

**BOARD OF SELECTMEN
REGULAR MEETING MINUTES
JUNE 5, 2024**

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

Staff: Tom Robinson (Finance Director); Ryan O’Halpin (Dir. Of Public Works)

Others Present: Dr. Charles Britton (Supt. Of Schools), Members of the Media and Public

1. FIRST SELECTMAN CALL MEETING TO ORDER

First Selectman Ryan Curley called the Financial 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

Shaun Manning made a motion to accept the agenda, seconded by Michael Pelton, all were in favor, none opposed, no abstentions, motion carried.

4. APPROVE MINUTES: (Regular) May 15, 2024; (Special) May 14, 2024

John Dillon made a motion, seconded by Shaun Manning, to approve the May 15, 2024 Regular Meeting minutes, all were in favor, motion carried.

Shaun Manning made a motion, seconded by Michael Pelton, to approve the May 14, 2024 Special Meeting minutes, all were in favor, motion carried.

5. COMMUNICATIONS/CORRESPONDENCE

Ryan shared the following:

- A press release issued by the Governor that the Bond Commission slated funds for the dewatering of Jobs Pond. If all goes well, funds will be appropriated to cover the local match. Ryan thanked Government officials and other agencies involved in the process and delineated some of the work that remains to be done.
- Logan Prince completed his Eagle Scout Project which was picnic tables at the Senior Center. They are handicap accessible, made of oak and beautiful. Ryan thanked him for this project.
- The Middlesex County Revitalization Commission released the 2024 grant recipients and Portland had four of them, Home Town Garage for refrigerant handling, Olson Bachman for infrastructure and staff training, River Ridge Farms to repair and replace a

greenhouse, and Valli Construction for expansion and employment. Ryan congratulated the four recipients. Portland received over 25% of the grant awards.

- Quarry Day will be on June 8th from 10 a.m. to 4 p.m. at River Front Park and the next Saturday is Juneteenth from 10:30 a.m. to 3:30 p.m. at Portland Middle School.
- Proclamations: Juneteenth, PRIDE

Shaun Manning made a motion to accept the proclamations for Juneteenth and PRIDE but waived the reading of them, seconded by John Dillon. Vote unanimous, motion carried.

Ryan thanked the Solidarity Committee for their participation at the PRIDE celebration in Middletown.

6. PUBLIC COMMENT

Jimmy from Apex Auto Detailing has his business in Portland where they do luxury car storage and detailing. The Town just chip sealed the road on Freestone Avenue. He asked if there might be funding to pave a small section of Freestone Avenue Extension so the luxury cars won't have to drive through the chip seal area.

Ben Srb, 139 West Cotton Hill Road, said he has a major problem with the BOE plan with their numbers. Their plan is \$84 million over 30 years, it does not include the \$11-12 million that is currently needed for identified deficiencies so you have a grand total of \$96 plus interest on the other and it may come down a little, so it will be about \$100 million to the taxpayers financed over 30 years. Why finance something for 30 years when it will have deficiencies in about 20 years. Regarding No. 9 on the agenda tonight, you should all vote no. They proposed to temporarily close Valley View School for 1-3 years. Valley View is the smallest school, it was not even on the spreadsheet. It's way too much money. Either lease Valley View out or drain the pipes and mothball it. They don't know what they will do with Brownstone or Gildersleeve at this point. Brownstone is part of history and probably isn't going anywhere and will always be on our books. It will not be a \$600,000 savings as was identified. It will just get shifted over to the general side. Close it and shift all the grades like they wanted to. You guys have to decide if it should even go to referendum. How can we be there when Valley View wasn't even on the spreadsheet. Your payment for fixing the four facilities would be approximately \$108 million. Ben continued to voice his concerns with examples and concluded by saying we don't need Valley View. We can't afford \$100 million.

7. MONTHLY BUDGET REPORT

Tom Robinson gave the monthly budget report, pointing out revenue that was over as well as the accounts that will have to be watched.

8. RESOLUTION SUPPLEMENTAL APPROPRIATION FOR TRANSFER OUT CAP NON REC TOWN AND INCREASE TO ESTIMATED INTEREST INCOME AND PROPERTY TAXES - PRIOR YEAR [ROAD IMPROVEMENTS]

Ryan O’Halpin explained the work that has been done and some that still needs to be done. John Dillon read the resolution as follows:

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

JUNE 5, 2024

**SUPPLEMENTAL APPROPRIATION FOR
TRANSFER OUT-CAP NON REC TOWN AND INCREASE TO ESTIMATED INTEREST INCOME AND
PROPERTY TAXES-PRIOR YEAR**

WHEREAS, the Town of Portland (Town) is attempting to make road improvements to some town roads that may include, but not limited to, a part of High Street, Perry Avenue, Dogwood Drive and a portion of Spring Street; and

WHEREAS, the Town does not have funds in place to make the needed pavement improvements as the costs estimates exceed the funds that are available in the Town Aid Road Grant Fund and Municipal-Grant-in-Aid Program by approximately \$360,000; and

WHEREAS, revenues in line item #01-000-000-00401 investment income currently exceeds the adjusted budget by at least approximately \$250,000; and

WHEREAS, revenues in line item #01-000-000-00011 Prop Taxes-Prior Years exceeds the original budget estimate due to tax sale proceedings and strong prior year tax collection efforts, the estimated revenues can be increased by the additional \$110,000 needed for the road construction projects; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Selectmen hereby approves a supplemental appropriation in line item #01-093-000-90012 Transfer Out-Cap Non Rec Town in the amount of \$360,000; and

BE IT FURTHER RESOLVED, that the Board of Selectmen hereby approves funding for the supplemental appropriation in line item #01-093-000-90012 Transfer Out- Cap Non Rec Town through an increase in estimated revenue to line item #01-000-000-00401 Investment Income of \$250,000 and an increase in estimated revenue to line item #01-000-000-00011 Prop Taxes-Prior Years of \$110,000; and

BE IT FURTHER RESOLVED, that the Board of Selectmen hereby approves an increase in estimated revenues #08-141-000-00501 Transfers in General Fund Town of \$360,000 and an increase in supplemental appropriation to expenditure line item #08-141-000-89090 Public Works-Highway Division/Vehicle Maintenance - Road Construction/Drainage.

NOTE: pursuant to Section 1203.4 of the Portland Town Charter this requires a public hearing prior to BOS approval, and pursuant to Section 503(b) and 503(g) is subject to approval at a Special Town Meeting

Michael Pelton made a motion to set the Public Hearing for June 26 at 6:50 p.m. for the “Supplemental Appropriation for Transfer Out-Cap Non Rec Town and Increase to Estimated Interest Income and Property Taxes-prior year,” seconded by Jim Tripp. Vote unanimous, motion carried.

Shaun Manning made a motion to set the Special Town Meeting for June 26 at 6:55 p.m., for the “Supplemental Appropriation for Transfer Out-Cap Non Rec Town and Increase to Estimated Interest Income and Property Taxes-prior year,” seconded by Jim Tripp. Vote unanimous, motion carried.

9. RESOLUTION RECOMMENDING AN APPROPRIATION AND BOND AUTHORIZATION FOR THE RENOVATION AND EXPANSION OF VALLEY VIEW ELEMENTARY SCHOOL INTO A PRE-K-GRADE 5 SCHOOL

Ryan Curley explained that the plan is to move forward with a question on the November ballot. If the BOS agrees, we need to have a public hearing followed by a special town meeting. Discussion ensued regarding transparency. It was emphasized that we must make sure the public knows what all the expenses will be. John Dillon and Shaun Manning said they are not sold on the plan. It is the responsibility of the BOS to put forward some kind of primer, i.e., a document made available on the town website explaining what the costs are for this and everything else we have on our plate. We have a lot of expenditures, like water and sewer, maybe another firetruck. People need to know what we have bonded and what it means for them with taxes. The BOS needs to make sure that people feel comfortable and this is what the possibilities are. It is important that everyone going to the polls knows all the details.

Michael Pelton said the public needs to know all the numbers inside and out. Their view must be based on correct information.

Robert Hetrick said he wasn't there to make a decision for any resident. He thinks this is not a good plan but he would have to send it to referendum so everyone gets their say. He can't say that he is speaking for everyone. He doesn't like it and neither does Shaun Manning. Maybe there should be a second question. But Ryan said a second question wasn't feasible at this time. Shaun said he just got the information today. The town's track record is what scares him. We would be going 30 years on this project.

Dr. Britton explained the impending deadline of June 30 and explained what some of the unknowns are. Clearing the path for that is just the end of the beginning. This will get us in the queue. By the time we get to November, we will clearly know the details.

Michael Hernandez said it is hard to tell the taxpayers that they will be on the hook for 30 years. But he doesn't recommend the grant for another reason. This is not the best plan for the kids. His concern is having the kids in one place for security reasons. He doesn't like the duration of lunch periods from 10:30 to 1:30, and maybe just one gym class a day. He feels we are depriving the kids of some things. He is looking at it through the children's eyes. Michael Pelton thinks the teachers and administrators would support it but Michael Hernandez does not necessarily agree.

Jim Tripp said the people must understand what the offsets will be. There are pros and cons. There are some aspects about having a large facility that he doesn't like but there are some things that will benefit the students. He supports it going to a public hearing and get it on the ballot and let the public speak. He has some concerns about waiting. Ryan said the whole point is to let the public decide. This is not a perfect plan but we need to move or figure out another option.

Ryan read the resolution but said it will not be acted on tonight.

TOWN OF PORTLAND, CT
BOARD OF SELECTMEN

June 5, 2024

RESOLUTION RECOMMENDING AN APPROPRIATION AND BOND AUTHORIZATION FOR THE
RENOVATION AND EXPANSION OF VALLEY VIEW ELEMENTARY SCHOOL INTO A PRE-K-GRADE 5
SCHOOL

RESOLVED, that the Board of Selectmen recommends that the Town of Portland (the "Town") appropriate \$68,000,000 for costs related to the renovation and expansion of Valley View Elementary School into a pre-K-Grade 5 school (the "Project"). The appropriation may be expended for site improvements, design, construction, renovation and installation costs, engineering and professional fees, inspection, evaluation and surveying costs, materials, equipment, furniture, purchase costs, legal fees, financing costs, interest expense on temporary borrowings, and other costs related to the Project. The appropriation shall include any federal, state or other grants-in-aid received for the Project. The Board of Selectmen or, a building committee, if established, is authorized to determine the particulars of the Project. The Board of Selectmen may reduce or modify the scope of the Project and the entire appropriation may be expended on the Project as so reduced or modified.

FURTHER RESOLVED, that the Board of Selectmen recommends that the Town finance the appropriation by issuing the Town's bonds or notes in an amount not to exceed \$68,000,000, or so much thereof as may be necessary after deducting grants to be received for the Project.

FURTHER RESOLVED, that the Board of Selectmen hereby refers the Project to the Planning and Zoning Commission for approval in accordance with Connecticut General Statutes Section 8-24.

Michael Pelton made a motion to set the date for a public hearing for June 18 at 6:00 p.m., on the RESOLUTION RECOMMENDING AN APPROPRIATION AND BOND AUTHORIZATION FOR THE RENOVATION AND EXPANSION OF VALLEY VIEW ELEMENTARY SCHOOL INTO A PRE-K-GRADE 5 SCHOOL, seconded by John Dillon.

Vote:

Ayes: Ryan Curley, John Dillon, Michael Pelton, James Tripp

Nays: Shaun Manning and Michael Hernandez

Abstained: none

Motion carried.

John asked where it will be held since the space is limited. Ryan said the legal notice has already gone out and we don't have an opportunity to change it. **meeting location was changed from Buck-Foreman Room to Portland High School Media Center**

10. RESOLUTION SUPPLEMENTAL APPROPRIATION FOR 2023-2024 GENERAL FUND OPERATING BUDGET – BOARD OF EDUCATION: Set Public Hearing Date; Special Meeting Date

Ryan read the following resolution:

**RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut
JUNE 5, 2024
SUPPLEMENTAL APPROPRIATION FOR
2023-2024 GENERAL FUND OPERATING BUDGET-BOARD OF EDUCATION**

WHEREAS, the Board of Education is experiencing overages in fiscal year 2024 in purchased services due to not being able to hire/find an internal position for speech and language services that then needed to be provided by a contractor as well as the need for more physical therapy and occupational therapy services than were originally expected; and

WHEREAS, in fiscal year 2024 the Board of Education has had additional tuition costs to private sources and tuition costs to local educational agencies in state due to unexpected outplacements; and

WHEREAS, the Board of Education is incurring more transportation costs for students due to the increase in unexpected outplacements; and

WHEREAS, due to the additional costs placing a significant strain on the Board of Education Fiscal Year 2024 budget, the Board of Education is requesting \$375,000 supplemental appropriation to the 2023-2024 General Fund Operating Budget-Board of Education; and

WHEREAS, revenues in Education Cost Sharing Grant (01-000-000-00101) have come in higher by \$48,917 than budgeted based on an adjustment by State; and

WHEREAS, an additional \$326,083 would be allocated from the unassigned fund balance of the General Fund to cover the remainder of the Board of Education's request.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Selectmen hereby approves a supplemental appropriation to BOE General Fund Operating Budget in the amount of \$375,000 through an increase in estimated revenues to line item #01-000-000-00101-Education Cost Sharing Grant of \$48,917 and from the unassigned fund balance of the General Fund of \$326,083.

NOTE: pursuant to Chapter XII, Section 1203.4 of the Portland Town Charter this requires a public hearing prior to BOS approval, and is subject to approval at a Special Town Meeting

Dr. Britton gave the report that he gave at the BOE meeting the night before about the outplacement project that now includes 20 students as well as a reimbursement program that we get from the State. It changes based on available revenue. They will get 68% but we were hoping for more. It started with 2 speech and language pathologists. They were unable to find a qualified pathologist.

Shaun Manning made a motion to set the Public Hearing for June 18th at 6:30 p.m., on the SUPPLEMENTAL APPROPRIATION FOR 2023-2024 GENERAL FUND OPERATING BUDGET-BOARD OF EDUCATION, seconded by John Dillon.

Vote:

Ayes: Ryan Curley, John Dillon, Shaun Manning, Michael Pelton, James Tripp

Nays: Michael Hernandez

Abstained: none

Motion carried.

Shaun Manning made a motion to set the Special Town Meeting for June 18th at 6:45 p.m., on the SUPPLEMENTAL APPROPRIATION FOR 2023-2024 GENERAL FUND OPERATING BUDGET-BOARD OF EDUCATION, seconded by John Dillon. Vote unanimous, motion carried.

11. RESOLUTION TO RECOMMEND THE AUTHORIZATION OF A LEASE PURCHASE AGREEMENT [BOE COPIER LEASE] Set Special Town Meeting

Shaun Manning read the resolution.

TOWN OF PORTLAND, CT
BOARD OF SELECTMEN
June 5, 2024

RESOLUTION TO RECOMMEND THE AUTHORIZATION OF

A LEASE PURCHASE AGREEMENT AND TO CALL A SPECIAL TOWN MEETING TO APPROVE THE
AUTHORIZATION

RESOLVED, that the Board of Selectmen recommends that the Town of Portland, for the benefit of the Town's Board of Education, enter into a Lease-Purchase Agreement to lease and subsequently purchase eighteen (18) photocopiers, with a lease term not to exceed 48 months, the lease purchase agreement principal amount not to exceed \$150,000, and the annual payments under the lease purchase agreement, consisting of principal and interest, not to exceed \$41,000 for the term of the lease, and to enter into a Service Contract for the photocopiers with annual payments not to exceed \$25,000.

BE IT FURTHER RESOLVED, that the attached resolution for the Lease Purchase Agreement (the "Resolution") is hereby approved and in accordance with Chapter V, Section 503(f) of the Portland Town Charter this is subject to approval at a Special Town Meeting to be held on Tuesday, June 18, 2024 in accordance with the attached Legal Notice of Special Town Meeting, which is also hereby approved.

Shaun Manning made a motion to set the Special Town Meeting for June 18th at 7:00 p.m., on the RESOLUTION TO RECOMMEND THE AUTHORIZATION OF A LEASE PURCHASE AGREEMENT AND TO CALL A SPECIAL TOWN MEETING TO APPROVE THE AUTHORIZATION, seconded by Michael Pelton. Vote unanimous, motion carried.

12. RESOLUTION FEDERAL AND STATE GRANT – JOBS POND: Set Special Town Meeting Date

Ryan Curley read the resolution as follows:

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

June 5, 2024

FEDERAL AND STATE GRANTS – JOBS POND

WHEREAS, the Town of Portland has insufficient funding or other resources available to provide adequate relief from applicable hazards and have thereby requested Federal assistance from the Natural Resources Conservation Services ("NRCS") under the provisions of section 216 of the Flood Control Act of 1950, Public Law 81-516 or section 403 of the Agricultural Credit Act of 1978, Public Law 95-334, to restore damages sustained in Middlesex County by ongoing excessive rainwater flooding properties along Jobs Pond, specifically Jobs Gate 1, Jobs Gate 2 and Gate 3 on April 4, 2024; and

WHEREAS, this work is needed to safeguard lives and property from an imminent hazard of flooding basements damaging home mechanical systems such as heating furnaces, hot water tanks, plumbing and septic tanks. Immediate relief would require removal of water from the Pond; and

WHEREAS, the project objective is the dewatering of Jobs Pond and pipeline construction in an effort to relieve flooding; and

WHEREAS, the NRCS will provide technical and financial assistance to the Town of Portland for the project for implementation of recovery measures, that if left undone, pose a risk to life and/or property; and

WHEREAS, NRCS will pay up to 75% of the eligible construction costs and the Sponsor (the "Town") is required to contribute a 25% match; and

WHEREAS, the Town anticipates to receive a grant from the State of Connecticut Department of Energy and Environmental Protection to cover the 25% match; and

WHEREAS, the total estimated project budget is \$760,000 of which the Federal share is \$572,500 and the Non-Federal (State of CT) share is \$187,500.

NOW, THEREFORE, BE IT RESOLVED the Board of Selectmen hereby authorizes Ryan J. Curley, First Selectman, to execute and file such application with the USDA/Natural Resources Conservation Service under the authority of the Emergency Watershed Protection, to execute any amendments, decision, and revisions thereto, and to act as the authorized representative of the Town of Portland; and be it further

RESOLVED the Board of Selectmen hereby authorizes Ryan J. Curley, First Selectman, to execute and file such application with the State of Connecticut Department of Energy and Environmental Protection, to execute any amendments, decision, and revisions thereto, and to act as the authorized representative of the Town of Portland.

Shaun Manning made a motion to set the Special Town Meeting for June 18th at 7:15 p.m., on the FEDERAL AND STATE GRANTS – JOBS POND, seconded by Michael Pelton. Vote unanimous, motion carried.

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

Shaun Manning read the resolution and made a motion to approve it, seconded by Jim Tripp. Vote unanimous, motion carried.

RESOLUTION
BOARD OF SELECTMEN
Town of Portland, Connecticut

June 5, 2024

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 send a notice of default to BRT DiMarco PTP, LLC pursuant to the SECOND AMENDMENT TO THE AMENDED AND RESTATED AGREEMENT TO FIX ASSESSMENT ON REAL PROPERTY dated

March 23, 2022 (originally approved March 15, 2017 and amended on October 28, 2021) between the Town of Portland and BRT DiMarco PTP, LLC (the “Agreement”). The notice of default will be sent in accordance with Section 22A of the Agreement.

14. APPOINTMENTS TO BOARDS AND COMMISSIONS

- **Resignations:**
 - R) Peter A. Castelli, Board of Assessment Appeals (vacancy 5/21/2024) term ends 11/2025. Ryan told of his passing.
 - D) Deborah J. Calavas, Youth Services Advisory Board (resigned 5/21/2024) term ends 11/2027
- **Appointments**
- **Reappointments**

15. REFUNDS OF EXCESS PAYMENTS:

Robert Hetrick made a motion, seconded by Michael Pelton, to reimburse Enterprise FM Trust [\$434.80] [\$119.45][\$127.73]. Vote unanimous, motion carried.

16. STATUS REPORTS

Ryan Curley shared the following:

Regarding the search for water, we are up against the clock with MDC. They want to negotiate this summer. We need to have an established well to do testing this summer. It is estimated that the town should have \$1.2 million for the well. The BOS told Ryan to explore the options. The need is a potential note of under \$500,000, paid back through the water users probably over a 10-year period. The remaining funds would come from the Town’s fund balance. This would be subject to a special town meeting. This is the only option we have. They could present a complete picture on the 18th. The impact of not getting it is not acceptable. The goal is to lower the water rate. If we aren’t using MDC, we can use that money for the note. This will be revisited on the 18th.

John Dillon will give an update on BOE meetings at the next meeting.

17. PUBLIC COMMENT

Meg Scata thanked the BOS and thinks we are transparent with the needs of the school. She heard some numbers that are not accurate. She is concerned that we get the right information out. This plan was a surprise to all of us. Administrators won’t let the kids go hungry. We make good decisions. We must trust that the public will get the right information and the right decision will be made.

18. BOARD OF SELECTMEN GENERAL INFORMAL DISCUSSION

Michael Pelton gave feedback of the weekend fundraiser at the new high school track. It was a great event and will become an annual event.

19. FOLLOW-UP ITEMS

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

20. EXECUTIVE SESSION: FIXED ASSESSMENT AGREEMENT WITH BRT DIMARCO PTP, LLC

At 9:12 p.m., a motion was made by John Dillon, seconded by Shaun Manning, to enter the Executive Session. Vote unanimous, motion carried. Developer Dan Bertram was invited to attend.

The Executive Session ended at 11:08 p.m.

21. ADJOURN MEETING

Shaun Manning made a motion to adjourn the meeting, seconded by Jim Tripp, all were in favor; the meeting was adjourned at 11:08 p.m.

Respectfully submitted,

Sharon Hoy, Board Clerk