

AUTHORIZING RESOLUTION OF THE BOARD OF SELECTMEN
Town of Portland, Connecticut

July 20, 2022

CERTIFICATION:

I, Michael V. Tierney, the Town Clerk of the Town of Portland, Connecticut, do hereby certify that the following is a true and correct copy of a resolution adopted by the Board of Selectmen at its duly called and held meeting on July 20, 2022, at which a quorum was present and acting throughout, and that the resolution has not been modified, rescinded, or revoked and is at present in full force and effect:

RESOLVED that the Town of Portland may enter into with and deliver to the State of Connecticut Department of Energy and Environmental Protection, any and all documents which it deems to be necessary or appropriate for a grant in the amount of \$500,736 for the Portland Secondary School Track improvements; and be it

FURTHER RESOLVED, that Ryan J. Curley as First Selectman of the Town of Portland, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Portland and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents.

The undersigned further certifies that Ryan J. Curley now holds the office of the First Selectman and that he has held that office since November 16, 2021.

IN WITNESS WHEREOF: The undersigned has executed this certificate this _____ day of July 2022.

Affix Town Seal Here

Michael V. Tierney
Town Clerk
Portland, Connecticut

Connecticut's Right to Farm Law



Background:

The Connecticut Right to Farm Law was signed into law by Governor O'Neill in May of 1981. As more people and businesses moved to the rural areas of Connecticut, agricultural operations often became the subject of complaints. Right to Farm legislation was necessary to limit the circumstances under which agricultural operations could be subject to lawsuits.

Key Points:

- The Right to Farm Law limits the circumstances under which agricultural or farming operations may be deemed to constitute a nuisance.
- The nuisances are:
 - 1) **Odor:** From livestock, manure, fertilizer, or feed.
 - 2) **Noise:** From livestock or farm equipment used in normal, generally accepted farming practices.
 - 3) **Dust:** Created during plowing or cultivation operations.
 - 4) **Chemical Use:** Provided that the chemicals and their method of application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection or where applicable, the Commissioner of the Department of Public Health.
 - 5) **Water Pollution:** From livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection.
- This law does not protect a farmer when a nuisance is due to negligence or willful or reckless misconduct.
- The Commissioner of the Connecticut Department of Agriculture or his/her designee shall determine whether the operation is following generally accepted agricultural practices.
- There are three conditions that qualify a farm for coverage under the Right to Farm Law. These include operations that: 1) have been in operation for one year or more, 2) have not been substantially changed, and 3) are following generally accepted agricultural practices.
- This law does not exempt farming or agriculture from compliance with local planning and zoning regulations.
- The Law does not preempt municipal zoning regulations.

(Over)

2 Connecticut's Right to Farm Law (*continued*)

Statute:

CGS Section 19a--341: (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

FAQs:

Q: Where would someone find information on generally accepted agricultural practices?

A: Technology related to agricultural practices continues to evolve. Information on generally accepted agricultural practices may be obtained from the Connecticut Department of Agriculture, the Connecticut Department of Energy and Environmental Protection, the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and University of Connecticut (UConn) Cooperative Extension System.

Q: What are some tips to help me maintain harmony with my neighbors?

A: Working farms are often in close proximity to residential development. Here are a few suggested tips to help maintain harmony with your neighbors:

- As a courtesy, try to communicate with your neighbors in advance of making any substantial changes to your farm operation. This is a suggestion even if you have approvals or “as-of-right” authority. Sometimes by communicating and taking your neighbor’s concerns into consideration you can avoid conflict. Here are some activities that farms undertake and suggestions for how to minimize conflict:
 - 1) Clearcutting a heavily wooded area directly abutting your neighbor’s residence. Sometimes leaving a minimal natural vegetative buffer between you and your neighbors helps alleviate conflict. This may not always be practical but could be a consideration.

- 2) Diversifying the farm to add any on-farm retail, agritourism or any other activity that has the potential to increase traffic or noise. Be sure you have accounted for plenty of off-street parking, hours of operation or any other on-farm activity that may have a potential impact on your neighborhood. Often times these activities need approval from the local zoning department. Explaining to neighbors what you are proposing and why before you apply for any permits of municipal approval will help them better understand what to expect.
 - 3) Adding livestock to your farm and/or installing fencing. Be sure fencing and gates are secure. Be sure to account for manure management, storage and handling. Further guidance is available in this publication: [Guidance and Recommendations for Connecticut Municipalities Zoning and Regulations for Livestock](#).
- Be sure to check with your land use planning office before undertaking any activity that may be regulated or permitted through local zoning regulations or wetlands regulations. Compliance with all state and local regulations allows you to proceed with the business of farming and helps assure the neighbors that you are doing all of the right things.
 - Invite neighbors to tour the farm. Often time conflicts can be avoided if the non-farming community has a better understanding of how your farm operates.
 - While the Right to Farm law is intended to protect farmers from the potential “nuisances” related to agriculture, consideration for neighbors when conducting certain agricultural activities will help maintain harmony in your community.

Notes:

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

July 20, 2022

**ENDORSEMENT AND SUPPORT FOR THE FEDERALLY PROPOSED EQUALITY ACT
(H.R. 5, 117th Congress)**

WHEREAS, members of this Board of Selectmen support the rights, freedoms, and equality of the lesbian, gay, bisexual, transgender, questioning (LGBTQ+), and;

WHEREAS, the modern history of the LGBTQ community started with individuals who took a stand for human rights and dignity at the Stonewall Inn in New York City on June 28, 1969, and;

WHEREAS, decisive moments in history are the story of the LGBTQ community and have put our nation on a positive course to achieving full equality, and;

WHEREAS, individuals of this town who are LGBTQ have made and continue to make, vital contributions to every aspect of our town, including in the fields of education, law, health, science, business, research, economic development, architecture, fashion, sport, technology, music, civil rights, politics, and;

WHEREAS, the United States Supreme Court in 2015 recognized the marriage of same-sex couples under the 14th Amendment of the United States Constitution, and;

WHEREAS, the Supreme Court of the United States in the June 2020 Bostock v. Clayton County ruled that the Civil Rights Act of 1964 protects sexual orientation and gender identity in the matters of employment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Selectmen of the Town of Portland, Connecticut:

1. Recognizes that LGBTQ rights are human rights and are Constitutionally protected;
2. Recognizes that all residents should be treated fairly and equally regardless of sexual orientation or gender identity;
3. Agrees that the Town of Portland must strive to ensure that the promise of equality is realized for all; and

BE IT FURTHER RESOLVED that the Board of Selectmen of the Town of Portland, Connecticut hereby declare our endorsement and lend our support for the federally proposed Equality Act (H.R. 5, 117th Congress).

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 (CGS). The following policy is in accordance with State Law.

B. Summary

1. 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) 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 estate.

The agreement to fix the assessment per CGS Sec. 12-65b on real property is limited to the following types of commercial and industrial real property:

Office use, retail use, permanent residential use, transient residential use, manufacturing use, warehouse, storage or distribution use, and structured multilevel parking use necessary in connection with a mass transit system, information technology, recreational facilities, or transportation facilities.

An agreement may be negotiated to fix the assessment (or increase in the assessment) if the improvements to be made to such parcel meet the following criteria:

- a) If the cost of improvements is over \$3,000,000, then the assessment (or increase in the assessment) may be fixed for a period not greater than 7 years.
- b) If the cost of improvements is not less than \$500,000 (and up to \$2,999,999), then the assessment (or increase in the assessment) may be fixed for a period not greater than 2 years.
- c) If the cost of improvements is not less than \$25,000 (and up to \$499,999), then the assessment (or increase in the assessment) may be fixed at 50% of the increased assessment for a period not greater than 3 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 Selectwoman of the Town of Portland. Applications are available at www.portlandct.org
2. Town staff will review the application and submissions and submit a review to the Board of Selectmen.
3. After its review, the Board of Selectmen shall approve or deny the application.
4. Upon approval of the application the Board of Selectmen and the applicant shall enter into a written agreement.
5. Delinquency in any fees and/or taxes that are otherwise due to the Town from the applicant or any related entity shall render the applicant ineligible for the fixing of an assessment.