

Join Zoom Meeting

<https://berlinc-t-gov.zoom.us/j/82740465996?pwd=YTIzUUhK1BKSU5UzdZZ1cxUHFpQT09>

Meeting ID: 827 4046 5996

Passcode: 792505

Call in:

+1-301-715-8592 (Washington DC)

**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, July 11, 2023
Town Council Chambers (in person)
Remote Meeting
7:00 P.M.**

A. CALL TO ORDER:

Mayor Kaczynski called the Town Council Meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Those in attendance were:

Councilor Sandra Coppola
Councilor Casey Foster
Mayor Mark Kaczynski
Councilor Charles Paonessa
Councilor Donna Risolo – *arrived at 7:03 p.m.*
Councilor Peter Rosso
Councilor Donna Veach

Also in attendance:

Town Manager Aroscha Jayawickrema
Corporation Counsel Louis J. Dagostine

D. AUDIENCE OF CITIZENS:

Andra Millerd, 1231 Orchard Road – Ms. Millerd stated that after attending the Commission for the Aging meeting on June 26th and listening to Berlin Housing Authority Chairman Joe Bajorski speak on the senior housing project, she visited the Housing Authority's website and could find no agendas or minutes for the meetings he referred to. She was told by Mr. Bajorski that the only place that information is available is in the Housing Authority's office.

Ms. Millerd stated that as the Town Council appoints the members of the Housing Authority, they should be posting their meeting information online. Town Clerk Kate Wall stated that the Housing

Authority is a quasi-agency, and they are not required to file that information however if they do file agendas or minutes with the Town Clerk's office it is not posted online just on the posting board. Ms. Wall stated that she will contact the Housing Authority regarding the issue.

Mayor Kaczynski stated that he will ask Mr. Bajorski to attend the July 25th Town Council meeting to speak on this issue along with some other issues occurring at the senior housing buildings.

E. MAYOR'S UPDATE:

Mayor Kaczynski inquired about the tax percentage breakdown pie chart not being contained in this year's tax bills. Town Manager Jayawickrema stated that he was not under the impression that the pie chart would be provided every year. Mayor Kaczynski stated that he wants that information sent out to taxpayers this year, possibly on a larger sized postcard. The Town Manager will bring the pie chart information to the next Town Council meeting for their approval.

Mayor Kaczynski inquired about the vehicle tax bills coming separately this year when last year they were all on one bill. The Town Manager will inquire with the Revenue Collector's Office.

Mayor Kaczynski stated that with the new police pension plan it was understood that everyone would have a different scenario going over to the new plan, but everyone came out the same except for maybe two or three officers. Town Manager Jayawickrema stated that the Union leadership requested to have the allocations based on years of service which is compared to what was in the defined contribution plan, so except for two people everyone else did not have enough. Town Manager Jayawickrema added that the Town's contribution to the pension plan was determined to be \$1,778,158 amortized over ten years and those numbers will be run again at the end of August.

F. MEETING AGENDA – Immediately Following the Mayor's Update

G. CONSENT AGENDA:

1. **Topic re: Accept donations totaling \$1,056.50 to the Berlin Senior Center Agency Fund. – Senior Center**
2. **Topic re: Accept donations to the Berlin Animal Control Donation Account for \$ 10.00 for Animal Care and supplies valued at \$ 711.08. – Animal Control**
3. **Topic re: Accept monetary donations totaling \$151 and deposit \$151 into the library agency account for the purchase of young adult books and move to accept the donation of art supplies with an estimated value of \$150 to be utilized for library programs and books with an estimated value of \$40 to be added to the appropriate department collection. – Berlin-Peck Memorial Library**
4. **Topic re: Receive the section 8-24 report from the Planning and Zoning Commission and authorize the Town Manager to proceed with the Connectivity Sidewalk project subject to receipt of the grant. – Economic Development/Public Works**

5. **Topic re: Approve the request of the St. Paul School Drama Club to waive all fees associated with having a Berlin Police Officer at Berlin High School to control traffic for those attending the performance of the Wizard of Oz on May 5, 2023. The total amount of the fee to be waived is approximately \$377. – Police Department**

Councilor Paonessa moved to accept the Consent Agenda as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

H. PUBLIC HEARINGS

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, July 11, 2023, at 7:00 p.m. for the purpose of holding a public hearing on the proposed ordinance of the Town, as follows:

Require certain boards and commissions to provide remote access and record all meetings.

Copies of said proposed ordinance is on file open to public inspection at the Office of the Town Clerk.

Mayor Kaczynski convened the Public Hearing on the requirement for certain boards and commissions to provide remote access and record all meetings at 7:35 p.m. and stated the purpose of this public hearing by reading the legal notice into the record.

Town Manager Jayawickrema stated that the boards and commissions were listed on the summary item and include not only elected boards and commissions but those with regulatory components. Mayor Kaczynski read the following Draft of Remote Meeting Access Ordinance which was developed by the Ordinance Committee:

All meetings of Board of Police Commissioners, Board of Assessment Appeals, Board of Finance, Board of Education, and Town Council, Ordinance Committee, Conservation Commission, Inland Wetland and Watercourses Commission, Planning and Zoning Commission, Water Control Commission and the Zoning Board of Appeals shall be accessible to the public and recorded via Zoom or other conferencing platforms unless the Town Council, for good cause, excuses an individual board from said requirement for a particular meeting. The Town shall provide advance notice of the meetings, including whether the meetings are to be held in-person, hybrid or fully remote, in accordance with Connecticut law and the meetings shall likewise be conducted in compliance with applicable law, including the Connecticut Freedom of Information Act.

Public Comments:

Joan Veley, Orchard Road – Ms. Veley stated that she believes that if an ordinance is developed it should apply to all boards and commissions. She added that there is concern with regard to executive sessions during Zoom meetings. Mayor Kaczynski stated that Town Council's procedure is to end the Zoom meeting and provide either a phone number or separate Zoom link for just

executive session attendees. Town Manager Jayawickrema stated another option is to have a separate “meeting room” within the Zoom meeting which locks non-attendees out.

Mayor Kaczynski stated that there was discussion to include all boards and commissions but there are some that would have difficulty with the process therefore the ones chosen are either elected, regulatory, or draw the most public attention.

Councilor Risolo suggested that some type of guidelines be sent out to boards and commissions reminding meeting attendees about executive session protocols. Town Manager Jayawickrema also suggested that board liaisons have a run through of the Zoom system with IT if they are unfamiliar with it.

Andra Millard, 1231 Orchard Road – Ms. Millerd stated that she agrees with Ms. Veley’s concerns regarding executive session and added that she also likes the idea of reminding boards and commissions of executive session protocols.

Ms. Millerd stated that she is concerned with the audio associated with Zoom meetings as she is having difficulty hearing some of tonight’s meeting and other meeting rooms in Town Hall do not have the best acoustics making recordings even more difficult to hear. She suggests an upgrade to technology in all meeting areas if this ordinance is passed.

Ms. Millerd added that she believes that this ordinance will encourage board members to attend via Zoom and she believes that the dynamic of a board being together in one room will be lost. Councilor Coppola suggested making it mandatory for all board members that must join a meeting via Zoom make their best effort to do so with video on.

Mayor Kaczynski added that the main reason for this ordinance is to allow the public to attend meetings via Zoom and it will also provide transparency of those meetings as a recording will be available to view.

Mayor Kaczynski closed the public comments.

Councilor Paonessa stated that regarding the secrecy of executive session we need to respect the integrity of our citizens that are volunteering their time.

Mayor Kaczynski closed the Public Hearing at 8:05 p.m.

I. NEW BUSINESS:

1. Topic re: Approve Ordinance to Require certain boards and commissions to provide remote access and record all meetings. – Town Manager

Town Manager Jayawickrema stated that this agenda item was the subject of tonight’s Public Hearing.

Mayor Kaczynski stated that protocol information will be provided to boards and commissions. Town Clerk Kate Wall added that a State Statute was changed in June of 2021 that required

meetings being held in a video format have their agendas posted 48 hours prior to the meeting date so it is a good time to provide that information along with the new ordinance information to the boards.

Councilor Paonessa moved to accept an Ordinance that requires all meetings of Board of Police Commissioners, Board of Assessment Appeals, Board of Finance, Board of Education, and Town Council, Ordinance Committee, Conservation Commission, Inland Wetland and Watercourses Commission, Planning and Zoning Commission, Water Control Commission and the Zoning Board of Appeals shall be accessible to the public and recorded via Zoom or other conferencing platforms unless the Town Council, for good cause, excuses an individual board from said requirement for a particular meeting. The Town shall provide advance notice of the meetings, including whether the meetings are to be held in-person, hybrid or fully remote, in accordance with Connecticut law and the meetings shall likewise be conducted in compliance with applicable law, including the Connecticut Freedom of Information Act.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

2. **Topic re: Approve the transfer of \$40,000.00 from General Fund Parks and Grounds accounts Electricity, Fencing, Maintenance & Repair and Blue-Collar Personnel to the Percival Soccer Field Improvement account as a way to increase the contingency for the Percival Soccer Field Improvement project. - Parks and Grounds/Recreation and Parks Services**

Parks and Grounds Superintendent Steve Wood stated that going into the Percival Soccer Field improvement project his department knew that the contingency of \$12,000 was very low. Over the course of the year through savings his department was able to come up with \$40,000 to add to the contingency account. Those funds will be used for soil amendment as well as other types of earth work needed such as fill or topsoil.

Councilor Paonessa moved to approve the transfer of \$40,000.00 from General Fund Parks and Grounds accounts Electricity, Fencing, Maintenance & Repair and Blue-Collar Personnel to the Percival Soccer Field Improvement account as a way to increase the contingency for the Percival Soccer Field Improvement project.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Mr. Wood added that Water and Wetland will be treating invasive species this week at Upper and Lower Paper Goods Pond. Flyers were distributed to neighboring properties.

3. **Topic re: Approve the purchase of auto parts and supplies using the Sourcewell Contract (032521-GPC) from N.A.P.A. Auto Parts for an amount not to exceed \$40,000 and approve the purchase of auto parts and supplies using the above U.S. Communities Contract from Advanced Auto for an amount not to exceed \$15,000 and approve the purchase of auto parts and supplies using the above State of Connecticut Department of Administrative Services Contract # 19PSX0189 from Tasca Ford for an amount not to exceed \$25,000 and waive the**

Town's bidding procedures, and to approve the purchase of auto parts and supplies from Monaco Ford for an amount not to exceed \$40,000, since this is in the best interest of the town and waive the Town's bidding procedures, and to approve the purchase of auto parts and supplies from Municipal Truck Parts for an amount not to exceed \$20,000, since this is in the best interest of the town. – Municipal Garage

Town Manager Jayawickrema stated that this is the annual request from the Municipal Garage for the purchase of auto parts and supplies. This request will provide flexibility to the Garage to purchase items as needed. Most of the vendors are on either State or Sourcewell contracts.

Councilor Paonessa moved to approve the purchase of auto parts and supplies using the Sourcewell Contract (032521-GPC) from N.A.P.A. Auto Parts for an amount not to exceed \$40,000.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to approve the purchase of auto parts and supplies using the above U.S. Communities Contract from Advanced Auto for an amount not to exceed \$15,000.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to approve the purchase of auto parts and supplies using the above State of Connecticut Department of Administrative Services Contract # 19PSX0189 from Tasca Ford for an amount not to exceed \$25,000.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to waive the Town's bidding procedures, and to approve the purchase of auto parts and supplies from Monaco Ford for an amount not to exceed \$40,000, since this is in the best interest of the town.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to waive the Town's bidding procedures, and to approve the purchase of auto parts and supplies from Municipal Truck Parts for an amount not to exceed \$20,000, since this is in the best interest of the town.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

- 4. Topic re: Authorize the Town Manger to schedule a public hearing at 7:00 pm on July 11, 2023 concerning the approval of the contract to lease golf carts with GPS shield units from EZ-GO using PNC Bank, National Association in the amount not exceeding \$281,813.25 for golf carts and \$84,222.25 for the shield units. The yearly payments will be in the amount not exceeding \$56,362.65 for the golf carts and \$16,844.45 for the shield units starting 8/1/23 and ending 8/1/27. – Timberlin Golf Course**

Town Manager Jayawickrema stated that as all leases must go through a public hearing this item is to call a public hearing for the lease of golf carts with GPS shield units.

Director of Golf Sol Guerrero stated that the GPS shield units on these carts will prevent the carts from traveling on the greens therefore preventing damage to the grass and providing longevity of the greens.

Town Manager Jayawickrema added that the revenues from the golf course are used to pay for these items as the ordinance requires them to stay within the revenues they bring in.

It was noted that the motion needed to be corrected to change the public hearing date to July 25, 2023.

Councilor Paonessa moved to authorize the Town Manger to schedule a public hearing at 7:00 pm on July 25, 2023 concerning the approval of the contract to lease golf carts with GPS shield units from EZ-GO using PNC Bank, National Association in the amount not exceeding \$281,813.25 for golf carts and \$84,222.25 for the shield units. The yearly payments will be in the amount not exceeding \$56,362.65 for the golf carts and \$16,844.45 for the shield units starting 8/1/23 and ending 8/1/27.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

- 5. Topic re: Approve the appointment of Mr. Mike Ahern as the Temporary Town Manager during the absence of the Town Manager effective noon on Thursday, August 3, 2023 until the Town Manager resumes managerial powers and duties. – Town Manager**

Town Manager Jayawickrema stated that as he will be away, he is asking to appoint Public Works Director as temporary Town Manager in his absence. His planned return date is August 21, 2023 but left the end date open due to the possibility of flight delays.

Councilor Paonessa moved to approve the appointment of Mr. Mike Ahern as the Temporary Town Manager during the absence of the Town Manager effective noon on Thursday, August 3, 2023 until the Town Manager resumes managerial powers and duties.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

J. TOWN MANAGER'S REPORT:

- Confirmation should be received tomorrow morning regarding the closing on the Percival Avenue property sale to the Berlin Housing Authority.
- The Police Department Pension Plan – Finance Director Kevin Delaney, Human Resources Director Paula Carabetta, and the Town Manager have been working with the Town's financial advisor to obtain an asset manager as that needs to be in place by September 1st to move the funds from the Direct Contribution plan and the Town contributions and set up the plan itself.
- Police Department Renovation – the Public Building Commission will be meeting on Thursday as they have not finalized the bid package as there is an oil and water separator they want to add to the sally port. Once that is added they will send it and should get a response back in 30 days with final pricing.
- The Time and Attendance automated payroll system is up and running. This system replaces the paper time slips and manual payroll entry. Kudos to Finance Director Kevin Delaney and Payroll Manager Donna Wacker for taking on this huge project.
- A new online job application process was put in place by Human Resources Director Paula Carabetta replacing manual paper applications.
- Councilor Veach stated that the State Department of Transportation should be making payment soon for the Farmington Avenue bridge replacement.

K. SPECIAL COMMITTEE REPORTS:

None

L. COUNCILORS' COMMUNICATION:

None

M. ACCEPTANCE OF MINUTES:

June 20, 2023

Councilor Paonessa moved to accept the Town Council Meeting Minutes of June 20, 2023 as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

N. EXECUTIVE SESSION:

1. **Pending Litigations – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims or pending litigation – Stop & Shop tax appeal.**

Councilor Paonessa moved to go into Executive Session; Pending Litigations – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims or pending litigation – Stop & Shop tax appeal at 8:38 p.m. Invited in: Town Manager Jayawickrema and Corporation Counsel Dagostine.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Executive session ended at 8:44 p.m.

NEW BUSINESS CONTINUED:

6. Topic re: Approval to settle the Stop & Shop tax appeal – Corporation Counsel

Councilor Paonessa moved to approve the settlement as described by Corporation Counsel for the Stop & Shop tax appeal.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

O. ADJOURNMENT:

Councilor Paonessa moved to adjourn at 8:46 p.m.

Seconded by Councilor Rosso.

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting

DRAFT OF REMOTE MEETING ACCESS ORDINANCE

All meetings of Board of Police Commissioners, Board of Assessment Appeals, Board of Finance, Board of Education, and Town Council, Ordinance Committee, Conservation Commission, Inland Wetland and Watercourses Commission, Planning and Zoning Commission, Water Control Commission and the Zoning Board of Appeals shall be accessible to the public and recorded via Zoom or other conferencing platforms unless the Town Council, for good cause, excuses an individual board from said requirement for a particular meeting. The Town shall provide advance notice of the meetings, including whether the meetings are to be held in-person, hybrid or fully remote, in accordance with Connecticut law and the meetings shall likewise be conducted in compliance with applicable law, including the Connecticut Freedom of Information Act.