below.

An agreement to fix the assessment per CGS Sec. 12-65b on real property is only allowed if the improvements made or proposed are for at least one of the following: (1) Office use; (2) retail use; (3) permanent residential use in connection with a residential property consisting of four or more dwelling units; (4) transient residential use in connection with a residential property consisting of four or more dwelling units; (5) manufacturing use; (6) warehouse, storage or distribution use; (7) structured multilevel parking use necessary in connection with a mass transit system; (8) information technology; (9) recreation facilities; (10) transportation facilities; (11) mixed-use development, as defined in section 8-13m; or (12) use by or on behalf of a health system, as defined in section 19a-508c.

Notwithstanding the foregoing, an applicant seeking a tax fixing agreement hereunder, must also satisfy the Board that it meets one or more of the following additional criteria:

- a) Causes a new business to locate to the Town of Portland.
  - b) Causes a Portland business to replace, expand or remodel existing buildings.
  - c) Causes a Portland business to construct new buildings.
  - d) The improvements proposed will increase employment opportunities in Town.
  - e) The improvements proposed will preserve existing employment opportunities in Town.
- a) The tax fixing agreement shall be calculated per the following formula. If the cost of improvements is not less than **\$100,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than two **(2) years** as outlined below.

Year 1	Up to 50% of increased assessment
Year 2	Up to 35% of increased assessment

- b) If the cost of improvements is not less than **\$500,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than three **(3) years** as outlined below.

Year 1	Up to 50% of increased assessment
Year 2	Up to 35% of increased assessment
Year 3	Up to 30% of increased assessment

- c) If the cost of improvements is not less than **\$1,000,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than **4 years** as outlined below.

Year 1	Up to 50% of increased assessment
Year 2	Up to 35% of increased assessment
Year 3	Up to 30% of increased assessment
Year 4	Up to 25% of increased assessment

- d) If the cost of improvements is not less than **\$5,000,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than five **(5) years**.
- e) If the cost of improvements is not less than **\$10,000,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than seven **(7) years**.
- f) If the cost of improvements is not less than **\$30,000,000**, then the assessment (or increase in the assessment) may be fixed for a period not greater than ten **(10) years**.

### C. Guidelines

1. The applicant shall submit an application and supporting documentation as required by the Town for entering into a fixed assessment agreement to the Office of the First Selectman of the Town of Portland. Applications are available at [www.portlandct.org](http://www.portlandct.org)
2. Applications must be submitted **before** building permits are issued for consideration and must include building plans and a cost breakdown structure (including estimated labor, raw material and subcontracting costs).
3. Town staff will review the application and submissions and submit a review to the Board of Selectmen should all of the requirements of the application be met. The staff in charge of reviewing applications are the First Selectman, Assessor, and Town Planner.
4. Should the Board of Selectmen approve the fixed assessment, the Town and the applicant shall enter into a written agreement to be filed on the Portland land records.
5. The Board of Selectmen shall have final authority over any and all fixed assessment schedules and any associated terms and conditions.
6. After approval of any such tax agreement, construction shall commence within twelve (12) months and shall be completed within twenty-four (24) months. In the event that construction is not commenced and/or completed within the specified time frame, then any agreement entered into pursuant to this policy shall immediately terminate and the full amount of the tax (including accrued interest) that would otherwise be due shall immediately become due and payable, unless alternative arrangements are authorized by the Board of Selectmen.

7. Fixed assessments upon BOS approval shall be effective as of the first October 1 assessment date following the completion of the improvement(s) or date of Certificate of Occupancy. Construction in progress as of the Assessment date shall be assessed at the completion percentage under state statute.

### **Ineligibility**

1. Any applicant who is delinquent in any taxes, interest or liens (including water and sewer user fees) that are due to the Town shall be ineligible to enter into any such tax agreement under this policy until such delinquencies or liens are remedied.
2. Any person or firm in violation of any Town of Portland permit is subject to termination of abatement at the discretion of the Board of Selectmen. All agreements shall contain provisions, among any others recommended by the Town Attorney that:
  - a. any applicant granted a tax abatement shall repay the Town of Portland the dollar amount abated, plus interest, if the business leaves Portland before the expiration of the abated tax period.; and
  - b. any applicant who fails to timely pay the full amount of the abated taxes as required by law shall subject the agreement to termination in the discretion of the Board of Selectman.

### **Transferability**

Any tax agreement entered into pursuant to this policy shall not be subject to assignment, transfer or sale without the consent of the Board of Selectmen. In the event that any such agreement is assigned, transferred or sold without the Board of Selectmen's consent, then the agreement shall terminate, as of the effective date of assignment, transfer or sale and the full amount of the tax that would otherwise be due to the Town of Portland shall immediately become due and payable.

### **Limitations**

This policy shall not be retroactive. Nothing in this policy shall require the Town of Portland to enter into a tax abatement agreement. The final decision to any tax abatement is at the sole discretion of the Town of Portland. The Board of Selectmen may terminate an abatement granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application, addendum, or any supporting documentation.



# Town of Portland, Connecticut

33 East Main Street ▪ P.O. Box 71 ▪ Portland, CT 06480-0071  
www.portlandct.org ▪ Phone: (860) 342-6715 ▪ Fax: (860) 342-6714  
Equal Opportunity Provider and Employer  
**Office of the First Selectman**

1. Name of person/entity submitting application (including all principals):

\_\_\_\_\_

\_\_\_\_\_

2. Mailing Address: \_\_\_\_\_

3. Telephone Number: \_\_\_\_\_ Email: \_\_\_\_\_

4. Property Location for which tax abatement is requested:

a. Assessors Map/Lot #: \_\_\_\_\_

b. Location Address: \_\_\_\_\_

5. Attach site map or plot plan for the project, plus surveys and specifications. (Email all digital copies to Assessor and First Selectman).

6. Do you own or lease this property?: \_\_\_\_\_

a. If you lease, provide:

i. Property Owner: \_\_\_\_\_

ii. Property Owner's Mailing Address: \_\_\_\_\_

iii. Property Owner's Telephone Number: \_\_\_\_\_

iv. Date of lease agreement/duration of lease agreement:

From: \_\_\_\_\_ To: \_\_\_\_\_

7. Please check which is applicable:

<input type="checkbox"/>	New Construction/Industrial	<input type="checkbox"/>	Rehabilitation/Industrial
<input type="checkbox"/>	New Construction/Commercial	<input type="checkbox"/>	Rehabilitation/Commercial

8. Please check which use is applicable:

Office	<input type="checkbox"/>	Retail	<input type="checkbox"/>	
Manufacturing	<input type="checkbox"/>	Warehouse	<input type="checkbox"/>	
Storage	<input type="checkbox"/>	Distribution	<input type="checkbox"/>	
Other (Please explain)				

9. Would this project happen without a Fixed Assessment Agreement in place?

Yes                  No

a. If you answered no, why not?

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10. Provide a description of your project including estimated cost of the improvements:

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11. What is the impact on employment (How many new jobs will be created and how many current jobs will be retained?)

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12. What is the time frame of this project?

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13. Provide any additional information that may be relevant for the review committee:

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14. Provide information on all state or federal abatement or incentive program(s) that you have applied for, will apply for or have received:

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15. Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

16. Signature of Owner, if different from applicant \_\_\_\_\_

Date: \_\_\_\_\_

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### Tax Incentive Program Scoring

Date Received by Town: \_\_\_\_\_

Recommendation by Review Committee: \_\_\_\_\_

Application approved and recommend the following:

\_\_\_\_\_ % off assessed improvement year 1

\_\_\_\_\_ % off assessed improvement year 2

\_\_\_\_\_ % off assessed improvement year 3

\_\_\_\_\_ % off assessed improvement year 4

\_\_\_\_\_ % off assessed improvement year 5

\_\_\_\_\_ % off assessed improvement year 6

\_\_\_\_\_ % off assessed improvement year 7

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT  
STATE OF CONNECTICUT  
(AN EQUAL OPPORTUNITY EMPLOYER)  
**CERTIFIED RESOLUTION OF THE GOVERNING BODY**

I, Michael V. Tierney, Portland Town Clerk, certify that below is a true and correct copy of a resolution  
(Name of Official) (Title of Official)

duly adopted by the Town of Portland at a meeting of its Board of Selectmen duly convened on  
(Governing Body)

February 21, 2024 and which has not been rescinded or modified in any way whatsoever and is at  
(Meeting Date)

present in full force and effect.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature and Title of Official)

**SEAL**

**WHEREAS**, pursuant to C.G.S. Section 32-763, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for projects; and

**WHEREAS**, it is desirable and in the public interest that the Town of Portland make an application to the State for \$200,000.00 in order to undertake the Portland Downtown & Quarries Master Plan II and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Selectmen that

1. it is cognizant of the conditions and prerequisites for the State financial assistance imposed by C.G.S. Section 32-763
2. the filling of an application for State financial assistance by the Town of Portland in an amount not to exceed \$ (funding amount) is hereby approved and that Ryan J. Curley, First Selectman is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decision, and revisions thereto, and to act as the authorized representative of the Town of Portland.



**RESOLUTION**  
**BOARD OF SELECTMEN**  
Town of Portland, Connecticut

**February 21, 2024**

**DECD GRANT – PORTLAND DOWNTOWN & QUARRIES MASTER PLAN II**

WHEREAS, the Connecticut Department of Economic and Community Development (DECD) offers grants/financial assistance to municipalities for projects; and

WHEREAS, in order to undertake the project “Portland Downtown & Quarries Master Plan II” the Town of Portland will apply for a grant/financial assistance in the amount of \$200,000; and

WHEREAS, the Town needs to provide a local match of ten percent (10%) amounting to approximately \$20,000.00, which was previously set aside in Fund 08 under Building & Planning Departments – Project Match Grant Leverage Funds (08-141-000-89020); and

WHEREAS, Project Match Grant Leverage Funds line item has at least \$20,000 for the required match; and

WHEREAS, in accordance with the Portland Town Charter, Chapter V, Section 503(g), this action requires approval at a special town meeting of which has been scheduled for February 28, 2024.

NOW, THEREFORE, BE IT RESOLVED the Board of Selectmen hereby finds that entering into an Assistance Agreement with the Connecticut Department of Economic and Community Development and providing the required match as imposed by C.G.S Section 32-763; and be it further

RESOLVED that Ryan J. Curley, First Selectman, is authorized to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decision, and revisions thereto, and to act as the authorized representative of the Town of Portland.