

**BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
September 21, 2016**

Present: Susan Bransfield, Kitch Czernicki, Brian Flood (joined meeting at 7:49 p.m.), Fred Knous, Michael Pelton, Kathy Richards, Ben Srb

Staff Present: Mary Dickerson, Don Mitchell (Dir. of Chatham Health), Bob Shea (Fire Chief)

Others Present: Atty. Kari Olson; Dan Bertram (Developer, Brainard Place); Fred Hassan (Owner, Brainard Place); Elwin Guild (Chmn. EDC); Members of the Media and Public

**1. FIRST SELECTWOMAN CALL MEETING TO ORDER**

First Selectwoman Susan Bransfield called the Regular Meeting to order at 7:34p.m. in the Mary Flood Room of the Public Library, 20 Freestone Avenue, Portland, Connecticut 06480.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVE MINUTES (Special) August 30, 2016; (Financial) September 7, 2016**

A motion was made by Michael Pelton, seconded by Kathy Richards, to approve the August 30, 2016 Special Meeting Minutes. Vote unanimous, motion carried.

A motion was made by Kitch Czernicki, seconded by Kathy Richards, to approve the September 7, 2016 Financial Meeting Minutes. Vote unanimous, motion carried.

**4. ACCEPT AGENDA**

A motion was made by Michael Pelton, seconded by Fred Knous, to accept the agenda; all were in favor; none opposed; no abstentions; motion carried.

**5. COMMUNICATIONS/CORRESPONDENCE Update: Chatham Health District (D. Mitchell)**

Don Mitchell, Director of Chatham Health District, reported that members of Chatham Health attended training and they have embraced it. Complaints have gone down. A sanitarian was hired and has passed her exam and is an excellent addition to the team. She's been an incredible teacher. They are down a part-time office assistant. They had a number of temporary events and had over 200 inspections on temporary food service. They have a tentative schedule for flu shots and clinics. Don is trying to have more interaction with the community. Kitch Czernicki said she appreciated the presentation and would like to have a regular presentation from time-to-time. Ben Srb said he has used Chatham Health several times since Don took over and from a user perspective, it worked well.

## **Donations of Artwork/ Sculpture by Cathy Glasson**

Jan Nocek told of the donation of the two 10" replicas of the Angels of Peace that stand at the top of the Soldiers and Sailors Memorial Arch in Hartford. They were completed by sculptor Lloyd Glasson and presented to the Portland Library by his wife in his memory. At 7:49 p.m., Kitch Czernicki made a motion to recess to view the angels in the Library; seconded by Michael Pelton; all were in favor. The meeting reconvened at 7:56 p.m.

**6. PUBLIC COMMENT: None**

**7. OLD BUSINESS**

**A) New Opioid Legislation:**

Fire Chief Robert Shea gave a presentation telling how serious the problem is and the challenge on the public safety side. He believes that the recently passed bill will do good. There is a cost associated with the medication. It makes sure that one of the providers carries the reversal drug. The sad part is the stuff on the street is being mixed and it is becoming much more difficult. The first responders as well as Middlesex Hospital are among those carrying the reversal drug. The medication has to be purchased and secured. It has a shelf life and must be accounted for. There is a need for it in our community and his department will be proactive. Susan Bransfield thanked Chief Shea for his commitment and service.

**B) 2016 Fixed Assessment Application – BRT DiMarco PTP, LLC**

Ben Srb disclosed that he is a minority member of an LLC in which the applicant received a tax abatement. He did not benefit from it. Kathy Richards disclosed that she, too, is a minority member of that same LLC.

Previously the BOS rescinded the application because the site plan was no longer accurate as to what was going to be built. A discussion took place as to what the role of the First Selectwoman would be. Susan remembered conversation that the full board wanted to negotiate not just the First Selectman. Ben Srb said he understood that any future tax abatement would come to the full board and that's where it would be discussed and finalized. Kitch Czernicki said she understood that Susan would do the negotiating but it would come back to the board for final approval.

Susan Bransfield referred to the current application submitted on August 8. This was presented by Mr. Bertram along with the concept plan. The assessor shared some information with Mr. Bertram in August. Mr. Bertram responded and Susan had distributed that as a handout. Earlier that day, the assessor wrote a letter which Ms. Bransfield read into the record. The letter stated that under the Town of Portland's Policy on Fixing Real Property Assessments, an agreement could be negotiated to fix the assessment for a period not greater than seven years if the cost of improvements to be made to such parcel is over \$3,000,000. The ultimate decision authority to fix a real

property assessment is the BOS. Susan Bransfield prepared a chronology and evaluation of the application which she read into the record. Following are some, but not all, of the questions she asked: *How many jobs would be created? Should the fixed assessment agreement be assignable? Can we explore assisted living units? Is there a market study to support the square feet of office space? Is there a potential for a swimming pool, or exercise area?* She wanted more talk on the restoration and uses of the buildings. *What is the Town's cost in moving the Hart Jarvis House? Who will be the contact for the job? What is the timeline for the incentive agreement? How do we make sure it is done efficiently?*

Elwin Guild read a letter into the record that was prepared and dated on September 20, 2016 by EDC in support of the Brainard Place tax abatement application. He acknowledged how many people involved are volunteers and he respects their service. He asked that the EDC be allowed to speak at the appropriate time. He emphasized the last sentence which states that the approval and execution of the project will fulfill the highest priority issue in the Town's Plan of Conservation and Development.

Brian Flood said there are different viewpoints. He came to a different conclusion in reading the letter. Perhaps the project is not viable unless it has help from the Town. If the abatement goes away then things are boarded up. He thinks this would be a significant risk to the town. The liabilities to the Town are unknown.

Elwin Guild explained that there is no money being transferred. We are not giving something away. This is a very common and practical strategy for development. It is the creation of a "Town Center." It is our obligation to do our best to ensure that the change is for the benefit of all.

Elwin Guild told how the plan requires re-engineering of the traffic management on Rt. 66 and 17A. He has had planning meetings with DOT. There will be major road changes including a round-about instead of traffic lights. There will be a true town village that is friendly to those bicycling or the handicapped where people can visit various places safely. If nothing occurs, we will get the same real estate tax that we will get today. Looking at the potential for development, there is no doubt that proportionally, the town still will advantage in terms of bare bones revenue in absence of applying real estate taxes to the final project. Portland's name is not held in the highest regard regarding jobs. His view of the tax abatement issue is that if it doesn't happen, there isn't a dollar involved until the project is on the ground. If performance isn't there, there is no advantage or abatement. The risks are real.

Ben Srb said we are premature. There is no application let alone an approval. Without that, we can sit here all night and talk about what may or should come. The BOS for the previous tax abatement wanted an approved site plan to figure out value and go from there. There is no zoning approval. We are basing the tax abatement on a dollar amount. We don't have anything in front of us. The P&Z has the right to make a change if an application is in front of them. If that happens, we should all know what the change is. Brian Flood agreed with Ben. Is the Town interested in incentivizing a bunch of apartments? Some are interested in preserving the homes and they are interested in it for that point.

Atty. Kari Olson said they can structure the agreement and tie it into the concept plan. There are things you can do to ensure that you get what you think you are getting.

Kathy Richards expressed concern that they have so many questions that haven't been answered. If you have a market or grocery twice the size of Tri-Town plus a pharmacy and coffee shop, suddenly it doesn't look like a town center. Elwin Guild agrees because it is a concept plan. It is unknown who is going to fill the space. Kathy Richards thinks the developer should know what is going to be built. Brian Flood wanted agreement that the owner will maintain these properties.

Ben Srb said the reality is that you would want to know what you are getting whether it is a marijuana facility or a golf shop. We could make an educated guess as to what it would do for the Town. We are all just guessing and it is scary. You would want to know if there is a big pharmacy that puts a little one out of business.

Brian Flood said this is not a free market concept and we are subsidizing it. Mr. Bordonaro would not be thrilled with this. Susan Bransfield said the State of CT has put forth this statute and there is a whole list of different incentives that towns are using. Portland must remain competitive and this Board must recognize whether you agree or not, we are living in CT and CT is suffering.

Atty. Kari Olson said most of the towns that she has drafted know exactly what they were getting. For example, they would commit to hiring local people, and phase it in for "x" amount of time. Also, she is painfully aware of the statutes, but clearly these tax incentives are not just used in New England but all over the country. It is the cost of doing business. From her standpoint, a tax incentive is to draw the developer in because you won't have it otherwise. If they were planning to go there anyway, the tax incentive would not have the same benefit to the community.

Brian Flood said this was not the forum to carry on negotiation.

Dan Bertram spoke at length about the process since 2015. They had to explore if the Town had an appetite for this. There are many dimensions in the process. All the questions are valid and this is a long process involving many boards and reviews from the Town to the Federal. You can't say that we need to know everything. He told what might fall into the context of the plan. It is impossible to know everything upfront and to say this is exactly what we will have. If they had an approved site plan today, each tenant would need a modification to get their configuration into the Town's development. He projects 3-1/2 years for the project but is asking for five to make an investment of \$30 million. He can do this project if we work together; if we don't work together we can't get the project done. What is ahead is very expensive. We have to get back to where we thought we were.

Mr. Bertram said what Portland has done in the last year and a half, other towns have done in six weeks. He's done all the adjusting he can so he is saying, "let us run with it or we will run somewhere else." The window of opportunity will close. Susan Bransfield pointed out

that this is important to the Town of Portland and that we need to do it right and make sure that things are tied up very tightly. She wants to ensure that this is very important to the BOS and there has to be trust.

Mary Dickerson, staff of EDC, shared her experience in financing major projects. Interest rates are going to go up. She explained how a rise in interest rates would affect a \$30 million project. She stressed that it is a tool for him and this tool is used in financing major projects. Other developers walked away from Portland. Your community is not business-friendly. This is the reality.

Ben Srb asked what the breakdown is between commercial and residential. You can't put a value on an apartment. They have a basic site plan with fixtures that belong to the developer or the tenant. He wants to know the value of the structures. Mary Dickerson said you can't value them at this point.

Atty. Kari Olson said the fixed assessment agreement could be what the BOS makes of it. Maybe the idea of coming to core terms would give them some comfort levels, and if they didn't meet those benchmarks, the abatement would go away. The developer can commit to what is commercial and what is retail vs. residential but he can't tell whether it will be a pharmacy, coffee shop, etc.

Ben Srb said he has a comfort level on commercial and industrial but not on the residential use. He likes the idea of negotiating the tax abatement on the commercial end and would be part of a subcommittee and suggests having a quick discussion regarding the residential aspect.

Susan Bransfield said there will be some strict timelines and she wants this process to continue. Dan Bertram requested that any assignment of authority to the committee should be based on the core economic terms.

Michael Pelton said there is a lot of passion and strong feelings about the project. He thinks we need to take a step back and as a board look at this as to what is best for the town. As a board, we need to look at this and take some leadership. He doesn't view it as a giveaway. Most concerns he heard are not "unstoppable." We should address them one at a time.

Discussion continued regarding Section 8 housing. They could apply for 400 units. If it is appealed, and it goes to court, it becomes an 830G project and is affordable housing with tax credits. There isn't a focus on commercial so you would see more units. More units can be put in and be dedicated to minimal income.

Fred Knous said if there is a negotiation process, there is some give and take in the discussions. It is important to know where they are as a board and must know where the developer is. If that is the developer's position that he gets what he wants, there is no negotiation. There is just a concept and there isn't a lot of details.

Dan Bertram reiterated his abatement plan. If it gets voted down, he is done. If the BOS is for it, it would be assigned to a committee to work out the details. This process started in February 2015 with a ton of negotiations with a variety of boards. He detailed the steps that had been taken since then. They used a lot of time and were constantly trying to get feedback from the marketplace. He has to be able to start on it now. They are facing higher interest rates. The storm clouds are above them. There's no reason not to work together regarding maintenance of the Hart Jarvis House but we got hung up on fundamentals. Until the town has a use, they can't get the details of that house. There are pieces that have to be worked out if they partner.

Ben Srb expressed concern that until the developer comes up with a dollar amount for the renovation, in the interim, the town would be taking on the liability.

Atty. Kari Olson explained that the developer is asking that the BOS agree to his commitment to invest \$30 million in 5 years. She suggested earlier that they could take this under advisement of a subcommittee to come up with the parameters in order to pass that resolution. The BOS can't get into the minutia. But you can identify the important things the subcommittee wants and then bring that back to full board.

Susan Bransfield said she does not want it to linger so is asking that there be a time element. She would like to see in terms of achievements, job creation and local or regional contractors that would work on the project. She wants to see a development that provides "good jobs" and a better way of life. If people have good jobs then they are buying things and houses and paying taxes.

Kitch Czernicki asked if the BOS could go into an executive session that night to discuss this. What she heard is what is on the table can be the only thing on the table. It is her desire to have further discussion. Atty. Kari Olson said they wouldn't be able to do that tonight because it isn't on the agenda. They would have to properly notify the town. You could invite Mary Dickerson or Dan Bertram or anyone who would be important for that discussion. Mr. Bertram said he couldn't understand why he can't get feedback on the basic parameters.

Dan Bertram said the question of the hour is whether the BOS wants him to invest \$30 million into this project. If the plan doesn't balance the needs of the community, then vote against it. He is stepping off in good faith with all the risk factors and those risks don't go away if the BOS gives him a green light. He asks that the BOS get on board with the concept.

Ben Srb said he wants to work with the developer but he doesn't like the ratio. He is in favor of the mixed-use development but he wants to see less residential or more commercial.

Mr. Bertram requested a vote that night on the core concept. Kathy Richards said she thinks a timeline and a plan would be better than voting that night. Mr. Bertram said he doesn't know why they would want to form a committee when this piece of it can't change.

Mr. Bertram asked what would be presented in two weeks. Kari Olson suggested trying to work out things that would make them feel more comfortable. From her perspective, they need to decide if they even want a subcommittee. At the end of the two weeks, they would know what the core parameters are.

Ben Srb thinks they should have everything worked out with details before they vote. Dan Bertram said he has labored over this and tried to make it work. He is taking hits all over and is out of time. He is out of tricks to hold it together. Ben thinks the developer should be more open-minded and fair. Regarding the historic structures, that was the reason for the text change.

Dan Bertram expressed concern. He said that this is a 2-way street and that was before he spent two years developing a plan. Now the board is stuck on the executive level. This never happened to him.

Michael Pelton said what Mr. Bertram is asking for is reasonable. You can't ignore the fact that there is a cost for restoring the historic homes and this is important to our heritage. He would have no problem voting on this tonight.

Michael Pelton made a motion that we offer a 7-year fixed tax assessment in exchange for \$30 million dollars over 5 years and be subject to other parameters as well as having a reasonable amount of time to finalize the details. Shortly thereafter Mr. Pelton withdrew his motion.

#### **PUBLIC COMMENT:**

Susan opened the session up for public comment limiting each person to three minutes due to the late hour.

Donald Snyder, 295 Middle Haddam Road. Never in our history has there been a tax abatement for residential so everyone is trying to figure out the variables. Mr. Bertram is very frustrated. Here we are after a year and 8 months, and we have a conceptual plan and this is what you will base the decision on. Typically these tax abatements benefit the commercial use. You don't have this in a residential situation and the taxpayers are funding \$5-7 million. This is a big number. Everyone is familiar with basic economics. When we are down the road 5-7 years, they are depreciated. It could take us 10-20 years to dig out of this.

Jim Tripp, 74 Middle Haddam Road, said he is in favor of the project with the "subject to" clause. This says the town has the appetite and wants to nail down the details. It will help the downtown and will help local businesses and will bring more money into the town. Regarding the school perspective, the number of kids to be added to the school system is negligible and won't have a significant impact. If it goes to low income you would have 400 units and possibly 134 kids or more. It is a good thing to have Portland thought of as a place open to additional development.

Tim Roy, 18 Cox Road, thanked Mr. Bertram for his patience and grace throughout this process. He is in favor of the BOS vote on this. After the agreement is signed, the taxes will go up. He believes the BOS is doing a great service to the Town. The Elmcrest project will benefit the Town for many years to come. He heard many rumors about this project but now sees that the developer is very flexible and is willing to take a chance on this project. He is very concerned about the vote tonight. For this vote, he would ask that any member of the BOS that is conflicted should remove themselves from the vote. This is an important step for the Town to bring more business in Town. We have elected you (BOS members) to make the best decision on our behalf. Some of you are getting wrapped up in small details.

Michael Pelton made a motion that the BOS approve a fixed tax assessment of 100% value over 7 years in return for the developer's commitment to invest \$30 million over a 5-year period all of which is further subjected to agreement by the BOS including other parameters and conditions on which this incentive would be conditioned. It was seconded by Susan Bransfield. Ben Srb reiterated that this has a large percent of residential and it is too heavy for him to support at this time. The vote was taken and results are as follows:

Aye: Fred Knous, Susan Bransfield, Michael Pelton  
Nay: Ben Srb, Kathy Richards, Brian Flood, Kitch Czernicki  
Abstain: None

The motion failed.

**C) Appointments to Boards and Commissions: None**

**8. NEW BUSINESS**

**A) Update: Tighe & Bond Water & Wastewater Capital Improvements Plan and Rate Impact Analysis:**

Susan Bransfield said there would be a \$5,000 cost to have Tighe & Bond come and speak to the BOS regarding the work they have done. Ben Srb asked if they would take \$2,500 and just bring one person or do a shorter presentation. Susan said she would find out.

**B) Resolution: Request for Waiver of Bid Requirements – RS Technical Tractor and Camera (for pipeline inspections):**

**RESOLUTION**

**Request for Waiver of Bid Requirements RS Technical Tractor and Camera**

WHEREAS, the Town of Portland and Town of Cromwell have entered into an agreement with an ICE Grant; and

WHEREAS, the Town of Cromwell owns and operates a van configured with RS Technical Video Equipment for pipeline inspections; and

WHEREAS, the Town of Cromwell Sewer Administrator has stated that W. H. Rose of Columbia, Connecticut, is the sole distributor of such products in this area. Therefore, Cromwell uses W. H. Rose solely for purchasing and repairs of such equipment; and

WHEREAS, W. H. Rose has held the pricing in the amount of \$38,885.00 that was included in the grant application.

NOW, THEREFORE, BE IT RESOLVED that in the best interest of the Town, pursuant to Section 1208 §7 of the Portland Charter the Board of Selectmen hereby waives the bidding requirements of Section 1208 of the Portland Charter as it pertains to the purchase of the tractor and camera. In addition, the Board of Selectmen authorizes the First Selectwoman, Susan S. Bransfield to act on behalf of the Town of Portland to enter into any and all agreements associated with this project.

This has to do with the purchase of equipment with the Town of Cromwell. Ben Srb made a motion to approve the following resolution; seconded by Kitch Czernicki; Vote unanimous; motion carried.

**C) Disbanding of the Route 17 Recreational Complex Steering Committee:**

Ms. Bransfield said the Committee has finished what they were asked to do. A motion was made by Kitch Czernicki, seconded by Michael Pelton to disband the Rt. 17 Recreational Complex Steering Committee. Vote unanimous; motion carried. Ben Srb thanked the committee members saying they did a great job.

**D) Refund of Excess Payments:**

Kathy Richards made a motion, seconded by Ben Srb to refund **Turecek, Charles J Jr & Kimberly [\$3,482.96]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb to refund **Cohen, David L [\$326.08]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Rizzo, Salvatore L/Rizzo, Patricia A [\$12.42]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Black, Patrick R [\$39.73]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Chacko, Elsamma [\$55.01]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Kidd, Joseph C [\$157.12]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Hyundai Lease Titling Trust [\$89.53]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Barkman, Michael L [\$14.11]**. Vote unanimous, motion carried.

Kathy Richards made a motion, seconded by Ben Srb, to refund **Decina, John M [\$15.45]**. Vote unanimous, motion carried.

*Note: Brian Flood was only present and voted for just the last three refunds above.*

**9. STATUS & COMMITTEE REPORTS:** None

**10. PUBLIC COMMENT:** Comments took place earlier in the meeting (see above).

**11. BOARD OF SELECTMEN GENERAL INFORMAL DISCUSSION:**

Susan Bransfield shared that the police union now has a canine and it is being trained by Sgt. Kelly. The Town is looking for donations to defray the cost.

Ms. Bransfield reported on the LED lights that have been installed. They are not purchased by the Town and are replaced by Eversource. They have received good comments. The lights don't go out as often and last longer. The 3,000 K is recommended and this is what they will be putting in as they replace the brighter ones. Eversource will be replacing all their streetlights with LED's.

Kitch Czernicki asked that the subject of capital be put on the October agenda.

**12. FOLLOW-UP ITEMS**

- **Possible Revisions to Ethics Ordinance**
- **Possible Topics for Policy Discussion**
- **Review Sidewalk Ordinance**

**13. EXECUTIVE SESSION: Land Acquisition**

At 11:35 p.m., Kitch Czernicki made a motion to enter the Executive Session, seconded by Kathy Richards. Vote unanimous, motion carried. A brief recess took place before the session began.

**14. ACTION ON EXECUTIVE SESSION: Land Acquisition**

No action taken.

**15. ADJOURN MEETING**

A motion was made by Kathy Richards seconded by Kitch Czernicki to adjourn the regular meeting. The motion passed unanimously and the meeting was adjourned at 11:42 p.m.

Respectfully submitted

Sharon R. Hoy, Recording Clerk