

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MARCH 20, 2024**

Present: Ryan Curley-First Selectman, John Dillon, Michael Hernandez, Robert Hetrick, Jr., Shaun Manning, Michael Pelton, Jim Tripp

Staff: Tom Robinson, (Finance Director); Dr. Charles Britton (Supt. Of Schools)

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 7:00 p.m. in the Buck-Foreman Community Room located at 265 Main Street, Portland, Connecticut.

2. PLEDGE OF ALLEGIANCE

3. ACCEPT AGENDA

The following changes were made to the agenda:

- Delete #8. B) Update on EV Charging Station Study (Andy Bauer);
- move Public Comment up to be #4 and renumber the remainder of the agenda items.

Shaun Manning made a motion to accept the revised agenda, seconded by Michael Pelton. Vote unanimous, motion carried.

4. PUBLIC COMMENT

Susan Bransfield, 16 Covell Hill Road, spoke as an individual and did not represent any group or anyone but herself. She commented on the 2024 Execution Copy of the Agreement to Fix Assessment on Real Property between the Town and BRT DiMarco. This is a Fixed Assessment Agreement #4 with BRT. There were agreements in 2017, 2021, 2022 and now this one in 2024. She noted that the developer was found in default in 2022. Ryan Curley, First Selectman, followed the correct procedure, the matter was resolved and the notice of default was withdrawn. She thanked Ryan for following the correct procedure and protecting the town. She continued with questions having to do with the 2024 Agreement that the Selectmen have all endorsed:

1. What is the benefit to the Town of Portland to amend this agreement? What does the municipality of Portland get out of this?
2. There is no mention of affordable housing units. How might this affect the town's obligations under state and federal fair housing laws?
3. Who wrote this amended agreement? Was it BRT, the developer? Whose interests are best being represented here?

4. Who reviewed this agreement – did an attorney scrutinize the language and look to the interests of the Town of Portland on behalf of all of us?
5. Where is the description of phasing? One key reason, as was stated at a recent BOS meeting, was that the phasing has changed since the 2021 agreement. However, there is no description of construction phases in this agreement.
6. Why does this agreement give 12 years to the developer to complete the new commercial space, residential units, and the restoring of Brainerd House, Sage House and the Hart-Jarvis House?
7. Why not keep to the previously agreed upon 10 years, as written in the 2021 agreement?
8. Why isn't the description of this project written in the agreement? It is not in Schedule A. Shouldn't there be a written description of this project that is asking for millions of dollars in tax savings?
9. In addition, where is the Presentation Plan in Exhibit A? The page is blank. Again, what is the project plan that is being agreed to?
10. If the project is not described in writing, then what is the Town actually signing and agreeing to in this fixed assessment?
11. What is the amount of commercial square footage being agreed to? It was 111,192 sq.ft. of commercial space in the 2021 agreement. I could not find it in the 2024 agreement.
12. What is the number of apartments you are agreeing to? It was 240 in the 2021 agreement. Again, I couldn't find it in this agreement.
13. Why, in Section 1.8, is there no mention of meeting the zoning regulations, which is to maintain the balance between residential and commercial construction? Again, there is no description that I could find of the proper phasing of the construction. The construction phases were described in previous agreements.
14. Is Section 8.5 (re: Hart/Jarvis) still needed in this agreement? Does this section need updating based on current circumstances?
15. In this agreement, Section 8.7, states “....complete the exterior construction to Buildings C (Sage House), G (Brainerd House) and H (Hart/Jarvis) House, prior to the issuance of a CO for apartment Building F.” Completing an exterior is NOT restoration. Please note that the reason that up to 240 apartments may be allowed in a mixed-use development is because there must be the preservation of significant historic resources as identified in our Plan of Conservation and Development. If there is only exterior construction, then there is no restoration. If there is no restoration, then how can there be even 240 apartments, rather – it would appear that there can be only approximately 60 apartments.
16. And lastly, in Section 14, should the reference to Section 10A be made? There is no Section 10A in this agreement.

Ben Srb, W. Cotton Hill Road, said this board appointed everyone to P&ZC. At no point should this BOS allow anyone to influence your vote. You were close to violating that. In no way in the future, can you be influenced by them. Thank you for serving. The agreement was to fix real property. Susan did a great job of fixing the new one. The old one we put a lot of time and language in it. This does not live up to his obligations. He will argue that but he completely avoided it. It was written to be 2-phase, obviously we are past the date.

Susan was right, the language is atrocious. It needs to be thrown out and rewritten. This board needs to do something. You guys have a huge job to do in the future. It says preservation not restoration. We deliberately insisted that the word restoration be put in it. He was supposed to have two of the three homes restored a week ago. This is a big deal for Portland. Susan did an excellent job. We went back and forth and no one was completely happy. This has changed six weeks to Sunday. We are not getting what we agreed to. Maybe we can work with him. At the end of the day, this is a very small site. Where does the future hotel go if we wanted one? Make the one in the back a hotel. The town is now in the driving seat. This document is gone. Moving forward, you must represent the taxpayers. I would suggest a public hearing for this. It puts you in a better spot.

Brian Flood, Ridgeview Road, Portland. He remembers sitting in the BOS shoes and he remembers Mr. Bertram coming to the 1st meeting. I was there to represent the taxpayers of Portland. This does not represent the taxpayers at all. I remember talking to Mr. Bertram; he was evasive, uncooperative and I think that is what has happened over the last eight years. Let me make it clear, this property is owned by someone, they can put whatever they want there as long as it passes P&Z and it is legal. I was opposed to this because it is about housing. No one understands, why are we giving a tax abatement for housing? I own a house here and I didn't get a tax abatement. It makes no sense and everyone in this room owes taxes, and we are going to give it away. I am opposed and I am opposed to it now. The commercial keeps reducing and now I hear how they want to make more apartments. I am against tax abatement for that reason. I am not against tax abatement but the reason for it is to incentivize developers to do something for the town of Portland. We want to get business in here, that was a prime property for this. This tax abatement and government put a thumb on it. And this guy just wants apartments. It has been about 8 years ago, and what we are doing, we are rewarding failure with taxpayer dollars and it makes no sense to me. You cannot give a tax abatement to this developer. What we are talking about is a tax abatement that was supposed to be done already and he hasn't complied and he had 10 years to do this. It is ridiculous. Shut it down. You obviously don't get it. It seems there is some fear that he is going to do something else. He is going to make money and continue to do it. There is a bank involved as well. Hold him to the fire but do not give away the taxpayer dollars.

5. DEPARTMENTAL BUDGET WORKSHOP

Dr. Britton said there are videos available with great detail on how they got to the budget as well as the BOE meeting last Tuesday. He started with Page 11 in the budget binder. He gave an update on where some of the larger increases were. They had two sunseting of grant funding which expires this year including the covid funding that is expiring as well as the school improvement grant funding when it was reduced by \$200,000. In addition, other drivers are the general and wage salary increases. The two unpleasant ones were the increase in health insurance, and then we had a net gain of 7 students who are currently in outplacement. Any one of those would make the budget complex but all of them have made it challenging. He told of the significant cuts; some things they had control over; others not. The cuts will be difficult. He then went over the expenditures. All of the 11011 to 11012

refer to staffing. They will reduce 6.6% certified salaries and we will reduce some classified positions. We've reduced our instructional supplies and materials and things over which we have control. There is a 5.08% increase request. The historical average is around 3%.

On Page 11, the negative 24.09% reflects when we removed \$40,000 from the athletics budget. The BOE is now considering a pay-to-play fee. The BOE hasn't made any firm decisions on that. We haven't asked for any funds. If we don't put in place a pay-to-play fee, it will result in a negative percentage. Otherwise, there is not a lot of change.

21001: Medical health insurance, 11.19% increase. We are working closely on these. They are driven by usage and it puts us in a tough spot. Overall for benefits, the increase is 8.43%. The reduction in life insurance was because they negotiated and got a better rate.

30010-33030: Purchased Services. Right now they are all negotiated in one year. We are working and hoping to do extensions so we get negotiate three contracts one year and three the next. This was done during the pandemic and we negotiated a one-year extension to get us through the pandemic. That is what is reflected in that 8.84% increase.

44003: Facility Services. The 9.54% reduction is in repairs & maintenance. That \$285,475 is duct tape and paint that we are using in these buildings to keep them together. This is an area where we have some control over the budget.

51010-58580: Other Services. This is where outplacement is up 33.47%. That reflects the students we are outplacing. When we have these students, you have to maintain them. That 21.49% is the outplacement costs. The reality is that we have a responsibility regardless of what their needs are. The students that have to go outside the district runs up a lot of costs. All of the costs become the responsibility of the town through the BOE budget. Explanation was given of what went up in just a few years. The reimbursement has gone down. The biggest thing is that we do not have a lot of control over outplacement and we can no longer keep them in the schools of Portland. We found that we had a tremendous need regarding social and emotional problems and they need something that needs to be more supportive. We have more students that need outplacement. That responsibility falls upon us and we don't know when the need will occur.

Michel Pelton asked what they have put in place in terms of saving the town money. Dawn Davis (on Zoom) went into a very detailed explanation including programs that allow the students to stay in town rather than sending them to other districts. This allows them to take part in sports also. She told of the different programs supporting the needs of the various groups of students, the newest program being the transition program. There is a need to educate them until they reach the age of 22. She shared the outplacement number and how and why it fluctuates.

P. 13: 61011-64045: Books and Supplies. Some things we don't have control over. Where we did have discretion, we cut. That's why you see a 1.62% decrease.

73011-73015: Buildings and Equipment. This is where you see areas where we have some discretion and we have cut back. 10.89% decrease. It adds up to a 5.08% decrease. Dr. Britton concluded by explaining where the decreases were in staffing.

At this point, Tom Robinson continued on P.93 of the budget binder with Social Services, Miscellaneous.

86013 Red Cross Dial A Ride & 86014 Rural Transit Program: You see some changes in the global amount resulting in an increase of 2.07%.

P. 95 Waverly Senior Citizen Center: Has a full-time director and an administrative assistant, one part-time employee works 8 hours a week. Service contracts increased by \$2,000 due to additional HVAC and generator service contracts after installation of new equipment from CDBG grant. Program Services were increased \$1,000. Up 6.44%

P.97. Municipal Agent for Elderly: Van drivers' stipends increased by \$2,000. We may get some public grants, an increase of 5.67%.

P.99. Portland Library Budget

11001 decrease has to do with change of personnel.

31000-36010 Service Contracts, Conferences, Contract Data Bases and Data Processing all went up. As time goes on media will increase (Hoopla). Decrease of .65%

P.101. Employee Fringe Benefits: Some employees retired and expect more in 2024. Medical insurance has been higher than expected. FICA is up, as has the town pension contributions. Police pension and Volunteer Fire Pension contributions is being monitored. 37029 is where we pay for pension evaluations. In 2025, the valuations will be required. Increase of 2.94%.

103. Risk Management. Insurance is always a tricky one. We are estimating a 3-5% increase. 3.14% increase.

P.105. Debt Service. Decrease in Bonds Interest, Capital Leases - Principal and Capital Leases - Interest. Decrease of 3.45%.

P.107 Interfund Transfers Out.

Transfer to Other #90006 includes \$58,750 for water department for fire hydrants upkeep and includes \$50,000 to be transferred to the Air Line Trail to help start funding the next phase. The town is applying for a grant to obtain further funding. \$2,000 to be transferred to Fund 84 for the Solidarity Committee. Transfer Out - Other went up to \$110,750. Park & Rec went over as did Cap Non rec Town. Increase of 19.10%.

P.109. Town Contingency. No change.

P.119. Animal Control has one full-time employee. There is one part-time employee that will work weekends or other times if the Animal Control Officer is away to take care of the dogs and cats in the facility. We try to keep the costs consistent with the other years as much as possible. There's not much change in this budget except for operational expense of the employee. 1.96% increase.

P.124. Youth Services. Has one employee, the director and the pay and the medical for that employee. Conference meetings and dues increased. They have insurance for their portion of the building. Their commodities have remained pretty consistent. We do have miscellaneous programs and in time, they might go up a little bit. Our CRC consultant was out on leave and that person hasn't returned as of yet. We are working on possibly getting another individual or entity to help in that scenario so in that area where there is less service, we must do other things in the miscellaneous programs to cover our requirements within our grant commitments in this budget area. We do get grants from the State of CT for the Youth Service Bureau and we do get payments from DSS when the therapists are working and they are able to submit the items to DSS and when we do not have those therapists working then we do not get additional funding from DSS. The Resource Center fees is like the private pay we sometimes get from these therapists as well as some other types of fees that could possibly occur based on programmatic fee revenues and then we have the contributions and donations and the transfer contributions transfer in from the general fund makes up the difference on this program.

Tom then went to Revenues on Page 5. We have estimated the current tax based off of the mill rate calculations. The prior year we went up slightly as it seems like we were able hit this 269 to 304 range so we thought we could hit 270. We are expecting to have stronger collections this year because of the tax sale that is moving forward and the tax bill proceedings so we should hopefully clean up some of that within this current cycle. If there is a lag, we'll see that. We have prior year collections. We got estimating of interest and liens. We're leaving that at the 150,000 as we're not expecting to have as much outstanding, therefore not driving interest in liens as high as it had been in the past. Still assuming this strong prior supplemental motor vehicle so we're hoping that will stay as it is. Educational cost sharing grant is the amount that the governor's budget put out, same thing with the PILOT tiered program. We're using the estimates from the governor's budget for that as well as Pequot. Total disabled is an estimate based on the past. Emergency Management is our FEMA grant. That's an estimate based off of the 024 budget that Don Gouin handles. Veteran exemptions can fluctuate and we're expecting that to be lower based on my discussions with the assessor. Municipal revenue sharing is one of those ones that they do not tell us what the number is and you don't really know if it's coming or not coming so we don't have an estimate of that. We were given an estimate of \$97,957 for the municipal transition grant for the taxes there so we're putting that in and hoping that it will come in.

In Other Revenues - State of CT, these are mostly the monies that come in from the Dial-A-Ride program and the Senior Center Director coordinates and runs it. This is kind of an offset on the Municipal Transition Grant. This is sometimes places where if the state voter election give us a grant, sometimes the money goes in there. They gave the grant this year. We're hoping the interest rate will stay strong and we're estimating for a little bit better

number than when we had done the budget in the last cycle so we're hoping that those numbers will stay strong.

The one number that may be a concern would be the PILOT – Telecommunications. We had a big amount come in from Frontier in '23 and then in '24 we were expecting it not to be as significant a drop-off as it is but we received only \$27,000 recently and so with that reduction, we may be estimating \$22,000 there so there's a possibility that we may want to consider a reduction in that number. If it goes down in a year, the likelihood is that it's not going to go back up unless someone was to make a major development which they've already done. They must be using a heavy depreciation factor. This is all state-driven so the carriers give the information to the state and then the state does a calculation but you don't know the calculation until it's out and this came out after we issued this budget and we got the amount for this year. So it's something to consider.

Property rental, we are using around \$500,000 more or less, it's just probably just the increase to Oak Hill as well as that is the number we used. We kept many of the other areas similar as you can see. Because we raised the private duty expenditure, we raised the private duty revenue correspondingly so that's hopefully nice. Although we're going to raise that expenditure up, we've put the revenue there so if one was to lower the expenditure, we would have to lower the revenue as well because that's the relationship on that number. Structural permits, there's some significant building activity so we're estimating that we're going to stay above the number that it's been. The 254 is generally a higher number of what we normally have but it could hit the 331 mark so we're hoping that it is a true positive statement. CIRMA provides distribution if they have good enough years and this year, they didn't feel their results warranted a distribution to the members so we would generally get a member distribution that's usually somewhat higher than \$20,000 and we've been getting it pretty consistent but in '24 we're not getting it and it is unknown in '25 but we're remaining confident that maybe we'll get it.

6. APPROVE MINUTES: (Regular) March 6, 2024

Shaun Manning made a motion, seconded by John Dillon, to approve the March 6, 2024 minutes, all were in favor, motion carried.

7. COMMUNICATIONS/CORRESPONDENCE

Ryan read a letter into the record as follows:

Hello members of the Board of Selectmen!

Thank you so much for your hard work on the budget this month.

As a parent of a first and fourth grader in town and as a social worker, I am writing in support of preserving the entire Board of Education budget. I attended BoE meetings and witnessed the board members painstakingly combing through the budget to keep costs as low as possible while preserving as many services and resources for students as they could. I saw the BoE members

make difficult compromises so that they could present a budget unanimously. I heard many parents and teachers speak in support of preserving positions and services to students, and I heard the BoE members take these comments into account. I know it is not a perfect budget due to many factors, and if possible I would love for more funding to be restored to it so there would not be any cuts to teacher or para positions. I also understand costs are rising and the Town needs to approve a budget that they feel residents will support. I can tell you that I and many other parents will get the vote out for a budget that is fair to our schools. It is so important for our students to have the support they need; providing a robust budget to the schools is an investment in our students' and our community's future. I am extremely grateful to Ryan Curley for preserving the BoE budget thus far. After the Board of Ed's and Ryan's hard work and thoughtfulness, I urge you to do the same. Thank you for your consideration!

Liz Hibino
19 Scenic Dr, Portland

8. OLD BUSINESS

A) Monthly Report – Committee on Solidarity – Glenn Eason (PJ) reported on the activities as follows:

- Thanked all involved in Black History Month for their participation;
- Told of upcoming events, including a Stonewall Speakers Panel on April 20 in the Mary Flood Room and Juneteenth;
- Committee continues to hold meetings on the 2nd Tuesday of the month;
- He thanked the BOS for their support and guidance.

B) Appointments/Reappointments to Boards and Commissions

Robert Hetrick nominated Barry Rodgers to the Ethics Commission, seconded by Shaun Manning. Vote unanimous, motion carried.

Robert Hetrick nominated Dave Rutter as an alternate to the Veteran Affair Committee, seconded by Jim Tripp. Vote unanimous, motion carried.

Jim Tripp nominated Maura Dillon to the Housing Authority, seconded by Shaun Manning. John Dillon abstained from the vote, all others were in favor, motion carried.

9. NEW BUSINESS

A) Revision to FY23-24 Non-Union Pay Plan (Election Moderator Wages)

Ryan has one change. The early voting is about to start next week for the Presidential Primary. There is a moderator and two poll workers. The election workers will be at minimum wage. Ryan would like the moderator to receive \$18/hour.

Michael Pelton made a motion that the moderator in charge receive \$18/hour, seconded by Shaun Manning. Vote unanimous, motion carried.

B) Set Public hearing: 2024 Connecticut Neighborhood Assistance Act (NAA) Program (April 3rd @ 6:50 p.m.)

John Dillon made a motion to hold a public hearing on the 2024 Neighborhood Assistance Act (NAA) on April 3rd at 6:50 p.m., seconded by Jim Tripp. Vote unanimous, motion carried.

C) Refunds of Excess Payments:

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse JED LTD [\$29.54]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse ACAR Leasing LTD [\$793.65]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Brothers, Elizabeth A [\$9.45]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Winston, Bryan & Winston, Audrey [\$43.34]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse McPhee, Eric P. [\$200.31]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse CAB East LLC [\$667.34]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Honda Lease Trust [\$303.99]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Fortin, Mary Jane & Calegari, Rose Ann [\$8.20]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Hendrickson, Rachel & Gonzalez, Adam [\$171.44]. Vote unanimous, motion carried.

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse CCAP Auto Lease LTD [\$69.63]. Vote unanimous, motion carried.

10. STATUS & COMMITTEE REPORTS

Shaun Manning reported on the Land & Business Usage Assessment Committee that met on Monday night regarding the recent walk-through. There were a lot of different ideas and opinions. They are trying to get a commercial realtor to come in and give us input. One

member found someone who had remodeled a school so we are trying to get that input from that person. Bob Shea is giving us information on breaking up the site lines and what possibilities there are of things we can take out if not using it as a school for town use or whatever we come up with. It is the hardest committee to be on right now but we have good members on the team. Ryan thanked all for the work being done.

Jim Tripp said new fencing has gone in at the Rt. 17 park and the 23rd is the Easter Egg Hunt although the weather may be a bit shaky. Regarding Water and Sewer, Rick Sharr was elected and has agreed to be Chairman. They talked a little bit about the GZA report. Some numbers were adjusted regarding the implementation costs. More to follow on that. The name of the game on water is funding.

Robert Hetrick said P&Z has been busy. The quarry Nordic spa has been approved. Arrigoni Winery has an application. There's an application for the gas station on Rt. 66 and two applications for Brainerd Place. Ryan said that the public hearing has been changed to April 4 at the Portland High School auditorium. It will be on-line and accessible.

11. PUBLIC COMMENT

Laurel Steinhauser, 56 Prospect Street, spoke on behalf of the BOE and clarified one point from the earlier discussion regarding outplacement students and how the number of students may fluctuate. When they budget for next year, they budget for the current number of students. Laurel then explained how that number can change back and forth and the reason for it.

12. BOARD OF SELECTMEN GENERAL INFORMAL DISCUSSION

Robert Hetrick asked about the status of the RFP for Brownstone Avenue. Ryan said it is his goal to get it out by the end of April. We have an additional \$500,000 to award to a prospective business developer for that site. It expires the end of June but we may be able to get an extension. It would be a topper to get someone in there.

13. FOLLOW-UP ITEMS

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

14. ADJOURN MEETING

At 8:44 p.m. a motion was made by Shaun Manning to adjourn the meeting, seconded by Michael Pelton, all were in favor and the meeting was adjourned.

Respectfully submitted,

Sharon Hoy, Board Clerk