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**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, September 5, 2023
Town Council Chambers (in person)
Remote Meeting
7:00 P.M.**

A. CALL TO ORDER:

Mayor Kaczynski called the meeting to order at 7:08 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
Councilor Peter Rosso – *via Zoom*
Councilor Donna Veach – *via Zoom*

Also in attendance:

Town Manager Arosha Jayawickrema
Corporation Counsel Jeffrey Donofrio

D. AUDIENCE OF CITIZENS:

Liam Mitchell, 1005 Kensington Road – Mr. Mitchell stated that the Mattabassett District has been turning down the Berlin Water District three years in a row because of excess I&I. The Kensington Water District has been infiltrating into the Baxter Street meter which normally would have 700,000 gallons flowing through it now has three to four million. Both Kensington and Worthington Districts have no plans for infrastructure repairs, and they are not managing what they have.

Mayor Kaczynski added that it has been an ongoing battle with both Kensington and Worthington Water Districts as the Town of Berlin, or the Berlin Water District has no authority over those districts. The Town is aware of the problem with the other districts and is working with the Town Attorney and Town Manager to develop a plan as the Town does not want those districts to fail like

the East Berlin Water District failed in the past and became the responsibility and expense for the Town of Berlin.

Samantha Sullivan, 18 Garden Drive – Ms. Sullivan stated that she is advocating for the Parks and Recreation department and their request for new playground equipment adding that the current equipment is outdated. Parks provide a place for children to have fun, be safe, and be kids. Ms. Sullivan stated that she reviewed other similar size towns with similar budgets and found that most had updated equipment and she is hoping that the Town Council will choose to provide the funding being requested tonight.

Councilor Risolo asked Ms. Sullivan if she had any thoughts on ideas for middle schoolers as they are at an age where they can be influenced, and they don't always have parents at home after school. Ms. Sullivan stated that partnering with a Boys and Girls Club would be a great idea, or offering more programs through Parks and Rec would be a great place to start.

Parks and Recreation Commission Chair Donna Bovee added that the Commission's October 12th meeting will be held at Hubbard School at 6:00 p.m. and will discuss the East Berlin pool situation but they will also welcome suggestions for ideas for new programs.

Crystal Van Gorder, 28 Glenbrook Road – Ms. Van Gorder stated that she agrees with Ms. Sullivan's statements and added that focusing on early childhood is important as that is when foundations are built. Having parks where children can get together and learn to play and be friends is important.

Liam Mitchell, 1005 Kensington Road – Mr. Mitchell stated that he does not support the proposed 20 housing units on one acre on the Berlin Turnpike.

Joe Bajorski, Housing Authority Chair – Ms. Bajorski stated that the Housing Authority's attorney received confirmation that the \$34 million funding for the Senior Housing Project was being transferred and should be in their account by Wednesday of next week. Mayor Kaczynski expressed concerns about the funds that were to be received previously from Wells Fargo.

E. MAYOR'S UPDATE:

None

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

G. CONSENT AGENDA:

1. Topic re: Authorize Town Manager, Aroscha Jayawickrema, to apply for the Historic Documents Preservation Grant for the 2024 Targeted Grant in the amount of \$8,000.00. Upon receipt grant funds are to be deposited into the Special Grant Fund account. – Town Clerk
2. Topic re: Accept donations to the Berlin Animal Control Donation Account for \$ 345.00 for Animal Care and supplies valued at \$ 96.00. – Animal Control

3. **Topic re: Accept the donations of \$450.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**
4. **Topic re: Accept the Timberlin Golf Course Ladies Club donation of a flower bush and a memorial plaque to the golf course. The total cost of the donation is \$325. – Golf Course**
5. **Topic re: Accept monetary donations totaling \$671.37 and deposit \$20.00 into the children's donation account for children's and teen services and deposit \$359.57 into the friends of the library miscellaneous account for the purchase of a library program, summer reading supplies and one museum pass renewal and deposit \$291.80 into the friends of the library credit card account for the purchase of summer reading supplies, an adult summer reading prize and program supplies. Also accept the donation of disposable tablecloths with an approximate value of \$120.00 to be used for library programs and books with an approximate value of \$35.98 to be added to the appropriate department collection. – Berlin-Peck Memorial Library**
6. **Topic re: Accept the donation of \$300 for the purchase of child, infant CPR manikins for the fire department. – Fire Department**

Councilor Paonessa moved to accept the Consent Agenda as presented (items 1 – 6).

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

H. NEW BUSINESS:

1. **Topic re: Appropriate \$1,780,000 of fiscal year 2024 General Fund Unassigned Fund Balance to fund Police Computer Equipment (\$50,000), Police Vehicles (\$200,000), Dump Truck Body Replacements (\$275,000), a Pickup Truck (\$65,000), School Vans (\$140,000), School Cameras (\$195,000), BHS Courtyard Moisture Repairs (\$200,000), Ballast Blocks for Solar Panels (\$50,000), Renovations to Town Clerk/Assessor Offices for Vital Records (\$200,000), Resurface BHS Outdoor Basketball/Tennis Courts (\$75,000), a Track Snow Machine (\$80,000), Upgrade Little People's Playground (\$200,000), and Bridge Replacements at Timberlin Golf Course (\$50,000). – Finance**

Town Manager Jayawickrema stated that this item was the subject of tonight's Town Meeting and Finance Director Kevin Delaney will be speaking on these items.

Finance Director Delaney stated that during the fiscal year 2024 budget process, staff submitted a capital budget request of \$2,686,000. After carefully considering the items on the list and considering staff prioritization of the list, the Board of Finance included \$1,070,000 (the first of four tiers) in the budget they submitted to the Town Council. In advance of the second referendum, the Town Council removed all proposed capital funding from the budget. As a result, the adopted General Fund FY24 budget did not include any capital expenditures.

After receiving feedback from the public, the Board of Finance suggested that, if at the close of fiscal year 2023 funding is available, the capital request be expanded to include other areas with one in particular being improvements to the playgrounds.

The breakdown of the proposed capital items covers four main strategic priorities of public safety, education, infrastructure, and culture and recreation. Public safety items include modems for crucial communication with the Police Department as well as police vehicles. Fleet Manager Jim Simons has assessed three larger highway vehicles with rotting beds that can have their bodies replaced for the cost of one new truck as well as the replacement of an older Highway Department pickup truck.

The Board of Education has a number of older, high-mileage vans and the purchase of vans would be part of the catch-up process of a multi-year replacement strategy which will continue for at least the next three years. Enhanced security camera equipment as well as the maintenance of the security system benefits public safety at Town schools.

Within the Facilities department is the request to address a moisture issue that exists in the old section of the high school. The ballast blocks are both an infrastructure and safety issue as they anchor the solar panels on the school roof. A request for funds for Town Clerk/Assessor renovations would address the issue of vault space limitations in the Town Clerk's office.

In order to maintain the warranty on basketball/tennis courts at Berlin High School resurfacing must be done every seven years. The track snow machine is a critical piece for clearing sidewalks and other areas.

Funding for bridge replacements at Timberlin would allow the Town to complete the engineering phase and go out to bid and assess the final cost. LOCIP money that is already in place and available through OPM would ideally fund the project replacing all seven bridges for public safety.

Mr. Delaney stated that all of the requested items were reviewed with the Board of Finance in July. He reiterated that the request tonight is about the funding. Any project \$25,000 and above requires coming back to the Town Council for approval. Putting the appropriation in place is a critical element in going out bid and having the funding already in place.

Before moving forward with the individual requests Mayor Kaczynski asked Public Works Director Mike Ahern to speak on the status of the Police Department renovation project. Mr. Ahern stated that Jukunski Humes is working with Corporation Counsel Donofrio to prepare the bid package and Brian Humes will be at the next Public Building Commission meeting to lay out the schedule. At this time the major question is how the project will be funded.

Mayor Kaczynski stated that his suggestion would be to appropriate \$1 million from fund balance to get the project started and possibly bond the rest. Councilor Veach added that she may not have firm answers until the end of December, but she has requested State funding for the full amount of the project that was initially proposed at \$3.9 million.

Police Computer Equipment (\$50,000) - Deputy Police Chief Drew Gallupe stated that the modems that need replacement are in the police vehicles and are used to run different systems and receive information from dispatch. The current modems are very old.

Councilor Paonessa moved to appropriate \$50,000 for Police Computer Equipment (police modems) from fiscal year 2024 General Fund Unassigned Fund Balance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

Dump Truck Body Replacements (\$275,000), a Pickup Truck (\$65,000), Police Vehicles (\$200,000) – Fleet Manager Jim Simons stated that three large, mid-to-late 2000s Peterbilt dump trucks accumulate salt in the beds that cannot be completely removed which causes rot. Mr. Simons' plan is to remove the bodies and hydraulic systems and install stainless steel bodies that will not rot. He believes that by replacing the beds the trucks will last until 2035.

The Highway Department pickup truck has about 130,000 to 140,000 miles on it. Mr. Simons will be replacing the floors and rockers before this winter, but it is time to be replaced due to high mileage and other issues. Mr. Simons stated that the lead time for receiving a replacement truck is about one year.

The request for police vehicles would be replacing three patrol cars. Mr. Simons explained that three Ford patrol cars would be about \$40,000 each plus the cost of conversion.

Councilor Paonessa moved to appropriate \$200,000 for Police Vehicles, \$275,000 for Dump Truck Body Replacements, and \$65,000 for a Pickup Truck from fiscal year 2024 General Fund Unassigned Fund Balance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

School Vans (\$140,000) – Berlin Public Schools Director of Operations Jeffrey Cugno stated that the Town owns the school vans as it is more effective to own them rather than lease them from New Britain Transportation. A plan had been put in place to purchase three or four vans per year so that they would come to a point where all vans had under 175,000 miles although there is agreement that the high mileage is not the best for vans carrying school children.

Mr. Cugno explained that he had worked with Gengras (the only Ford dealer with availability) to hold two vans anticipating capital funds being available for the purchase. As it was determined that those funds were not going to be available the Board of Education used grant funds to open a purchase order and they are now looking for reimbursement. Mr. Cugno added that as availability is an issue, they could only get two vans, but it would be ideal to get more. Mayor Kaczynski stated the Town would reimburse the Board of Education for the two vans and asked Mr. Cugno to return to Town Council when additional vans are available for purchase.

The actual cost for the two vans was \$125,000 with the \$140,000 being the original placeholder in the capital budget request.

Councilor Paonessa moved to appropriate \$125,000 for School Vans from fiscal year 2024 General Fund Unassigned Fund Balance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

School Cameras (\$195,000) – Berlin Public Schools Director of Finance Ashley Dorsey stated that the bulk of this request is to replace about 79 cameras at Berlin High School which are non-compatible with the security system that is in place so there are dead zones in hallways and other areas. The cameras are purchased through State contract with Security 101. Cameras are also needed at the Middle School for high volume areas such as the cafeteria and gymnasium, as well as hallway areas that are not currently covered by cameras.

Radios are also needed for the schools' security department which provides an added layer of security for all school buildings.

Ms. Dorsey added that the new cameras at the high school will be able to tie into the security system software so that all cameras in all buildings will be the same. A yearly security audit prioritized the secondary schools as that is where there are currently areas with lack of coverage.

Deputy Police Chief Gallupe stated that the Police Department does have the ability to login to the schools' cameras though due to the number of cameras they are not constantly monitored, however they can be accessed in an emergency.

Councilor Paonessa moved to appropriate \$195,000 for School Cameras (district wide) from fiscal year 2024 General Fund Unassigned Fund Balance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

BHS Courtyard Moisture Repairs (\$200,000) – Town Manager Jayawickrema suggested tabling this item at this time as tonight's Agenda Item #3 pertains to the Public Building Commission's (PBC) recommendation to hire a consultant to review the problem. Mayor Kaczynski stated that he reviewed the problem with Superintendent of Schools Brian Benigni and a member of the Board of Finance. He also spoke with the PBC and Corporation Counsel and he is pleased that the PBC will be looking into this issue.

NO ACTION TAKEN

Ballast Blocks for Solar Panels (\$50,000) – Facilities Director Doug Solek stated these blocks support the solar panels on the roof of Willard School and some have deteriorated. The blocks were installed in 2016 and 2017 and only have a one-year warranty. Councilor Paonessa stated he has a contact at Cromwell Concrete and Mayor Kaczynski suggested tabling this item for now.

NO ACTION TAKEN

Bridge Replacements at Timberlin Golf Course (\$50,000) – Golf Course Superintendent Jerry Salvio stated that the bridges on the golf course at Timberlin are 35 plus years old and have fallen into disrepair. In working with Earth Contractors various options were considered. Atlas Concrete

of New Britain was contacted and provided a quote for a concrete deck bridge which is the most cost-effective solution however an engineer must be retained to determine what exactly is needed therefore at this time he would like to request the cost of the engineering services.

Councilor Paonessa moved to appropriate \$10,000 for Bridge Replacement Engineering Services at Timberlin Golf Course from fiscal year 2024 General Fund Unassigned Fund Balance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

Upgrade Little People's Playground (\$200,000) – Mayor Kaczynski requested that this item be tabled this evening and asked Grounds Superintendent Steve Wood to investigate the cost of a splash pad as a replacement of the Demore, Dinda, Bittner Jr Memorial Pool, as well as the cost for playground equipment at Community Playground on Worthington Ridge and bring that package of information forward at a future meeting.

Mr. Wood explained that the idea is to update the equipment in the upper level of Community Playground and install the splash pad on the lower level, as well as updating the equipment at Little People's Playground.

NO ACTION TAKEN

Renovations to Town Clerk/Assessor Offices for Vital Records (\$200,000), Resurface BHS Outdoor Basketball/Tennis Courts (\$75,000), Track Snow Machine (\$80,000) – all items tabled.

NO ACTION TAKEN

Move Agenda Item #5 to Item #1a

Councilor Paonessa moved to move Agenda Item #5 to Item #1a.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

1a. Topic re: Information only concerning a donation from Prince of Peace Church. – Fire Administration

A representative of Prince of Peace Lutheran Church stated that the church has appreciated the services of the Berlin Volunteer Fire Department over the years. As the church recently closed, they wanted to make sure that the four volunteer departments were shown that appreciation in the gift of a donation of \$28,500.

NO ACTION NEEDED

2. **Topic re: Appoint Webster Bank, N.A. as custodian and trustee of the Town of Berlin Police Benefit Fund and authorize the Town Manager to sign all documents necessary to execute such agreement, pending review by legal counsel. – Finance**

Finance Director Delaney stated that as part of the Town Council's approval of hiring a fiduciary advisor for the Police Benefit Fund the item was put out to bid with four responses received. While Webster Bank's asset-based fee was higher than the others, those three had minimum charges that were higher than Webster's minimum. The selection of Webster Bank was also supported by the Town's advisor as well as their actuaries. The Town also has a strong relationship with Webster being its' operational bank.

Mr. Delaney explained that Webster Bank would be the custodian and trustee holding the asset, Fiducient Advisors would recommend how those assets should be invested and provide quarterly updates and reviews so the Town can continue to monitor and make modifications to investment strategies.

Councilor Paonessa moved to appoint Webster Bank, N.A. as custodian and trustee of the Town of Berlin Police Benefit Fund and authorize the Town Manager to sign all documents necessary to execute such agreement, pending review by legal counsel.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

3. **Topic re: Authorize the Public Building Commission to contract with outside service providers to conduct investigations and related work on the Berlin High School slab/groundwater issues for an amount not to exceed \$15,000.00, as this is in the best interest of the Town. – Public Building Commission**

Town Manager Jayawickrema stated that the slab moisture issue at Berlin High School was discussed as part of agenda item #1 this evening.

Councilor Paonessa moved to authorize the Public Building Commission to contract with outside service providers to conduct investigations and related work on the Berlin High School slab/groundwater issues for an amount not to exceed \$15,000.00, as this is in the best interest of the Town.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

4. **Topic re: Move to schedule a Special Town Meeting at 6:45 pm on Tuesday, September 19, 2023, to approve a four-year lease agreement between the Berlin-Peck Memorial Library and The Office Works, Inc. for two Kyocera 6230cdn color printers to be used for public printing. The total cost for both printers per month is \$137.90 (68.95 ea.) or \$1,654.80 per year and that includes 1,500 black and white prints and 500 color prints each. The overage rate is .0138 for black and white prints and .062 for color prints. – Berlin-Peck Memorial Library**

Town Manager Jayawickrema stated that the Town Charter requires that multi-year lease agreements must come before a Town Meeting before Town Council approval.

Library Director Kim McNally stated that currently the library has two public printers which haven't worked well for a number of years causing frustration for patrons and staff. Entering into a lease with Office Works for two new printers will actually be money saving as toner and service will also be included.

Ms. McNally explained that currently they are unable to track the number of copies made on the printers so they will be starting with the included 1,500 black and white and 500 color prints and those figures can be adjusted. Patrons currently can make up to ten free prints per day and after that the cost is 15 cents per black and white copy and 25 cents per color copy.

As the Mayor can not make a 6:45 p.m. meeting on September 19th due to another town related event it was decided to hold the Special Town Meeting at 7:15 p.m.

Councilor Paonessa moved to schedule a Special Town Meeting at 7:15 pm on Tuesday, September 19, 2023, to approve a four-year lease agreement between the Berlin-Peck Memorial Library and The Office Works, Inc. for two Kyocera 6230cdn color printers to be used for public printing. The total cost for both printers per month is \$137.90 (68.95 ea.) or \$1,654.80 per year and that includes 1,500 black and white prints and 500 color prints each. The overage rate is .0138 for black and white prints and .062 for color prints.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

5. Topic re: Information only concerning a donation from Prince of Peace Church. – Fire Administration

Moved to Agenda Item #1a.

6. Topic re: Approve the purchase and installation of three new dump bodies on Trucks #271, 327 and 328 from Freightliner of Hartford for a cost not to exceed \$275,000, utilizing CT DAS Contract #15PSX0017, pending approval of the FY23 surplus transfer by the Town Council and Board of Finance. – Municipal Garage

Town Manager Jayawickrema stated that this item was discussed as part of agenda item #1 during tonight's meeting.

Councilor Paonessa moved to approve the purchase and installation of three new dump bodies on Trucks #271, 327 and 328 from Freightliner of Hartford for a cost not to exceed \$275,000, utilizing CT DAS Contract #15PSX0017, pending approval of the FY23 surplus transfer by the Town Council and Board of Finance.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

7. **Topic re: Create a Plan of Conservation and Development Implementation Committee that would also monitor implementation of the Affordable Housing Plan with one representative from each the Planning and Zoning Commission, Economic Development Commission, Conservation Commission, Parks and Recreation Commission, Water Control Commission, Inland Wetlands and Watercourses Commission, Board of Finance, Zoning Board of Appeals, Historic District Commission, and Town Council, that representatives be nominated by each of these bodies to the Town Council before its October 24 meeting and that the Town Council consider and appoint the Implementation Committee representatives after receiving such nominations. – Economic Development**

Town Planner Maureen Giusti stated that both the Plan of Conservation and Development (POCD) and the Affordable Housing Plan (AHP) were recently adopted. One of the recommendations of the POCD was to create an Implementation Committee to monitor and report to the Town Council on the progress of implementing the goals, strategies, and actions contained in the Plan. The recommendations of the AHP are incorporated into the POCD both directly and by reference.

Therefore, the Planning and Zoning Commission requests that the Town Council create a Plan of Conservation and Development Implementation Committee that would also monitor implementation of the Affordable Housing Plan. It is requested that the Committee be made up of members of the ten boards and commissions as listed in this agenda item that have been noted as the leads or assistant leads on most of the actions in the action plan. The Planning and Zoning Commission's recommended methodology is to allow each of those boards to choose the representative to sit on the Implementation Committee that is best suited subject to approval by the Town Council. It is recommended that representatives be nominated by each of these boards to the Town Council before its October 24th meeting.

Councilor Paonessa moved to create a Plan of Conservation and Development Implementation Committee that would also monitor implementation of the Affordable Housing Plan with one representative from each the Planning and Zoning Commission, Economic Development Commission, Conservation Commission, Parks and Recreation Commission, Water Control Commission, Inland Wetlands and Watercourses Commission, Board of Finance, Zoning Board of Appeals, Historic District Commission, and Town Council, that representatives be nominated by each of these bodies to the Town Council before its October 24 meeting and that the Town Council consider and appoint the Implementation Committee representatives after receiving such nominations.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

8. **Topic re: Make a referral to the Planning & Zoning Commission pursuant to 8-24 of the Connecticut General Statutes regarding the deeding of the abandoned portion of Wigwam Road to the City of New Britain Water Department, as it owned the properties on both sides of the road, which portion extends from the north end of Sanctuary Lane to Ragged Mountain Preserve and to again review the relocation of the right of way as depicted in a map titled "Relocation of Easement for Public Access And Emergency & Municipal Vehicle Access Along**

Former Wigwam Road” dated June 2023, scale 1”=300’, prepared by New England GeoSystems. – Economic Development

Economic Development Coordinator Jim Mahoney stated that this item is being returned to the Planning and Zoning Commission for an 8-24 review as it was determined that the property was not properly deeded to the City of New Britain originally therefore for New Britain to agree to a relocation of the right of way the property must be properly deeded to them.

Mr. Mahoney explained that he and Corporation Counsel Donofrio have been working with the City of New Britain’s Corporation Counsel on this matter.

Councilor Paonessa moved to make a referral to the Planning & Zoning Commission pursuant to 8-24 of the Connecticut General Statutes regarding the deeding of the abandoned portion of Wigwam Road to the City of New Britain Water Department, as it owned the properties on both sides of the road, which portion extends from the north end of Sanctuary Lane to Ragged Mountain Preserve and to again review the relocation of the right of way as depicted in a map titled “Relocation of Easement for Public Access And Emergency & Municipal Vehicle Access Along Former Wigwam Road” dated June 2023, scale 1”=300’, prepared by New England GeoSystems.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

9. Topic re: Award bid no. 2024-01 to Earth Contractors, of Berlin, CT for an amount not to exceed \$113,500 for sitework, construction and associated work related to the outdoor classroom pavilion project at McGee Middle School. – Facilities

Berlin Public Schools Director of Operations Jeffrey Cugno stated that the Town Council had previously approved the purchase of the pavilion for this project as well as the construction of a perimeter guardrail. This item was publicly bid with only one response. A scope review was conducted with the sole bidder, and they appear qualified and able to perform the work. Earth Contractors also has experience with the assembly and erection of pavilions. The project is planned to be completed by late fall of 2023.

Facilities Director Doug Solek stated that the bid was advertised per normal procedures which includes placement in The Hartford Courant, on the Town website, and on the State purchasing website. A bid bond was received.

Councilor Paonessa moved to award bid no. 2024-01 to Earth Contractors, of Berlin, CT for an amount not to exceed \$113,500 for sitework, construction and associated work related to the outdoor classroom pavilion project at McGee Middle School.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

10. Topic re: Reduce the previously approved project contingency amount of ten percent down to three percent for HazPros, Inc. of West Hartford, CT for asbestos containing tile and mastic

remediation and clearance testing at Willard School for the HVAC project and utilize the seven percent available contingency as additional Owners Contingency for the Willard School HVAC project. – Facilities

Facilities Director Doug Solek stated that on May 16, 2023 the Town Council approved an estimate of \$161,062 for asbestos containing tile and mastic remediation and clearance monitoring for the HVAC project at Willard School. This amount included prevailing wages and a 10% project contingency.

All base contract work has been completed and staff is requesting to reduce the previously approved contingency amount from 10% to 3% which will allow for additional owner contingency within the project. The 3% contingency would remain throughout the project should any unforeseen conditions be discovered or if any additional scope is requested of HazPros, Inc.

Councilor Paonessa moved to reduce the previously approved project contingency amount of ten percent down to three percent for HazPros, Inc. of West Hartford, CT for asbestos containing tile and mastic remediation and clearance testing at Willard School for the HVAC project and utilize the seven percent available contingency as additional Owners Contingency for the Willard School HVAC project.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

I. APPOINTMENTS:

- 1. Central Connecticut Health District** – Raymond Jarema's term expired on June 30, 2023. Reappointment or replacement term would be until June 30, 2026.

Councilor Paonessa placed in nomination the name of Cynthia A. Mitchell (R) of 1005 Kensington Road for appointment to the Central Connecticut Health District.

Mayor Kaczynski asked if there were any further nominations. There being no further nominations, he declared the nominations closed.

Vote being 7-0 in favor of Cynthia A. Mitchell (R) to serve on the Central Connecticut Health District. Term ending June 30, 2026.

- 2. Commission for the Aging** – Lois Ustanowski has resigned – Term would be until January 31, 2024. Can only be filled with a D or U.

Councilor Paonessa placed in nomination the name of C. Roger Moss Jr (D) of 80 Brandegee Lane for appointment to the Commission for the Aging.

Mayor Kaczynski asked if there were any further nominations. There being no further nominations, he declared the nominations closed.

Vote being 7-0 in favor of C. Roger Moss Jr (D) to serve on the Commission for the Aging. Term ending January 31, 2024.

3. **Commission for Persons with Disabilities – Vacancy-** Marlo Matassa has resigned. Term expires on January 31, 2024. Can be filled with a D, R or U.

Councilor Paonessa placed in nomination the name of Wystan Ackerman (U) of 44 Whitney Lane for appointment to the Commission for Persons with Disabilities.

Mayor Kaczynski asked if there were any further nominations. There being no further nominations, he declared the nominations closed.

Vote being 7-0 in favor of Wystan Ackerman (U) to serve on the Commission for Persons with Disabilities. Term ending January 31, 2024.

4. **Commission for Persons with Disabilities – Vacancy-** Robert Dombrowski has resigned. Term expires on January 31, 2024. Can be filled with a D, R or U (depending on the above).
5. **Conservation Commission – Vacancy – Alternate –** Term would be until January 31, 2026. Can be filled with a D, R or U.
6. **Conservation Commission – Vacancy – Alternate –** Term would be until January 31, 2026. Can be filled with a D, R or U (depending on above).
7. **Constables – 4 Vacancies** -Terms would be until December 2023. Can be filled with R, D or U with no more than a bare majority to be from one political party (Section 8-6).
8. **Inland Wetlands & Water Courses Commission – Alternate –**Replacement would be until January 31, 2026. Can be filled with a D, R or U.
9. **Inland Wetlands & Water Courses Commission – Alternate -** Replacement would be until January 31, 2026. Can be filled with a D, R or U. (Depend on the above appointment).
10. **Mattabassett District –** John Dunham's term expired August 31, 2023. Reappointment or replacement term would be until September 1, 2026. Can be filled with a D, R or U.

Councilor Paonessa placed in nomination the name of John S. Dunham (R) of 165 Oak Ridge Drive for appointment to the Mattabassett District.

Mayor Kaczynski asked if there were any further nominations. There being no further nominations, he declared the nominations closed.

Vote being 7-0 in favor of John S. Dunham (R) to serve on the Mattabassett District. Term ending September 1, 2026.

11. **Mattabassett District** – James Fallon term expired August 31, 2023. Reappointment or replacement term would be until September 1, 2026. Can be filled with a D, R or U.
12. **Parks and Recreation Commission** –Term expired on January 31, 2023. Replacement would be until January 31, 2026. Can be filled with a D, R or U.
13. **Plainville Area Cable Television Advisory Council (PACTAC) – 2 Vacancies** – New terms would expire on June 30, 2025. Can be filled with a D, R or U. There are only two members from Berlin for this board.
14. **Planning and Zoning Commission** – Alternate - Nikki Sambitsky has resigned. Replacement would be until January 31, 2026. Can be filled with a D, R or U.
15. **Public Building Commission** –Replacement would be until January 31, 2028. Can be filled with a R, D or U.
16. **VNA** –Replacement would be until January 31, 2025. Can be filled with a D, R or U.
17. **VNA** –Replacement would be until January 31, 2026. Can be filled with a D, R or U.
18. **VNA** –Replacement would be until January 31, 2026. Can be filled with a D, R or U.
19. **VNA** –Replacement would be until January 31, 2026. Can be filled with a D, R or U.
20. **Water Control Commission – Alternate – Vacancy** – Term would be until January 31, 2024. Can be filled with a D, R or U.
21. **Water Control Commission –Alternate - Vacancy** -Term would be until January 31, 2026. Can be filled with a D, R or U.
22. **Water Control Commission – Alternate – Vacancy** – Term would be until January 31, 2026. Can be filled with a D, R or U. (Depending on the above two appointments).

J. TOWN MANAGER'S REPORT:

- The Town Manager stated that he had a follow up conversation with Housing Authority Chair Joe Bajorski regarding the Knights of Columbus property sale and trying to obtain a contact name for Wells Fargo Bank.
- Brandegee Lane – Public Grounds Superintendent Steve Wood is addressing concerns of some residents of Brandegee Lane regarding the motion sensor lights that will be installed in the parking lot at the end of the street.
- In July the Town Council received an email regarding the Silver Island Way conservation area. Town staff investigated and found that there is a violation of the conservation area. The Inland

Wetlands Commission will be addressing this at their next meeting. The Town Manager will respond to the email to keep the sender informed.

- After discussion with the State of Connecticut Department of Transportation the Gold Star Memorial directional signs will be installed on local roads by the town and on State roads by the State, although the State has allowed the town to install signs on Farmington Avenue. The size of the signs is to be determined.
- Reminder that new tablets are available for Town Council members. If any members have not stopped into Town Hall to pick up their tablet, please see Cindy Moore in IT.
- Owners of property on the Town's blighted property list have been working with staff to address the cleanup of their properties. The goal is to not have to fine people.
- The generator that the Town donated to the Senior Center has been ready to be picked up. Housing Authority Chair Joe Bajorski sent an email to the Town Manager stating that the Housing Authority hired an engineer to draft a set of stand drawings in order to obtain plan approval and necessary permits.
- The Neighborhood Assistance Act – the Kensington Congregational Church applied for and received approval for \$24,500 in funding. The Friends of Worthington Meeting House applied and received \$37,000 in funding. Both organizations must work with companies that will provide the funds and in return receive tax credits.
- Fiscal year 2023 departmental updates were emailed to the Town Council. Updates include information regarding new businesses and ribbon cuttings in town, training and responses by the Fire Department, statistics on the Town's fleet of vehicles, and golf course updates to name a few.

K. SPECIAL COMMITTEE REPORTS:

None

L. COUNCILORS' COMMUNICATION:

Mayor Kaczynski stated he has received complaints from residents regarding how Planning and Zoning Commission notices are published. Mayor Kaczynski inquired as to why notices are published in the New Britain Herald when it is only circulated to about 400 Berlin residents. Town Manager Jayawickrema stated that sometimes the Berlin Citizen will not publish what is sent to them plus their cutoff time for publication is not always conducive.

Mayor Kaczynski inquired about how the residents of Holly Court can be refunded the \$460 they paid to file a text amendment regarding the Little Houses project on the Berlin Turnpike when Planning and Zoning created a text amendment on their own shortly after. The Town Manager will follow up with the Town Planner.

M. ACCEPTANCE OF MINUTES:

July 25, 2023

Councilor Paonessa moved to accept the July 25, 2023 Town Council Meeting Minutes as presented.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

N. EXECUTIVE SESSION:

1. **Personnel Matters – Conn. General State Statute Sec. 1-200 (6) (A) concerning the appointment, employment, performance, evaluation of a public employee. – Town Manager's Evaluation**

Councilor Paonessa moved to go into Executive Session: Personnel Matters – Conn. General State Statute Sec. 1-200 (6) (A) concerning the appointment, employment, performance, evaluation of a public employee. – Town Manager's Evaluation at 10:11 p.m. Invited in: Town Manager Jayawickrema and Corporation Counsel Donofrio.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

Executive Session ended at 10:47 p.m.

O. ADJOURNMENT:

Councilor Paonessa moved to adjourn at 10:47 p.m.

Seconded by Councilor Coppola.

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2023 SEP 11 AM 11:05

Kathryn J. Wall
BERLIN, CT.

Handed out
at Town Council
9/5/2023 RGN

MEMORANDUM

TO: Arosha Jayawickrama, Town Manager
From: Maureen Giusti, AICP Town Planner
Jim Horbal, Deputy Director of Public Works & Wetlands Agent
Date: September 5, 2023
RE: Silver Island Conservation Area Reported Disturbance

The Silver Island Development was inspected, and we found, as reported, significant disturbance has occurred within the delineated Conservation and Common Land area behind several units and particularly what amounts to clear cutting which creates a water view behind #133.

Neither the Inland Wetlands and Watercourses Commission or Conservation Commission met in the month of August after the disturbance was reported and investigated. Jim has included review and discussion of enforcement action to the IWWCC agenda for their next meeting on September 12. The Conservation Commission meets the same evening and I intend to add it to their agenda as well.

We continue to review the paper trail of documents relating to Berlin PZC and IWWCC approvals and requirements and filed restrictions and have found the plan contains a perimeter setback imposed by Meriden as well that will have to be researched for allowed activity within its limits.

At this time, I would expect that after staff has summarized the file approval/settlement requirements and recorded documents/restrictions and in consultation with Corporation Counsel, we will make a recommendation for the commissions to consider and determine the extent of restoration that may be required.

Note: As background, after partial review of the substantial P & Z file for the development, I have found:

- The development was subject to a 2004 settlement relating to the conditions of approval for the development which included conditions relating to the conservation area and a Tree Preservation and Management Plan,
- There have been subsequent allowances/modifications to the original agreement for maintenance and past violation/disturbances and all work related to a bond for the conservation area was completed and therefore is no longer in place
- In the past the HOA asked and received authorization for maintenance within the buffer. There was no such request found relating to this disturbance
- The project was reapproved so that the remaining units could be completed but resulted in no modifications to the requirements relating to the perimeter conservation area.
- We continue to research for and read through restrictive documents (Covenants// declarations etc.) relating to the development

Berlin

2023 Approved Neighborhood Assistance Act Programs

Organization	Program Title	Credit Percentage	Amount Requested
Friends of the Worthington Meeting House, Inc.	Worthington Meeting House	60%	\$146,600
Kensington Congregational Church	Energy Conservation Upgrades Window and Door Replacement	100%	\$24,500
Prudence Crandall Center, Inc.	Energy Efficiency	100%	\$37,060
Prudence Crandall Center, Inc.	Annual Appeal	60%	\$150,000