

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
JANUARY 19, 2022**

Note: Some attendees attended in person at the Buck Foreman Room while others participated via Zoom due to the Coronavirus-19 Pandemic

Present: Ryan Curley, John Dillon, Michael Hernandez, Robert Hetrick, Jr., Shaun Manning, Michael Pelton, Ralph Zampano

Others Present: Members of the Public and Media

1. FIRST SELECTMAN CALL MEETING TO ORDER

First Selectman Ryan Curley called the regular meeting to order at 7:31 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: (Regular) January 5, 2022

Shaun Manning made a motion, seconded by John Dillon, to approve the January 5, 2022 minutes; Vote unanimous; motion carried.

4. ACCEPT AGENDA

Ralph Zampano made a motion, seconded by Shaun Manning, to accept the agenda. Vote unanimous; motion carried.

5. COMMUNICATIONS/CORRESPONDENCE

Ryan Curley read a proclamation honoring Ethel Peltz on her 100th birthday. Lou Pear, Ethel's nephew, told of Ethel's life achievements and accepted the proclamation on her behalf.

Kathy Herron, Chairperson for the Complete Streets Group, made a presentation stating the mission, the accomplishments, the National Roadway Safety Award that was received and the work in progress and future endeavors. Ryan Curley thanked the committee and encouraged them to keep up the great work.

6. PUBLIC COMMENT:

7. OLD BUSINESS

A) Monthly Report – Committee of Solidarity

In the absence of a committee member, Michael Hernandez gave a status report, including the upcoming events.

B) Resolution: Portland Agricultural Fair 2022

In the absence of a Fair representative, Ryan gave an update on the Fair's search for a location for the 2022 Agricultural Fair. The resolution was sent to the Fair for their review. There are several changes as follows:

- 248 Brownstone is not listed as being available for use by the Fair. It is slated for remediation and possible development and an RFP is about to be issued.
- The other change is in Item #6 which states that no vehicle or animal pulls will be allowed. By eliminating the pulls, the hope is that the Fair can be condensed to fit on the remaining property, contingent upon DEEP approval.

Ryan asked for BOS member discussion. John Dillon read a response from the Fair Committee saying that it would be very restrictive and costly for a temporary move and stating what events would have to be cancelled. The Fair will advise of their decision after their monthly meeting (scheduled for the same night and time as this BOS meeting).

John Dillon, as a prior member of the Fair committee, told of the requirements that must be met to qualify as a State Fair, i.e., # of vegetables, animals, plants and animal or vehicle pulls. He would hate to see us lose the fair in its entirety over one thing, being the tractor pull. John remembers that the State does come in and check to see if the requirements are being met. If it means having a Fair without a pull or not having it at all, he hopes they would consider what the BOS is proposing.

Ryan said he also wants the Fair and thinks there may be a way to modify Item #6 in the resolution. John said maybe there is a way the Fair can be done in a smaller footprint and a safer manner. If tractors are smaller maybe that's a possibility. He would like to see the Fair come back to us with a variation and an opportunity for them. Ryan said the town attorney reviewed the resolution as did the insurance company.

John Dillon made a motion to accept the resolution as stated with the understanding that the Fair Association has the opportunity to respond with proposed modifications of Item #6 for the BOS review and approval. The motion was seconded by Michael Hernandez. Vote unanimous; motion carried as follows:

RESOLUTION
BOARD OF SELECTMEN
PORTLAND, CONNECTICUT

January 19, 2022

RESOLUTION: Portland Agricultural Fair 2022

WHEREAS, the Portland Agricultural Fair Association has expressed a concern as to the adequacy of the fairgrounds facilities in the future having to cancel events due to various conditions; and

WHEREAS, the Board of Selectmen is desirous of assisting the Portland Agricultural Fair Association and has investigated as to the suitability and adequacy of locations throughout the town; and

WHEREAS, it is in the best interests of the Town and the Fair Association that the Board of Selectmen identify conditions in order to utilize the Riverfront Park and establish guidelines.

NOW THEREFORE BE IT RESOLVED that the Board of Selectmen hereby authorizes the Portland Agricultural Fair Association to utilize 284 Brownstone Avenue, commonly referred to as Portland's Riverfront Park. The Board of Selectman also authorizes the utilization of properties located at 222 and 230 Brownstone Avenue provided that a soil disturbance plan is approved by the Department of Energy and Environmental Protection.

RESOLVED, that the Fair Association must meet the following conditions to utilize the property shall be, but not necessarily limited to:

1. Lease Agreement with the Town of Portland
 - Fair Association must provide adequate portable toilet facilities
 - Fair Association will provide letter to the Department of Energy and Environmental Protection stating what steps the Carnival company will take to not expose soil and a description of the depth and concentrations of impacted soil for 222 and 230 Brownstone Avenue.
 - Fair Association must provide dumpster for garbage disposal
 - Fair Association must provide payment for metered use of water and electricity.
 - Fair Association must obtain Certificate of Insurance naming the Town as additional insured on a primary and non-contributory basis on file with the Director of Finance not less than 10 days prior to the event. General liability Insurance is to be in limits of not less than \$1 million / 2 million aggregate, Auto insurance coverage no less than 1 million combined single limit personal injury and property damage covering owned and non-owned vehicles, and statutory workers' compensation insurance coverage. Waiver of subrogation is required in favor of the Town with respect to workers' compensation. If liquor is served, an additional \$2 million liquor liability policy is required naming the Town as additional insured. A separate Certificate of Insurance for \$1 million is required from all carnival and amusement companies. Copies of all Certificates of Insurance required must be provided and must show the name of the event and dates of coverage prior to the issuance of the event permit. The agreement will also contain indemnification provision to address any potential claims that may arise from the event.
 - Fair Association agrees to restore all town property to its original condition and is liable for the costs that may arise from the event.
2. Fair Association must arrange for Police coverage for crowd and traffic control.
3. For the protection of the public the Fair Association must arrange coverage no less than 30-days in advance of the event:
 - EMS coverage

- Emergency lighting
 - River Command
4. Off-site parking:
 - Fair Association must obtain written permission from property owner(s) and
 - Fair Association must secure necessary Certificate of Liability Insurance
 5. Shuttle service: Fair Association must contract bus company for transportation to and from off-site parking to fairgrounds
 6. No type of vehicle or truck-pull events are to be held on Town property.
 7. All food vendors must obtain a Temporary Food License through Chatham Health District, temporary food site will be inspected.
 8. Fair Association must obtain all necessary permits and approvals from the Town and State (highway, liquor control, emergency management, Parks & Recreation Commission, Brownstone Quorum, etc.)
 9. Parks and Recreation and Public Works departments will give approvals to any changes to park property.
 10. Various Town Services:
 - Fire Marshal will inspect all cooking fuel containers to ensure compliance with CT Fire Safety & Prevention Codes, check suppression systems and fire extinguishers
 - Building Official will inspect electrical systems to ensure they are properly installed

C) Request for one-month extension to Amended and Restated Agreement to Fix Assessment on Real Property-Brainerd Place / Resolution Authorizing the First Selectman to Send Notice of Default of Fixed Assessment Agreement

Ryan Curley said, in addition to last month's progress, they took down some houses on Perry Avenue and met the State bond stipulations that were signed and approved by the BOS back in October. There were three items that had to be done by 12/31/21; one of them has been completed. Dan Bertram asked for the BOS to give them a one-month extension on that agreement. Ryan reached out to counsel and there is a process for when items are not completed. Ryan read the process that must be followed in the event of a default. If BRT isn't meeting their obligations, they have 60 days to get back into compliance. The Town must also file the Assessment Agreement and he is looking for permission from the BOS to send that notice. After a brief discussion, a motion was made by Robert Hetrick, seconded by Ralph Zampano, to accept the resolution authorizing the First Selectman to send Notice of Default of Fixed Assessment Agreement. Vote unanimous; motion carried.

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

January 19, 2022

RESOLUTION AUTHORIZING THE FIRST SELECTMAN TO SEND NOTICE OF DEFAULT OF FIXED ASSESSMENT AGREEMENT

BE IT RESOLVED, that the Board of Selectmen hereby authorizes Ryan J. Curley, First Selectman to act on sending notice of default of the amended and restated Fixed Assessment Agreement dated October 14, 2021 (originally approved March 15, 2017) between the Town of Portland and BRT DiMarco, PTP, LLC, in accordance with Section 22A of said Agreement.

D) Re-Entry Committee: Discussion of Services and Programs Offered During Covid-19

The BOS is the authority on re-entry. Ryan told how one board asked to meet in person and they voted to do that; Ryan did not have a problem with that. However, it gets complicated if one board meets in person and another meets virtually because different applications and permits may be required. You can't have it split; you must do one or the other. Ryan would like to err on the side of caution and revisit it in April. He asked for feedback from the BOS members and they agreed to re-visit it again in April.

Michael Hernandez asked what the Senior Center and Library were doing. The Senior Center remains open but has made some adjustments in their schedule; i.e., mask requirement when eating. Jan Nocek will address the BOS at a later meeting regarding Library activities. Both the Senior Center and the Library are striking a good balance.

E) Appointment/Re-appointments to Boards and Commissions
None

8. NEW BUSINESS

A) To Act on a Supplemental Assistance Agreement Resolution with the State Department of Economic and Community Development (DECD)

Ryan said he is working with DECD regarding the brownfield remediation. This resolution has to do with the grant money that we received for the three parcels toward the end of last year. We were awarded \$375,000 to fulfill the remediation request. One requirement with DECD is that the Town has to formally accept the \$375,000 and that is the purpose of the resolution. Ralph Zampano read the resolution and made a motion to act on a supplemental assistance agreement with the State Department of Economic and Community Development (DECD); it was seconded by John Dillon. Vote unanimous; motion carried.

B) REFUNDS OF EXCESS PAYMENTS: [\$]

9. STATUS & COMMITTEE REPORTS

Ralph Zampano gave an update of the activities of the EDC, the Library, Parks & Rec and Little League.

John Dillon welcomed all the members of the Conservation Commission and said Norm Ward was re-elected as Chairman. He congratulated Norm and thanked him for all his work; Ryan seconded that statement.

Since the last meeting the Town held the second distribution of test kits and masks. Ryan expressed appreciation to CERT, the Fire Department, the Police, and all others who were involved in the short turn-around and the distribution of the kits and masks. Both events went extremely well. The Town still has some kits remaining as posted on the web site. Those who did not get theirs yet can request them. They can also request kits and masks from the government by making a request at www.covid.gov.

10. PUBLIC COMMENT

One comment was made but it was not audible on zoom.

11. BOARD OF SELECTMEN GENERAL INFORMAL DISCUSSION

To answer a question asked earlier by Mike Hernandez, Ralph Zampano said he believed Parks & Rec has the final control.

Ryan Curley apologized for the technical problem with zoom and assured that it will be corrected for the next meeting.

12. FOLLOW-UP ITEMS

- **Ethics Ordinance**
- **Review Town Charter**

13. ADJOURN MEETING

Shaun Manning made a motion, seconded by John Dillon, to adjourn the meeting; all were in favor; the meeting was adjourned at 8:57p.m.

Respectfully submitted,

Sharon R. Hoy, Recording Clerk