

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: October 17, 2023
SUBJECT: CALU, LOCAL #2, White Collar Union Contract

SUMMARY:

- An agreement between the Town of Berlin and the CALU, LOCAL #2 (White Collar) union has been made. The Union has voted to approve the contract.
- The length of this agreement is from July 1, 2023 – June 30, 2026.
- Notable changes to this new contract:
 - Article 11, Holiday Pay, Section 11.1 – Added language:
New hires will receive upon hire a pro-rated floating holiday bank based on their date of hire. If hired between July 1st and December 31st they will receive (2) floating holidays; if hired between January 1st and June 30th they will receive (1) floating holiday.
 - Article 12, Section 12.1 – Modified/Added language:
Regular full-time and part-time employees shall receive vacation pay at their straight time hourly rate at their normal weekly salary, exclusive of overtime for each week in accordance with the following schedule:

<u>LENGTH OF EMPLOYMENT</u>	<u>VACATION</u>
Six (6) months to One (1) year	Two (2) weeks
Five (5) years	Three (3) weeks
Ten (10) years	Four (4) weeks
Twenty (20) years	Five (5) weeks

New employees hired between July 1st and December 31st shall receive five (5) days of vacation upon hire, which can be used after successful completion of their probationary period.

Added: New employees hired between January 1st and June 30th shall receive ten (10) days of vacation on July 1st, which can be used after successful completion of their probationary period.

- Each employee shall advance to the next highest step in the wage schedule on July 1, 2023, July 1, 2024 and July 1, 2025.

Effective and retroactive to July 1, 2023:

Step-movement and a general wage increase of: 2.75%

Effective July 1, 2024:

Step movement and a general wage increase of: 3.25%

Effective July 1, 2025:

Step movement and a general wage increase of: 3.25%

The Human Resources department is requesting Town Council approval of this union contract.

ACTION NEEDED:

Move to approve and authorize the Town Manager to enter into a contract with the White Collar, CALU Local #2 union from July 1, 2023 through June 30, 2026.

ATTACHMENTS:

Union Contract

PREPARED BY:

Paula Carabetta, Human Resources Director (Town)



AGREEMENT

BETWEEN

THE TOWN OF BERLIN, CONNECTICUT

and

**CALU, LOCAL #2
(WHITE COLLAR EMPLOYEES)**

July 1, 2023 – June 30, 2026

WHITE COLLAR UNIT

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AGREEMENT

This Agreement is entered into by and between the Town of Berlin, Connecticut (hereinafter referred to as the "Town") and Connecticut Association of Labor Unions, Local #2 (hereinafter referred to as the "Union").

As used herein, "Town" refers to the Town of Berlin and its agencies and departments. "Employees" as used herein, refers to a member of the bargaining unit defined under Article I of this Agreement.

All references to employees in this Agreement designate both sexes and whenever a gender is used, it shall be construed to include male and female employees.

Now, therefore, in consideration of the mutual obligations contained herein, the parties agree as follows:

Article 1 RECOGNITION

- 1.1 The Town recognizes the Union as the sole and exclusive representative and bargaining agent for all white collar employees working fifteen (15) or more hours per week employed by the Town of Berlin whose classifications are listed in Appendix A2 attached hereto, and any other classifications deemed appropriate to this bargaining unit by mutual agreement or decision of Board of Labor Relations, excluding supervisors, professional employees, or seasonal employees, and all others excluded by virtue of the provisions of the Connecticut Municipal Employees Relations Act.

Article 2 UNION MEMBERSHIP

- 2.1 All persons employed after the date of signing this Agreement may join the Union within thirty (30) calendar days of their date of hire.
- 2.2 The Town agrees to deduct from the pay of all bargaining unit employees who authorize such deductions from their wages in writing.
- 2.3 The Union agrees to indemnify and to hold the Town harmless against any and all claims, demands, suits or other forms of liability that shall or may arise out of, or by reasons of, action taken by the Town for the purpose of complying with the provisions of this Article.

Article 3
TOWN RIGHTS

3.1 Unless expressly and specifically limited, modified, abridged, or relinquished by specific provision of this Agreement, and whether exercised or not, the rights, powers and authority heretofore held by the Town pursuant to any Charter, general or special statute, ordinance, regulation or other lawful provision, over the complete operations, practices, procedures and regulation with respect to members of the Town's Departments, shall remain vested and exclusively in the Town of Berlin, including but not limited to the following:

- determine the standards of services to be offered by Town Departments;
- determine the standards of selection for Town employment;
- direct its employees;
- take disciplinary action;
- relieve its employees from duty because of lack of work or for other legitimate reasons;
- issue rules and regulations;
- maintain the efficiency of governmental operations;
- determine work schedules;
- determine the methods, means and personnel by which the Town's operations are to be conducted;
- determine the content of job classifications;
- exercise complete control and discretion over its organization and technology of performing its work; and fulfill all of its legal responsibilities.

All of the above rights, responsibilities and prerogatives may not be subject to any grievance or arbitration proceeding except as specifically provided for in this Agreement.

Article 4
HOURS OF WORK AND OVERTIME

4.1 The regular work week for all bargaining unit employees, except Library employees shall consist of thirty-five (35) hours, Monday through Friday. With a one (1) hour duty free lunch period per day. The work week and pay period shall start at .0001 hours Monday morning. Working hours shall be scheduled as follows:

A. Town Hall - All Departments:

Monday, Tuesday and Wednesday	8:30 A.M. - 4:30 P.M.
Thursday	8:30 A.M. - 7:00 P.M.
Friday	8:30 A.M. - 1:00 P.M.

B. Nursing Department - Clerical

Monday through Friday	8:00 A.M. - 4:00 P.M.
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With a one (1) hour duty free lunch period per day. The work week and pay period shall start at .0001 hours Monday morning.

C. Police Records and Secretarial:

Monday through Friday:	8:00 A.M. - 4:00 P.M.
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D. Library Employees: Library employees will be scheduled for their respective assigned work week during regularly scheduled operating hours of the library.

- 4.2 All bargaining unit employees who actually work in excess of eight (8) hours in any one day except Thursday or forty (40) hours in any one week will be paid at the rate of time and one-half (1 1/2) the regular hourly rate for such hours. Work performed by a non-salaried employee on Saturday except library employees will be paid at the rate of time and one-half (1 1/2) the employee's regular hourly rate. In no instance shall overtime be paid more than once for any such hours. Overtime hours must be approved by the Department Head prior to overtime being worked.
- 4.3 The Town shall determine overtime opportunities based upon operational requirements. In the event that all qualified employees decline to work overtime, the least senior of those employees must perform such overtime work for the period scheduled. Nothing herein shall preclude the Town from requiring overtime work from any employee.
- 4.4 The Town will endeavor to give employees up to twenty-four (24) hours' notice of overtime work wherever possible, except that failure by the Town to give such notice shall not excuse employees from such work or from compliance with other provisions of this Article concerning overtime work.
- 4.5 A non-salaried employee who is required to work on Sundays or holidays shall receive one and one-half (1 1/2) times their regular hourly rate for such work.
- 4.6 The Town will make reasonable efforts to distribute overtime equally. Such overtime shall be paid no later than eight (8) days following the close of the pay period during which the employee worked.
- 4.7 If an employee's own car is used, travel reimbursement will be at IRS mileage rate.
- 4.8 Town Hall employees shall, at the discretion of the employee, have two (2) fifteen (15)

minute breaks each work day, except Thursdays when each employee shall have three (3) such breaks and Friday when each employee shall have one (1) such break, provided at least one employee remains physically present at his/her work station to answer calls and provide service to the public during such breaks. Library employees working a full seven (7) hour day shall have two (2) fifteen-minute breaks on such days. Library employees working less than a full seven (7) hour day shall have one (1) fifteen-minute break on such days.

- 4.9 The Union shall be given a list quarterly of all overtime hours and the hourly rate paid to employees, upon request.
- 4.10 Employees who are required by their supervisor to remain on duty during lunch shall be compensated for such time.

Article 5

PROBATIONARY PERIOD

- 5.1 No employee shall attain seniority or other rights or benefits under this Agreement until they have been continuously on the payroll of the Town for a probationary period of one hundred and eighty (180) calendar days. During such period, the employee may be disciplined or terminated by the Town in its sole discretion for any reason whatsoever and neither the employee nor the Union shall have recourse to the grievance and arbitration provisions of this Agreement. Upon completion of an employee's probationary period, their seniority shall date back to their original hiring date.

All employees who are promoted shall be on a probationary period for a period of ninety (90) calendar days. Upon successful completion of the promotional probationary period, the employee shall be permanently appointed to the new position.

- 5.2 The Town will provide each employee in the bargaining unit an electronic copy of this Agreement within thirty (30) days after the date of execution of same and new employees shall receive a copy of this Agreement at the time of hire.

Article 6

SENIORITY

- 6.1 Seniority is hereby defined as the relative length of an employee's continuous employment in the bargaining unit on a regular, full-time basis by the Town of Berlin. An employee's earned seniority shall not be lost due to absence from work caused by layoff, illness or authorized leave of absence.
- 6.2 For the purpose of layoff, recall, promotion or transfer within the bargaining unit only, employees shall also accumulate seniority within their respective departments of employment. In the event of a layoff, the employees least senior in service shall be laid off first by department unless the least senior employee has specialized skills or training necessary to the operation of the Department. In the event of recall from layoff, employees shall be called back by department on the basis of seniority, starting with the most senior employee, provided they are qualified to perform the work available.

- 6.3 The Town agrees to furnish the Union with a seniority list showing the full time employees, together with the length of service of such employees within their respective departments of employment, upon request.
- 6.4 Upon layoff, employees shall be placed on a recall list for a period not to exceed one (1) calendar year. If an employee is not recalled within one (1) calendar year, he or she shall forfeit seniority rights if subsequently hired by the Town. If the employee fails to report to work within ten (10) days after notice of recall is sent to the last home address on file with the Town, then the employee shall forfeit their recall rights.
- 6.5 Laid off full time employees with the most seniority shall be rehired first, provided they can perform the work available and no new employees shall be hired until all laid off employees have been given an opportunity to return to work, provided they can perform work available.

Article 7 PROMOTIONS

- 7.1 All vacancies and new positions in the bargaining unit shall be posted on the Union bulletin board. Employees shall be allowed seven (7) full working days from the date of posting to apply for and be considered for such vacancy or new position. The Town shall refrain from recruiting outside applicants during this period, but may advertise after the seven (7) day period has concluded, unless agreed otherwise between the Town Manager and the union President.
- 7.2 If, in the sole discretion of the Town, there are two (2) employees having equal qualifications, the most senior employee shall be advanced. The Town shall be the sole judge of the qualification of employee to perform the required work. Nothing herein contained shall guarantee that vacancies and new positions will be filled from within the bargaining unit.
- 7.3 All employees performing temporary services in a position classified higher than the employees own shall be paid at the step on the wage scale for the higher position which is the same as the step the employee had attained on the wage schedule for the employee's regular position.
- 7.4 If budgeted bargaining unit position is filled temporarily by a non-bargaining unit member, the pay rate shall be the entry level rate for the position until permanent appointment is made. No seniority rights shall accrue for temporary employees and no benefits shall be provided to temporary personnel.

Article 8 COMPENSATION

- 8.1 As of the effective date of this Agreement, employees shall be compensated according to the Compensation Schedule which is attached to and made a part of this Agreement as Appendix A2. In cases of emergency the payday may be moved no more than two (2) business days following the emergency.
- 8.2 Employees hired on or before July 1, 2017 shall, in addition to their regular pay, receive longevity pay in accordance with the following schedule effective upon execution of this

agreement:

After five (5) years	\$600.00
After ten (10) years	\$800.00
After fifteen (15) years	\$1050.00
After twenty (20) years	\$1200.00

- 8.3 Upon becoming eligible for longevity pay, such pay shall be prorated from the employee's anniversary date to the start of the next fiscal year (July 1st). Thereafter, employees shall receive longevity pay in two payments on the payday following December 1 and June 1. Longevity shall be paid only as earned and not in advance. Longevity pay shall be prorated for part-time employees hired on or after July 1, 2010.
- 8.4 Employees shall be paid bi-weekly via electronic direct deposit into a designated bank account of the employee's choice. Such bank account number shall be provided to the Director of Human Resources or their designee.

Article 9 INSURANCE

- 9.1 Employees hired prior to July 1, 2017, working at least 28 hours per week; and employees hired on or after July 1, 2017, working at least thirty (30) hours per week; and their dependents; are eligible to participate in the insurance benefit plan agreed to by the Town and the Union in the coalition agreement attached hereto as Appendix C, unless modified through agreement by the Town and the Union through the coalition medical group. Any such changes shall be by way of a signed written agreement and appended hereto as Revised Appendix C.
- 9.2 Short Term Disability Insurance providing income of 66 2/3% of base weekly wage per week (to a maximum of \$600.00) in the event of disability with a thirteen (13) week maximum.
- 9.3 Group Life Insurance for each employee in an amount equal to their annual base wage rounded up to the nearest \$1,000, with a minimum of \$10,000 and a maximum of \$100,000.
- 9.4 Accidental Death and Dismemberment Insurance equal to the Life insurance amount.
- 9.5 Additional Accidental Death and Dismemberment Insurance in the amount of One Hundred Thousand (\$100,000.00) Dollars.
- 9.6 Any bargaining unit member who shall suffer personal injury in the course of employment with the Town, and who shall be eligible for weekly payments under the Workers' Compensation Act, shall be paid by the Town the monetary difference between the employee's net weekly straight time wages and benefits payable under the Act for a period of six (6) months. Absence during such injury shall not be charged to an employee's earned time (vacation, sick leave, etc.).
- 9.7 Employees on approved paid leave extending beyond 90 days, will not continue to accrue

paid leave benefits during their absence.

- 9.8 The Town will continue to provide the benefits enumerated in this Article with respect to health care benefits to all retired employees and their eligible dependents until Medicare eligibility. The full cost of such continuance shall be paid by the retiree. Medicare eligible retirees may purchase supplemental insurance at group rates through the Town, if available.
- 9.9 The Town reserves the right to change insurance carriers as long as benefits and coverages remain substantially equivalent to those enumerated in this Agreement, when considered as a whole. If the Town does change carriers, it shall notify the Union thirty (30) days in advance of such change.

Article 10
RETIREMENT PLANS

- 10.1 The Town agrees to continue, and employees shall be entitled to, all pension benefits as agreed to by the Town and the Union in the agreement attached hereto as Appendix D.
- 10.2 The Town agrees to allow a representative of this bargaining unit to sit on the Pension Investment Committee.

Article 11
HOLIDAY PAY

- 11.1 The following shall be recognized as paid holidays irrespective of the day on which they fall and all employees shall receive a regular day's pay at their regular straight time hourly rate.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Juneteenth	

Two floating holidays as approved by department head between July 1st and June 30th - no accrual from year to year.

New hires will receive upon hire a pro-rated floating holiday bank based on their date of hire. If hired between July 1st and December 31st they will receive (2) floating holidays; if hired between January 1st and June 30th they will receive (1) floating holiday.

Holidays which fall on Saturday shall be observed on the preceding Friday;

Holidays which fall on Sunday shall be observed on the following Monday.

The Library shall close at 5:00 pm on the Wednesday before Thanksgiving. Any staff scheduled to work after 5pm can use other paid time off or make up the hours within the same pay period. No overtime will be authorized for catch up hours.

- 11.2 In order to qualify for holiday pay, employees must have worked the work day preceding the holiday, and the work day succeeding the holiday, unless excused by their immediate supervisor.
- 11.3 If a holiday occurs while an employee is on vacation leave, the holiday will be considered as a paid holiday and not a vacation day.
- 11.4 Employees shall be eligible for three (3) paid personal days. Personal days shall not be carried over from fiscal year to fiscal year. New employees hired between July 1st and December 31st shall receive three (3) paid personal days upon hire; new employees hired between January 1st and June 30th shall receive one and half (1.5) paid personal days upon hire.
- 11.5 All earned and accrued time of employees provided by this Agreement may be used in increments of one half (1/2) hour.
- 11.6 An employee who works on a holiday shall be paid time and one-half for all hours worked, plus holiday pay.

Article 12 VACATIONS

- 12.1 Regular full-time and part-time employees shall receive vacation pay at their straight time hourly rate at their normal weekly salary, exclusive of overtime for each week in accordance with the following schedule:

<u>LENGTH OF EMPLOYMENT</u>	<u>VACATION</u>
Six (6) months to One (1) year	Two (2) weeks
Five (5) years	Three (3) weeks
Ten (10) years	Four (4) weeks
Twenty (20) years	Five (5) weeks

New employees hired between July 1st and December 31st shall receive five (5) days of vacation upon hire, which can be used after successful completion of their probationary period.

New employees hired between January 1st and June 30th shall receive ten (10) days of vacation on July 1st, which can be used after successful completion of their probationary period.

- 12.2 In a mutual effort to promote harmony and understanding, employees shall request vacation time as far in advance as practicable and supervisors shall approve such requests in a timely fashion. When the operational requirements of the Town preclude the approval of a specific request, the employee shall have such reasons for denial clearly

explained, and every effort shall be made by employee and supervisor to agree upon an alternative vacation period. When necessary, preference as to time of taking vacation shall be given to employees of greater seniority.

- 12.3 All vacation time shall normally be taken in the Fiscal Year (July 1 through June 30) in which it is earned. However up to ten (10) days of that year's vacation time may be used through June 30th of the subsequent year.
- 12.4 During the year in which an employee becomes eligible for an additional week of vacation, the additional time will be allotted on the July 1st, which begins, said fiscal year.
- 12.5 Vacation time periods may start and end any day of the week desired by the employee. Subject to Paragraph 12.2 above.
- 12.6 In the event an employee is ill during a vacation period, such time shall not be charged to vacation leave but to sick leave, providing the employee presents a medical certificate to the Town verifying such illness.
- 12.7 Upon termination of employment with the Town in good standing the employee shall be paid for all accumulated and unused vacation time, and such payment shall be paid to the employee (or if deceased, to the employee's estate or beneficiary). In no event shall such payment exceed three (3) weeks of pay.

Article 13 SICK LEAVE

- 13.1 The parties hereby agree that sick leave shall be allowed in the event of actual illness or injury of an employee and shall not be considered as a privilege which an employee may use at their discretion. No more than ten (10) sick days per year may be used to care for the illness or injury of an immediate family member who is residing in the employee's household. Immediate family member is defined as mother, father, sibling, spouse and/or child. Members may use up to 5 of those 10 family sick days for an immediate family member who is not domiciled in the employee's household. Family sick must be denoted on the timecard for payroll tracking. Sick leave shall be allowed for lost time for medical, optical or dental appointments during working hours as approved by the Supervisor. Sick leave shall be used in increments of at least half (1/2) hour.
- 13.2 Regular full-time employees shall earn sick leave credits at the rate of one and one quarter (1-1/4) normal work day per month, up to a maximum of fifteen (15) sick leave days per fiscal year. Sick leave may be cumulative to one hundred fifty (150) days.
- 13.3 For any absence for which sick leave is claimed, notice must be given on scheduled work day to the Supervisor at least one (1) hour prior to the employee's scheduled starting time. Town may require evidence of eligibility for sick leave when an employee has been absent for three (3) consecutive days or more or when there is reason to suspect abuse of sick leave, in the form of a physician's certificate. Such certificate shall state the nature of the illness or injury and the expected duration. The Town reserves the right to

require the employee to submit to an independent medical examination by a doctor of the Town's choice and at the Town's expense.

- 13.4 Regular part-time employees shall earn sick leave on a pro-rata basis in accordance with the schedule set forth above.
- 13.5 Employees who are absent from work due to illness or injury for five or more consecutive days will be required to complete the appropriate Family and Medical Leave paperwork.

Article 14 LEAVE OF ABSENCE

- 14.1 Leaves of absence without pay with position held may be granted by the Town Manager for a definite period not to exceed one (1) year. Application for such leave of absence must be made in writing to the employee's Department Head stating the reason for the request and the length of time desired. The Department Head shall make a recommendation to the Town Manager to approve or deny the request.
- 14.2 Paid Leave for jury duty shall be granted upon presentation of summons for such duty. Payment for jury duty, excluding meal and travel allowance, shall be reimbursed to the Town. If the jury is excused during the normal work day, the employee will immediately return to work in accordance with the employee's normal work schedule.

Article 15 BEREAVEMENT LEAVE

- 15.1 Special leave of absence of up to a maximum of five (5) consecutive working days with pay shall be granted to an employee in the event of death of the employee's: Spouse, Sister or half-sister, Child or Step-child, Brother or half-brother, Parent.
- 15.2 Special leave of absence of up to a maximum of three (3) consecutive working days with pay shall be granted to an employee in the event of death of the employee's: Mother-in-law, Father-in-law, Step-parent, Step-brother, Step-sister, Grandchild, Grandparent, Other relative domiciled in employee's household.
- 15.3 Special leave of absence two (2) working days with pay shall be granted an employee for the purpose of funeral attendance in the event of death of the employee's: Niece, Nephew, Sister-in-law, Brother-in-law, Aunt, Uncle, including Aunt and Uncle by marriage, Cousin, Daughter-in-law, Son-in-law, if the decedent's funeral is out of state; otherwise such leave shall be one (1) day.
- 15.4 The Town may require proof of death before granting special leave under Paragraphs 15.1, 15.2 and 15.3 above.

Article 16
DISCHARGE & DISCIPLINE

- 16.1 No employee shall be discharged, demoted or otherwise disciplined without good and sufficient cause.

Discipline shall normally proceed in the following order:

- (a) Verbal warning
- (b) Written warning
- (c) Suspension without pay
- (d) Discharge

The parties recognize and agree that certain infractions of a serious nature require immediate serious disciplinary action without recourse to progressive discipline. If an infraction is repeated, and if the sequence set forth above is followed, the next step in the sequence shall be invoked unless more than two (2) years have elapsed since the infraction was previously committed and no disciplinary action has been taken against the employee in the interim.

- 16.2 All disciplinary actions may be appealed through the established grievance procedure except as provided in Article V of this Agreement.

Article 17
GRIEVANCE AND ARBITRATION

- 17.1 Should any dispute arise with the Town by the Union and/or an employee over the interpretation or application of any specific provision of this Agreement, it shall be settled in the manner detailed below. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the grievances, which may from time to time arise affecting the welfare or working conditions of employees.

STEP ONE: The Union Steward and/or the aggrieved employee shall present the grievance in writing to their immediate supervisor no later than ten (10) working days after the occurrence of the incident giving rise to the grievances. The grievance must set forth the specific section of the Agreement involved. Failure to present a grievance within this time limit shall constitute a waiver of the right to file same. The grievance shall be orally discussed by the supervisor, the employee, and/or the steward and/or the president who shall attempt to settle it within ten (10) working days.

STEP TWO: If they are unable to resolve the grievance at Step One, the grievance may be submitted to the appropriate department head within ten (10) working days thereafter. If submitted, the grievance shall be discussed with the employee or representative of the Union and the Department Head who shall attempt to settle it within ten (10) working days.

STEP THREE: If the employee or the Union are not satisfied with the Department Head's Step Two decision, the grievance shall be submitted to the Town Manager or

authorized representative within ten (10) days of the Step Two decision and then the grievance shall be discussed by the employee or local union representative and CALU representative of the Union with the Town Manager or authorized representative or his authorized representative. The Town's answer to the grievance shall be in writing. In the event they are unable to settle the grievance within ten (10) working days, it may be submitted by the Union for arbitration as provided below.

The grievance procedure for Police Department Administrative Assistant, and Police Department Records Clerk shall be as follows:

Should any dispute arise with the Town by the Union and/or an employee over the interpretation or application of any specific provision of this Agreement, it shall be settled in the manner detailed below. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the grievances, which may from time to time arise affecting the welfare or working conditions of employees.

STEP ONE: The aggrieved employee shall present the grievance in writing to the Deputy Chief not later than ten (10) working days after the occurrence of the incident giving rise to the grievances. The grievance must set forth the specific section of the Agreement involved. Failure to present a grievance within this time limit shall constitute a waiver of the right to file same. The grievance shall be orally discussed by the supervisor, the employee, and/or the steward and/or the president who shall attempt to settle it within ten (10) working days.

STEP TWO: If they are unable to do so, the grievance may be submitted to the Chief of Police within ten (10) working days thereafter. If submitted, the grievance shall be discussed with the employee or representative of the Union and the Chief of Police who shall attempt to settle it within ten (10) working days. If they are unable to do so, the grievance may be submitted within ten (10) working days thereafter by the Union to the Board of Police Commissioners to be heard at their next scheduled meeting.

STEP THREE: If submitted, the grievance shall be discussed by the employee or local union representative and CALU representative of the Union with the Board of Police Commissioners, unless the grievance related to a matter of the fiscal concern, at which time it shall be submitted to the Town Manager in lieu of the Board of Police Commissioners. The Board's answer to the grievance shall be in writing. In the event they are unable to settle the grievance within ten (10) working days, it may be submitted by the Union for arbitration as provided below.

- 17.2 In the event the parties are unable to settle the grievance as outlined above, it may be submitted by the Union to mediation and/or arbitration under the State Mediation and Arbitration Service. The request for mediation and/or arbitration must be in writing and be filed with the State Board of Mediation and Arbitration not later than thirty (30) days after the written answer of the Town's designated representative in Step Three is given to the Union.
- 17.3 The arbitrators award shall be final and binding as provided by law, but he/she shall not

have power to add to, subtract from, or modify in any way the provisions of this collective bargaining agreement.

- 17.4 Any grievance not submitted to a higher step in the grievance procedure within the time limits provided above shall be deemed settled on the basis of the decision of the Town in the last step in which the grievance was discussed and shall not be subject to further processing.
- 17.5 By mutual agreement, the parties may submit a grievance for expedited arbitration at the Connecticut State Board of Mediation and Arbitration.

Article 18 UNION BUSINESS

- 18.1 The Town shall allow time off without loss of pay or benefits up to a total of twenty-one (21) hours per calendar year for officers for Union business. The Union shall notify the Town Manager's office in writing of time and locations of such events, five (5) days in advance and not more than one (1) officer per Town Department shall be off at any one time. Such leave may be taken in one-hour increments.
- 18.2 Members whose attendance is required shall suffer no loss of pay or benefits for time spent attending meetings with the Town, or hearings scheduled by the State Board of Labor Relations, or Board of Mediation and Arbitration.
- 18.3 No more than four (4) members of the Union shall be allowed work release time, with pay, for the purpose of contract negotiations. Meetings shall be scheduled alternately on town time and personal time.
- 18.4 The Union President or Steward shall be allowed to leave their work station for the purpose of investigating matters relative to the terms and conditions of this Agreement, provided, however, that such work release time is subject to approval of the Town Manager. Requests for work release time for the purpose stated herein shall not be unreasonably denied.

Article 19 MISCELLANEOUS PROVISIONS

- 19.1 The Town agrees to provide the Union with a bulletin board located in the Employees' Lounge for the posting of notices pertaining to Union affairs. The Union may utilize the interoffice mail system for distribution of Union mail with the permission of the Town Manager, which shall not be unreasonably denied.
- 19.2 The Town shall provide written notice within ten (10) days to the Union President of all personnel changes, including terminations, new hires, transfers, promotions and leaves of absence.
- 19.3 The Union acknowledges that the Town Manager has sole discretion for determining any weather-related late openings or early closings and sole discretion in deciding whether

employees shall be charged accrued time for such lost hours of work. The Town agrees that these decisions shall not be left to individual department heads, but shall be made by the Town Manager and consistently applied to all bargaining unit members.

Article 20

ACCESS TO INFORMATION

- 20.1 The Town agrees to provide to the Union upon adequate notice, materials, and information pertinent to the proper administration of this Agreement or its successors.

Article 21

EMPLOYEE REVIEW OF OFFICIAL PERSONNEL RECORDS

- 21.1 Employees desiring to review their official personnel records will be permitted to do so by scheduling an appointment with the Director of Human Resources.
- 21.2 The employee will be afforded the opportunity to put on record any statement he/she wishes to make about unfavorable information contained in the official records. Any statement must be submitted within thirty (30) calendar days of receipt of correspondence per Paragraph 21.3 below. It is further agreed that any material, which has not been disclosed to the employee, cannot be used as a basis for disciplinary action.
- 21.3 Copies of all materials placed in the employee's file, subject to applicable laws, shall be given to the employee. No material shall be added to the employee's file without their knowledge.

Article 22

NO STRIKES OR LOCKOUTS

- 22.1 The Union and the employees expressly agree that during the life of this Agreement, there will be no strikes, work stoppages, mass absenteeism, mass resignations, or other concerted activities or similar form of interference with the operations of the Town. Any or all employees participating in such strikes or other prohibited activity described above in this Article shall be subject to appropriate disciplinary action by the Town, up to and including discharge.
- 22.2 The Town agrees that it will not lockout the employees during the term of this Agreement.

Article 23

HEALTH AND SAFETY

- 23.1 The Union may designate a representative on the Town's Safety Committee.

Article 24

TUITION AND EDUCATION REIMBURSEMENT

- 24.1 The Town agrees to provide bargaining unit members with financial reimbursement for job and/or career related training or education within the following parameters:

- A. Prior approval for the course, training program or seminar must be requested by the bargaining unit member through the Town Manager.
- B. Such education or training must be directly related to member's current job, or a specific future promotional opportunity that may occur within the Town. Promotional opportunities need not be limited to bargaining unit positions, but must be related to positions currently existing with the Town or those the Town clearly intends to establish.
- C. The rate of reimbursement shall be fifty percent (50%) of tuition or costs of the course. Books, fees, transportation and miscellaneous expenses are excluded. In order to be reimbursed for these expenses, the member must advise the Town Manager in advance of taking the course of his/her intention and the cost of such course and books. The member must show proof of satisfactory completion of the course and the invoice for such costs within thirty (30) days of receipt of grades. In the event that the unit's reimbursable expenses exceed \$4,000.00 in any fiscal year, members shall receive equal reimbursement amounts or reimbursement for the amount actually incurred, whichever is less, all to be paid at the end of the fiscal year.
- D. In order to receive reimbursement, the member must present to the Town Manager:
 - 1) Evidence of tuition payment in full.
 - 2) Evidence of satisfactory completion of the course, with a grade of "B" or a pass in instances where a course is offered on a pass/fail basis.
- E. All such education and/or training must occur during non-duty hours unless approval is received in advance by the Town Manager.
- F. Information regarding minimum educational requirements for existing Town positions and possible future Town positions will be made available to any member by appointment with the Town Manager. Such information shall be used by the Town Manager and bargaining unit members to determine the feasibility of any intended tuition reimbursement request.

Article 25
PART TIME EMPLOYEES

- 25.1 Permanent part-time employees shall be entitled to all rights and benefits contained in this Agreement with the following limitations:
- A. Participation in the insurance benefit plan set forth in Article IX of this Agreement is limited to employees and their dependents, for those working at least thirty (30) hours per week if hired on or after July 1, 2017 on a proportionate basis similar to that stated in Article 26.1(B). All current part-time library employees who were hired before August 1, 1994 and were previously

"grandfathered in" may continue to participate in said medical insurance benefit plan. Those hired after August 1, 1994 will have a pro-rated insurance amount, as stated in Article 26.1(B).

- B. Employees shall be granted all benefits provided herein with such benefits prorated, based on the employee's work week against thirty-five (35) hours.
- C. An employee who would normally be scheduled to work on a holiday shall be paid for such holiday, but shall not receive holiday pay if such day would not normally fall within the employee's work schedule.

Article 26

COMPENSATION STEP SCHEDULE

- 26.1 All Employees shall advance to their applicable step annually on July 1st.
- 26.2 New employees shall be placed in the "Entry" step and shall remain in that step for one (1) calendar year, after which time they shall be advanced to Step 1, and subsequently follow procedure I above.
- 26.3 Current employees promoted to the next higher classification shall remain at the same step, but in the higher classification. Employees promoted to a classification higher than the next classification shall be placed at the step in the newly promoted classification that provides a pay increase equal to or higher than the immediate lower classification.

Article 27

DURATION

- 27.1 This Agreement contains the full and complete agreement between the Town and the Union on all bargainable issues and neither party shall be required during the term hereof to negotiate or bargain upon any issue whether it is covered or is not covered in this Agreement.
- 27.2 This Agreement shall be binding upon the Town, the Union and the employees and shall continue from the 1st day of July, until midnight on the 30th day of June 2026.
- 27.3 If either the Union or the Town desires to meet for the purpose of negotiating changes or modifications in the provisions of this Agreement, either shall give written notice of such desire to the other by mail not less than one hundred twenty (120) days prior to the expiration of this Agreement.

IN WITNESS WHEREOF, that the parties have caused their names to be signed on this ____ day of October, 2023.

FOR THE TOWN OF BERLIN

REPRESENTING LOCAL #2 OF
CONNECTICUT ASSOCIATION OF LABOR
UNIONS

TOWN MANAGER

CALU, LOCAL #2

WITNESS SIGNED

WITNESS SIGNED

APPENDIX A1

Each employee shall advance to the next highest step in the wage schedule on July 1, 2023, July 1, 2024 and July 1, 2025.

Effective and retroactive to July 1, 2023:

Step-movement and a general wage increase of: 2.75%

Effective July 1, 2024:

Step movement and a general wage increase of: 3.25%

Effective July 1, 2025:

Step movement and a general wage increase of: 3.25%

APPENDIX A2

White Collar Wage Schedule For FY24 Budget Computation Contract 7/1/23 to 6/30/26											
New - remain at entry for 1 year, then move to next step. Next step on July 1 Membership - min 15 hrs/wk 30 hrs/wk for Ins. Eligibility (also 7/1/27)											
	FY	As of	Entry	1st	2nd	3rd	4th	5th	6th	7th	% Incr
I LIBRARY CLERK ADMIN. CLERK	24	7/1/23	21.05	21.74	22.33	22.88	23.45	24.37	25.16	26.01	2.75%
	25	7/1/24	21.73	22.45	23.06	23.62	24.21	25.16	25.98	26.86	3.25%
	26	7/1/25	22.44	23.18	23.81	24.39	25.00	25.98	26.82	27.73	3.25%
II RECORDS CLERK ACCOUNTS CLERK	24	7/1/23	22.16	22.84	23.45	24.05	24.75	25.66	26.44	27.24	2.75%
	25	7/1/24	22.88	23.58	24.21	24.83	25.55	26.49	27.30	28.13	3.25%
	26	7/1/25	23.62	24.35	25.00	25.64	26.38	27.35	28.19	29.04	3.25%
III REVALUATION CLERK	24	7/1/23	23.71	24.45	25.12	25.79	26.53	27.53	28.43	29.34	2.75%
	25	7/1/24	24.48	25.24	25.94	26.63	27.39	28.42	29.35	30.29	3.25%
	26	7/1/25	25.28	26.06	26.78	27.50	28.28	29.34	30.30	31.27	3.25%
IV ADMIN CLERK II, ADM SECY I ASSESSORS' CLERK, POLICE CLERK TAX CLERK MED & BILL COLL SPECIALIST	24	7/1/23	25.98	26.57	27.28	27.90	28.47	29.34	30.19	30.97	2.75%
	25	7/1/24	26.82	27.43	28.17	28.81	29.40	30.29	31.17	31.98	3.25%
	26	7/1/25	27.69	28.32	29.09	29.75	30.36	31.27	32.18	33.02	3.25%
V BOOKKEEPER ADM SECRETARY II REVENUE TECHNICIAN	24	7/1/23	28.60	29.24	29.85	30.56	31.14	32.00	32.80	33.62	2.75%
	25	7/1/24	29.53	30.19	30.82	31.55	32.15	33.04	33.87	34.71	3.25%
	26	7/1/25	30.49	31.17	31.82	32.58	33.19	34.11	34.97	35.84	3.25%
VI ASST TO ASSESS, ADM ASST, ASST TO TAX COLLECTOR, ASST TOWN CLERKS, BUILDING DEPT TECH, FINANCE SPECIALIST/ BOOKKEEPER	24	7/1/23	31.23	31.84	32.44	33.03	33.64	34.50	35.32	36.10	2.75%
	25	7/1/24	32.24	32.87	33.49	34.10	34.73	35.62	36.47	37.27	3.25%
	26	7/1/25	33.29	33.94	34.58	35.21	35.86	36.78	37.66	38.48	3.25%
VII PLANNING ADMINISTRATOR ASST DEPUTY TOWN CLERK	24	7/1/23	32.79	33.48	34.06	34.68	35.36	36.32	37.16	37.98	2.75%
	25	7/1/24	33.86	34.57	35.17	35.81	36.51	37.50	38.37	39.21	3.25%
	26	7/1/25	34.96	35.69	36.31	36.97	37.70	38.72	39.62	40.48	3.25%

APPENDIX B

COALITION BARGAINING AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of February, 2021, by and between the Town of Berlin (the "Town") and the following bargaining units (collectively the "Unions"): Berlin Blue Collar Employees (UE Local 222, CILU/CIPU, CILU #52); Berlin White Collar Employees (CALU Local #2); Home Care and School Health Care Workers of Berlin Unit #20 (Connecticut Health Care Associates National Union of Hospital and Health Care Employees, AFSCME); Berlin Middle Management Association; Berlin Dispatchers (CALU Local #911); and Berlin Police Union (Fraternal Order of Police Lodge 56).

WHEREAS, the Town and the Unions wish to have a single health benefit plan for all Town employees;

WHEREAS, the parties wish to enter into a Medical Insurance Coalition Agreement (hereinafter "MICA") in an effort to control rising insurance costs;


WHEREAS, a description of the 2021-2026 MICA insurance plan is attached hereto as Exhibit A; and


WHEREAS, except as otherwise provided herein, all terms and conditions of affected Town employees shall be set forth in the collective bargaining agreement between the Town and each of the respective unions named above;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Town and the Unions, acting of their own free will, hereby agree as follows:

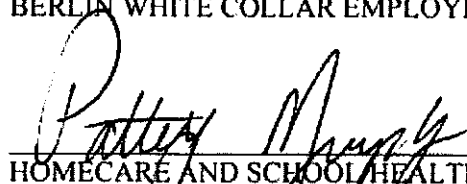
1. The updated MICA agreement effective July 1, 2021 shall replace the existing coalition health insurance provisions from the 2017 - 2021 agreement. It shall be available to those members of the Unions who are eligible for health insurance as of July 1, 2021.
2. MICA shall remain in effect from the date of the execution of this agreement until July 1, 2026.
3. If by June 30, 2026, no party seeks a change in the insurance plan that is in effect at the time of the execution of this agreement, the Town and a representative of each of the unions named above shall negotiate to develop a successor insurance plan.

IN WITNESS WHEREOF, the undersigned have executed this agreement this 17 of February 2021.


TOWN OF BERLIN


BERLIN BLUE COLLAR EMPLOYEES, UE LOCAL
222, CILU/CIPU, CILU #52


BERLIN WHITE COLLAR EMPLOYEES, CALU Local #2


HOMECARE AND SCHOOL HEALTH CARE WORKERS OF BERLIN
UNIT #20, CONNECTICUT HEALTH CARE ASSOCIATES NATIONAL
UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES, AFSCME


BERLIN MIDDLE MANAGEMENT ASSOCIATION


BERLIN DISPATCHER EMPLOYEES, CALU Local #911


THE BERLIN POLICE UNION FRATERNAL ORDER OF POLICE LODGE 56

TOWN OF BERLIN MEDICAL PROGRAM

July 1, 2021 • June 30, 2026

OPTION 1: Century Preferred PPO:

NO CHANGE IN CURRENT PLAN DESIGN

In-Network: Hospital Co-pay Outpatient Surgery Co-pay Emergency Room Co-pay Urgent Care Office Co-pay (Prev/Sick/Specialist) Maximum	Employee Cost \$100 Co-pay \$100 Co-pay \$100 Co-pay \$25 Co-pay \$0 / \$20 / \$20 Co-pay unlimited
Out-of-Network: Deductible (Ee/Ec+Sp/Family) 80% Coins to OOP Lifetime Maximum Dependent Child Age	\$200 / \$400 / \$500 Deductible \$1000 / \$2000 / \$2500 OOP \$1,000,000 To age 26
Prescription Drug: Retail Co-pay Mail Order Co-pay Maximum Formulary	Managed Drug Plan \$10 / \$25 / \$40 Co-pay \$20 / \$50 / \$80 for 90 days No annual maximum 3 Tier Formulary Plan

RIDERS INCLUDED WITH MEDICAL PLAN OPTIONS:

Vision:	Blue View Vision Plan BVMO
Dental:	Full
Rider A, B, C & D	Yes
Dependent Child Coverage	To age 26

EMPLOYEE PREMIUM COST SHARES

Century Preferred PPO	
Plan Year 2021-2022	27.5% Employee Cost Share 72.5% Employer Cost Share
Plan Year 2022-2023	28% Employee Cost Share 72% Employer Cost Share
Plan Year 2023-2024	28.5% Employee Cost Share 71.5% Employer Cost Share
Plan Year 2024-2025	29% Employee Cost Share 71% Employer Cost Share
Plan Year 2025-2026	29% Employee Cost Share 71% Employer Cost Share

TOWN OF BERLIN MEDICAL PROGRAM

July 1, 2021 - June 30, 2026

OPTION 2: High Deductible Plan & HSA:

July 1, 2021 - June 30, 2022 - \$2,000/\$4,000 High Deductible plan with HSA
 July 1, 2022 - June 30, 2025 - \$2,250/\$4,500 High Deductible plan with HSA
 July 1, 2025 - June 30, 2026 - \$2,500/\$5,000 High Deductible plan with HSA
 All Well Visits provided at no cost to the participant without impact on deductible.
 Managed Rx with co-pays after deductible is met (\$10 / \$25 / \$40)

Health Savings Account Funding:

Plan Year 2021-2022	Town Funds 50% of Deductible Deposited with the first pay in July
Plan Year 2022-2023	Town Funds 50% of Deductible Deposited with the first pay in July
Plan Year 2023-2024	Town Funds 50% of Deductible Deposited with the first pay in July
Plan Year 2024-2025	Town Funds 50% of Deductible Deposited with the first pay in July
Plan Year 2025-2026	Town Funds 50% of Deductible Deposited with the first pay in July

RIDERS INCLUDED WITH MEDICAL PLAN OPTIONS:

Vision:	Blue View Vision Plan BVMO
Dental:	Full
Rider A, B, C & D	Yes
Dependent Child Coverage	To age 26

EMPLOYEE PREMIUM COST SHARES

High Deductible with H.S.A.

Plan Year 2021-2022	17.5% Employee Cost Share 82.5% Employer Cost Share
Plan Year 2022-2023	18% Employee Cost Share 82% Employer Cost Share
Plan Year 2023-2024	18.5% Employee Cost Share 81.5% Employer Cost Share
Plan Year 2024-2025	19% Employee Cost Share 81% Employer Cost Share
Plan Year 2025-2026	19% Employee Cost Share 81% Employer Cost Share

TOWN OF BERLIN MEDICAL PROGRAM

July 1, 2021 - June 30, 2026

WELLNESS INCENTIVE

The Town will continue to offer a Wellness Incentive that provides a monetary incentive to employees who participate in the program. In order to be eligible, employees and their spouses must have completed all of their age appropriate screenings and have their physician certify completion of those screenings. *Dependent children are no longer required to submit wellness paperwork.* All Wellness forms are due to HR by June 30th of the plan year.

Plan Year 2021-2022	\$200 Single Option \$300 Employee plus One Option \$500 Family Option
Plan Year 2022-2023	\$200 Single Option \$300 Employee plus One Option \$500 Family Option
Plan Year 2023-2024	\$200 Single Option \$300 Employee plus One Option \$500 Family Option
Plan Year 2024-2025	\$200 Single Option \$300 Employee plus One Option \$500 Family Option
Plan Year 2025-2026	\$200 Single Option \$300 Employee plus One Option \$500 Family Option

Employees participating in the High Deductible H.S.A. plan can elect to have their wellness incentive benefit deposited directly into their Health Savings Account.

INSURANCE WAIVER BENEFIT

In recognition of the significant cost impact health insurance can have on an employer, the Town pays a premium to staff who waive coverage (*not applicable to single coverage*). Upon presentation of documentation that an employee is covered under a health insurance policy existing elsewhere (not with the Town of Berlin nor with the Berlin Public Schools), an employee may elect to waive, in writing, all health and dental insurance coverage. In lieu of coverage these employee will receive on an annual basis, the following amounts (paid quarterly): Employee Plus One: \$1,800, Family: \$2,500

** Employees who elect to waive coverage and receive the In Lieu of Premium will not be eligible to enroll in benefits (or the Wellness Incentive) until open enrollment unless he/she has a qualifying event as defined in the federal regulations and which allows for changes midyear. At which point, the Waiver would discontinue.*

If in any year of this agreement, the insurance premium increases more than 10%, the Coalition Agreement may be opened to re-evaluate premium cost shares.

Agenda Item No. 9
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 17, 2023

SUBJECT: Resurface Post Tension Concrete Basketball and Tennis Courts at Berlin High School Utilizing Classic Turf Company LLC

Summary of Agenda Item:

The Parks and Grounds Department is requesting to wave the bidding process to have two basketball and six tennis courts at Berlin High School resurfaced and repainted. The courts have to be resurfaced every several years to extend the manufactures warranty on the courts. The resurfacing includes pressure washing, applying one coat of Novacrylic color coating and restriping of the courts.

The funding for this item was approved at the Special Town Meeting held on Tuesday, September 5, 2023. The Town Council asked that this item be taken up at a future meeting.

Funding:

Funding (\$75,000) for resurfacing the basketball and tennis courts at Berlin High School would be transferred from FY2023 Surplus into account #001.35.3561.0.54000.00537.

Action Needed:


Move to approve non-budgeted appropriation of \$75,000 from fiscal year 2024 General Fund Unassigned Fund Balance into Recap Tennis & Basketball Court pending Board of Finance approval.

Move to waive the town's bidding procedures, as this is in the best interest of the town and approve the resurfacing of Berlin High School basketball & tennis courts for an amount not to exceed \$75,000 with Classic Turf Company LLC pending approval of the FY24 non-budgeted appropriation by the Board of Finance.

Attachments:

Written Quote

Prepared By:

Steven T. Wood Superintendent of Parks and Grounds 



CLASSIC TURF

▣ COURTS | TRACKS | FIELDS ▣

8/17/2023

Steve Wood
Parks and Recreation Foreman
15 Town Farm Lane
Berlin, CT 06037

RE: Berlin High School Tennis & Basketball Court Recoating Estimate 2022

Steve,

I have prepared the following information and budgetary estimate for the recoating of six (6) tennis courts and two (2) basketball courts at Berlin High School.

The following is the responsibility of Others:

- Permitting, if required.
- Access to the site with material and trucks.
- Removal and reinstallation of the tennis net posts, nets and center straps.
- Additional costs for bonds, if required.
- Access to water on site.

The following is the responsibility of Classic Turf Company:

- 1) The back side of the basketball courts (worst areas) to be power washed prior to the recoating process.
- 2) One (1) coat of Novacrylic color coating will be applied to the entire surface according to its specifications. Finished colors to match existing.
- 3) White playing lines will be applied with Novatex line paint according to its specification to match existing.

Completion Time: 1-3 weeks, weather permitting.

Total Estimated Cost:.....\$60,000-65,000.00

Thank you for the opportunity. If you have any questions or need any additional information after reviewing the above proposal please feel free to contact us to schedule the work.

Sincerely,

Ryan Conroy

Ryan Conroy
Director of Sales
Classic Turf Company LLC



ALL RIGHTS RESERVED

The above referenced estimates are valid for 30 days.

Any use of materials in this proposal, including reproduction, modification, distribution or republication, without the prior written consent of Classic Turf Company, LLC is strictly prohibited.

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: October 11, 2023
SUBJECT: Required Resolutions for Round II of the HVAC IAQ Grant Application for Mary E. Griswold Elementary School

Summary of Agenda Item:

Mary E. Griswold Elementary School is in need of HVAC Upgrades. On October 10, 2023, the Berlin Board of Education Approved the resubmission of Educational Specifications to the Public Building Commission requesting the planning, code compliance, design, budgeting, construction, installation and commissioning for HVAC upgrades at Mary E. Griswold Elementary School.

The estimated cost of HVAC exceeds three million dollars. A prior year estimate has been included for reference. Please note: A new cost estimate to reflect current and revised pricing is in process. To offset the local share the Board of Education, in partnership with Town Facilities, Finance and Public Works Departments, are actively working together to seek alternative funding sources.

On September 7, 2023 the Department of Administrative Services released the second round of HVAC Indoor Air Quality (IAQ) Grant Program for Public Schools. The application requires the three local resolutions listed below:

1. Authorize the Superintendent to apply for the grant.
2. Create a Project Building Committee.
3. Approve the preparations of drawings for the project.

The grant application deadline is December 31, 2023. Grant awards are anticipated for Spring of 2024.

Funding:

The Town will issue a bond ordinance, and hold a referendum if necessary, to fund this project. Berlin's reimbursement rate for eligible costs through the grant is 41.43%. Applicants must submit a Local Funding Authorization Letter with supporting documentation with the application.

Action Needed:

Move that the Town Council authorized the Berlin Board of Education to apply to the State of Connecticut Commissioner of Administrative Services to accept or reject a grant for the HVAC IAQ Grant at the Mary E. Griswold Elementary School.

Move that Public Building Commission is hereby established as the building committee about the HVAC IAQ Grant at Grant at the Mary E. Griswold Elementary School.

Move that the Town Council authorized the preparation of schematic drawings and outline specification for the HVAC IAQ Grant at the Mary E. Griswold Elementary School.

Attachments:

Griswold Educational Specification for HVAC Upgrades & Improvements
Prior Year Cost Estimate

Prepared By: Ashley L. Dorsey, Director of Finance, Berlin Public Schools

Ashley L. Dorsey
10/18/23

**Berlin Board of Education
Berlin, CT**

**EDUCATIONAL SPECIFICATIONS
(Statement of Need)
for**

Design and Construction for Upgrades to the HVAC System

at

**Mary E. Griswold Elementary School
133 Heather Lane
Berlin, CT 06037**

October 10, 2023 (Resubmitted)



Introduction

Mary E. Griswold Elementary School is one of three elementary schools in the Town of Berlin. It services grades Kindergarten through grade 5, and has a student population of 523.

The building's original construction was completed in 1964 with the latest renovations completed in 1991. Although the Town and Board have taken pride in maintaining the building, the outdated and inefficient HVAC systems are a pressing concern, making it increasingly challenging to maintain a comfortable and conducive learning environment.

Classroom ventilators, which are now 32 years old, have exceeded the ASHRAE's recommended life expectancy, resulting in costly repairs and the need for obsolete parts are difficult to source.

Statement of Need

In June of 2020, Berlin Board of Education requested that the Town refer a new HVAC project to its Public Building Commission (the standing School Building Committee).

Pursuant to available State funding for HVAC upgrades, the Berlin Board of Education hereby resubmits the request for planning, code compliance, design, budgeting, construction, installation and commissioning for HVAC upgrades at Mary E. Griswold Elementary School.

Project Rationale

Friar Associates Inc. completed a Facilities Condition Assessment for Mary E. Griswold Elementary School in 2013. Excerpts from the assessment relating to the condition of the HVAC Systems at the time of the report are presented in Exhibit II.

Additionally, in 2020 the school district commissioned Sustainable Engineering Solutions (SES) to complete an air quality study, which tested components of the controls to verify proper operations, noting any deficiencies to complete repairs to maximize energy efficiency and indoor air quality (IAQ). System upgrades would improve efficiencies at Mary E. Griswold Elementary School. Proposed improvements included:

- New and efficient fan coils.
- Efficient air cooled chillers.
- New and efficient pumps and motors.
- Enhanced building automation controls for setback temperatures during unoccupied times and energy management.

Upon the completion of the project, critical success indicators include the installation of optimal HVAC systems at Mary E. Griswold Elementary School and a safe learning environment for all students.

The Project

The proposed project's scope includes replacing existing DX stand-alone classroom ventilators, with wet heat, which have exceeded their thirty-year life expectancy. The planned installation of four-pipe fan coil units and chilled water plants in all classrooms will maximize efficiency associated with the HVAC units.

The project includes installing unit ventilators with hot water heating coils and chilled water cooling coils. The unit ventilators will be provided with high efficiency MERV 13 filters and a connection to an outdoor air louver for the introduction of ventilated air. Two (2) air cooled chillers will be installed on grade outside the building to provide a level of redundancy. The chillers will have an EER=10.4 and IPLV=15.5 and will be piped to a plate and frame heat exchanger located within the building. This design allows for glycol within the outdoor piping to prevent freezing while also allowing chilled water, without glycol, to be distributed to the unit ventilators in order to meet the required cooling load. Chilled water pumps would be located within the building to distribute chilled water to the unit ventilators via chilled water piping distribution.

Conclusion

Upgrades to the HVAC system at Mary E. Griswold Elementary School are essential for the safety and good health of our students, faculty and staff. The creation of a safe and deserved learning environment is needed to foster the growth and development of our students. A deserving and comfortable school atmosphere is contributive to effective teaching and learning.

The Mary E. Griswold Elementary School HVAC Project represents a vital investment in the future of our children and the dedicated staff who nurture their, and our, future. It is a testament to our commitment to provide a safe, supportive, and enriching educational experience for students, and it is a step toward optimizing the well-being of our school community. It is the responsibility of the Board of Education to ensure the Griswold community has access to a quality and safe learning environment and therefore requests the necessary support and resources to proceed with this critical project; it is long overdue.

EXHIBT II

Berlin Facilities Condition Assessment Mary E. Griswold Elementary School

HVAC Conditions

System	Condition	Comments
Heating System	Fair-Poor	2, 1991 Dual Fuel Hot Water Boilers Well Beyond ASHRAE Life Expectancy
Heating System Elements	Fair-Poor	HW Coils, HW Baseboard, Unit Heaters
A/C	Fair-Poor	1991 Packaged DX RTUs, DX Split Systems, Pkg DX Unit Ventilators Well Beyond ASHRAE Life Expectancy
Hot Water Piping	Good to Excellent	Blk Steel, Copper
Condensate Piping	Fair	
Exhaust Fans	Fair	
Controls	Fair	1991 DDC System with Electric Actuators

This school is fully air conditioned and is equipped with a central hot water heating plant and various packaged gas/electric DX rooftop units and split systems. Most equipment is from 1991 and well beyond ASHRAE's recommended life expectancy but some rooftop units are newer. Classrooms and some offices are equipped with 1991 unit ventilators configured with packaged DX cooling and HW coils. Automatic temperature control is provided by a 1991 DDC system with electric actuators.

The central hot water heating plant consists of two 70% Effci 3.2 MMBH gas/oil cast iron boilers but gas is the primary heating fuel source. Each boiler is equipped with an inline primary constant volume pump; secondary constant volume pumps distribute hot water to various air handlers, baseboard radiation units and convectors via three way modulating valves. All equipment is original from 1991 and is beyond their life expectancy.

Air handlers are equipped with electric steam humidifiers and duct-mounted steam distributors. Some, if not all, air handlers with cooling coils do not have auxiliary drain pans which is required by code. Condensate pans should also be installed on systems equipped with humidifier steam tubes.



TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 11, 2023

SUBJECT: Required Resolutions for Round II of the HVAC IAQ Grant Application for Richard D. Hubbard Elementary School

Summary of Agenda Item:

Richard D. Hubbard Elementary School is in need of HVAC Upgrades. On October 10, 2023, the Berlin Board of Education Approved the resubmission of Educational Specifications to the Public Building Commission requesting the planning, code compliance, design, budgeting, construction, installation and commissioning for HVAC upgrades at Richard D. Hubbard Elementary School.

The estimated cost of HVAC will exceed three million dollars. A prior year estimate has been included for reference. Please note: A new cost estimate to reflect current and revised pricing is in process. To offset the local share the Board of Education, in partnership with Town Facilities, Finance and the Public Works Departments, are actively working together to seek alternative funding sources.

On September 7, 2023 the Department of Administrative Services released the second round of HVAC Indoor Air Quality (IAQ) Grant Program for Public Schools. The application requires the three local resolutions listed below:

1. Authorization from the Superintendent to apply for the grant.
2. Create a Project Building Committee.
3. Approve the preparations of drawings for the project.

The grant application deadline is December 31, 2023. Grant awards are anticipated for the Spring of 2024.

Funding:

The Town will issue a bond ordinance, and hold a referendum if necessary, to fund this project. Berlin's reimbursement rate for eligible costs through the grant is 41.43%. Applicants must submit a Local Funding Authorization Letter with supporting documentation with the application.

Action Needed:

Move that the Town Council authorize the Berlin Board of Education to apply to the State of Connecticut, Commissioner of Administrative Services to accept or reject a grant for the HVAC IAQ Grant at the Richard D. Hubbard Elementary School.

Move that Public Building Commission is hereby established as the building committee regarding the HVAC IAQ Grant at Grant at the Richard D. Hubbard Elementary School.

Move that the Town Council authorize the preparation of schematic drawings and outline specifications for the HVAC IAQ Grant at the Richard D. Hubbard Elementary School.

Attachments:

Hubbard Educational Specification for HVAC Upgrades & Improvements

Hubbard Prior Year Cost Estimate

Prepared By: Ashley L. Dorsey, Director of Finance, Berlin Public Schools

andrew
10/18/23

**Berlin Board of Education
Berlin, CT**

**EDUCATIONAL SPECIFICATIONS
(Statement of Need)
for**

Design and Construction for Upgrades to the HVAC System

at

**Richard D. Hubbard Elementary School
139 Grove Street
East Berlin, CT 06023**

October 10, 2023 (Resubmitted)



Introduction

Richard D. Hubbard Elementary School is one of three elementary schools in the Town of Berlin. It services grades Kindergarten through grade 5, and has a student population of 223.

The building's original construction was completed in 1965 with the latest renovations completed in 1992. Although the Town and Board have taken pride in maintaining the building, the outdated and inefficient HVAC systems are a pressing concern, making it increasingly challenging to maintain a comfortable and conducive learning environment.

Classroom ventilators are 31 years old and have exceeded the ASHRAE's recommended life expectancy, resulting in costly repairs and the need for obsolete parts are difficult to source.

Statement of Need

In June of 2020, Berlin Board of Education requested that the Town refer a new HVAC project to its Public Building Commission (the standing School Building Committee).

Pursuant to available State funding for HVAC upgrades, the Berlin Board of Education hereby resubmits the request for planning, code compliance, design, budgeting, construction, installation and commissioning for HVAC upgrades at Richard D. Hubbard Elementary School.

Project Rationale

Friar Associates Inc. completed a Facilities Condition Assessment for Hubbard Elementary School in 2013. Excerpts from the assessment relating to the condition of the HVAC Systems at the time of the report are presented in Exhibit III.

Additionally, in 2020 the school district commissioned Sustainable Engineering Solutions (SES) to complete an air quality study, which tested components of the controls to verify proper operations, noting any deficiencies to complete repairs to maximize energy efficiency and indoor air quality (IAQ). System upgrades would improve efficiencies at Richard D. Hubbard Elementary School. Proposed improvements included:

- New and efficient fan coils.
- Efficient air cooled chillers.
- New and efficient pumps and motors.
- Enhanced building automation controls for setback temperatures during unoccupied times and energy management.

Upon the completion of the project, critical success indicators include the installation of optimal HVAC systems at Richard D. Hubbard Elementary School and a safe learning environment for all students.

The Project

The proposed project's scope includes replacing existing DX stand-alone classroom ventilators, with wet heat, which have exceeded their thirty-year life expectancy. The planned installation of four-pipe fan coil units in all classrooms with chilled water plants will maximize efficiency associated with the HVAC units. Heating will be maintained by the existing natural gas fired boilers.

The project includes installing unit ventilators with hot water heating coils and chilled water cooling coils. The unit ventilators will be provided with high efficiency MERV 13 filters and a connection to an outdoor air louver for the introduction of ventilated air. Two (2) air cooled chillers will be installed on grade outside the building to provide a level of redundancy. The chillers will have an EER=10.4 and IPLV=15.5 and will be piped to a plate and frame heat exchanger located within the building. This design allows for glycol within the outdoor piping to prevent freezing while also allowing chilled water, without glycol, to be distributed to the unit ventilators in order to meet the required cooling load. Chilled water pumps would be located within the building to distribute chilled water to the unit ventilators via chilled water piping distribution.

Conclusion

Upgrades to the HVAC system at Richard D. Hubbard Elementary School are essential for the safety and good health of our students, faculty and staff. The creation of a safe and deserved learning environment is needed to foster the growth and development of our students. A deserving and comfortable school atmosphere is contributive to effective teaching and learning.

The Richard D. Hubbard Elementary School HVAC Project represents a vital investment in the future of our children and the dedicated staff who nurture their, and our, future. It is a testament to our commitment to provide a safe, supportive, and enriching educational experience for students, and it is a step toward optimizing the well-being of our school community. It is the responsibility of the Board of Education to ensure the Hubbard community has access to a quality and safe learning environment and therefore requests the necessary support and resources to proceed with this critical project; it is long overdue.

EXHIBT III
**Berlin Facilities Condition Assessment
 Richard D. Hubbard Elementary School**
HVAC

The following is a data summary of the HVAC system's existing conditions that were observed and noted during the survey. This information was gathered by a field survey, reviewing the existing drawings and discussions with various building personnel.

Condition Codes	
Excellent	7-10 years useful life
Good	Good at present (5-7 years)
Fair	Minor / cosmetic repairs needed to maintain condition (3-5 years)
Poor	Immediate repairs needed to prevent deterioration (1-3 years)

HVAC Conditions

System	Condition	Comments
Heating System	Fair-Poor	Two 1992 Dual Fuel Cast Iron HW Boilers Are Well Beyond ASHRAE Life Expectancy
Heating System Elements	Good	HW Colls, HW Baseboard Terminal HW Heating Units
A/C	Fair-Good	1992 Packaged DX RTUs, DX Split Systems, Pkg DX Unit Ventilators
Humidification	Fair-Poor	Electric steam humidifiers
Hot Water Piping	Fair to Good	Black Steel, Copper
Condensate Piping	Fair	
Exhaust Fans	Fair	
Controls	Fair	Elec/Pneumatic

This school is conditioned by heating and ventilating systems that were installed in 1992. Very few systems have been replaced since then and have reached their end of life. The central hot water heating plant consists of two 70% efficient, 3.2 MM8H Gas/3.1 MM8H Oil cast iron boilers. Gas is primary fuel throughout the heating season and has been for several years. During the winter holidays, boilers are switched over to #2 fuel oil and operate continuously during this period to prevent oil from sludging in tank, lines and burners.



Agenda Item No. 12
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 17, 2023

SUBJECT: Appointment of Members of the Plan of Conservation and Development Implementation Committee

Summary of Agenda Item:

The Planning and Zoning Commission adopted a new Plan of Conservation of Development (POCD) for the Town in June of 2023 and this Plan was endorsed by the Town Council. One of the recommendations of the Plan was to create a Plan of Conservation and Development Implementation Committee to monitor and report to the Town Council on progress on implementing the goals, strategies and actions contained in the Plan. The Implementation plan portion of the POCD identifies parties (primarily Town Boards and Commissions) that are given the responsibility to carry out the implementation of the recommendations of the POCD. In addition, the Town adopted an Affordable Housing Plan in May of 2022, and the recommendations of the Affordable Housing Plan are incorporated into the Plan of Conservation and Development both directly and by reference.

The Town Council created a Plan of Conservation and Development Implementation Committee that would also monitor implementation the Affordable Housing Plan. One representative from nine Boards or Commissions have been nominated to serve on the Implementation Committee; Planning and Zoning Commission – Joan Veley - R, Economic Development Commission- Ed Egazarian - D, Conservation Commission Guy Hoffman - R, Parks and Recreation Commission- Lucas Van Zandt - R, Water Control Commission- Bruce LaRoche - D, Inland Wetlands and Watercourses Commission- Peter Nieman - D, , Zoning Board of Appeals- Lenny Tubbs - U, Historic District Commission John Diakun – R, and Town Council – Sandra Coppola - R.

Funding:

No additional funding is required for the Implementation Committee.

Actions Needed:

Move to appoint the following members to serve on the Plan of Conservation and Development Implementation Committee; Joan Veley - R, Economic Development Commission- Ed Egazarian - D, Conservation Commission Guy Hoffman - R, Parks and Recreation Commission- Lucas Van Zandt - R, Water Control Commission- Bruce LaRoche - D, Inland Wetlands and Watercourses Commission- Peter Nieman - D, , Zoning Board of Appeals- Lenny Tubbs - U, Historic District Commission John Diakun – R, and Town Council – Sandra Coppola - R.

Attachments:

None

Prepared By:

Maureen Giusti, Town Planner



Jim Mahoney, Economic Development Coordinator

Agenda Item No. 13
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 17, 2023

SUBJECT: Amendments to the Berlin Affordable Housing Plan for Consistency with the Plan of Conservation and Development and Review of Implementation Status

Summary of Agenda Item:

The Town Council approved an Affordable Housing Plan (AHP) on May 17, 2022, and a Plan of Conservation and Development (POCD) on June 15, 2023. As the AHP was planned to be, and was, completed prior to the POCD, the Town had tasked its POCD/AHP consultant, FHI Studio, to complete a review of the AHP to assure that the Plans are consistent and that the AHP is up to date. FHI completed its review of the Plans, including a review of the status of progress on implementation of the AHP, and presented a report to the Planning and Zoning Commission. That report identified sections of the AHP that could be considered for update to make it consistent with the POCD. The Planning and Zoning Commission reviewed the FHI report and recommends to the Town Council that sections of the AHP be amended per the attached table to make it consistent with the POCD adopted June 15, 2023.

In considering amendments to the AHP, it is appropriate to evaluate the status of the Town's progress in creating affordable housing units. One goal of the AHP is that the Town more than 10% of its housing stock be affordable. The most recent, 2022, State of Connecticut affordable housing appeals list indicated that Berlin had 8.8 percent of its housing stock considered affordable (based on the number of housing units estimated by the 2010 decennial census). This percentage is down from a high of 9.31 percent in 2019. The primary reasons for the decline in affordable housing units between 2019 and 2022 are that the number of CHFA financed units fell from 138 to 108 and the number of governmentally assisted units declined from 54 to 48 units. The Town has little or no control over the number of CHFA financed units and the number of governmentally assisted units. Nearby Towns Rocky Hill, Wethersfield, Cromwell, and Newington also had significantly fewer CHFA units in 2022 than in 2019. This may be related to the very tight housing market during the pandemic and low market interest rates at the time.

Additional Berlin affordable units were completed, and more are under construction or were approved after the compilation of the 2022 affordable housing appeals list. Affordable units do not get counted until a certificate of occupancy is obtained for the unit. The largest project now under construction is Deming Ridge. Deming Ridge will add 88 qualified units to the Town's affordable units count and certificates of occupancy have been granted for the first two buildings. We expect certificates of occupancy to be issued for all buildings in the Deming Ridge project by early 2024. Another project with affordable units that is under construction is 319 Main Street East Berlin.

This project will add a small number of affordable units. Projects including affordable units that are approved but are not under construction include, 404 Berlin Turnpike (200 units, 40 affordable) and the Knights of Columbus project (50 affordable units). Applications for three additional projects that will have affordable units are now either pending before the Planning & Zoning Commission or are under appeal.

Funding:

No funding is needed for the amendments.


Action Needed:

Move to amend the Town of Berlin Affordable Housing Plan (AHP) per the recommendations in the report by FHI Studio attached hereto and to be attached to the minutes.

Attachments:

1. Report by FHI Studio.

Prepared By:

Maureen Giusti, Town Planner 
Jim Mahoney, Economic Development Coordinator

Affordable Housing Plan Recommendations: September 2023 Review and Recommended Amendments

Strategy	Action	Recommend Amended Action	Updated Timeframe	Responsible Party	Notes/Status
1) Provide additional affordable home ownership opportunities.	1.1) Explore partnerships with organizations such as Habitat for Humanity to construct affordable home ownership units.		Ongoing	Town Manager	
	1.2) Evaluate Town land that could be made available for the creation of affordable home ownership opportunities (excluding properties, or areas of properties, that were purchased for conservation or are an important open space asset).		2024	Town Manager	This review is still ongoing. Revise completion timeframe to 2024.
	1.3) Evaluate zoning strategies that would facilitate the creation of deed restricted affordable homes (e.g., review existing Neighborhood Affordable Housing Development Zoning Regulations to encourage the use of this zoning tool).	Develop revisions to the Zoning Regulations as recommended in the 2023 Zoning Review. Subsequently, present the zoning amendment recommendations to the public and the Commission for consideration.	2023/2024	Planning & Zoning Commission	Completed as part of 2023 Zoning Review
	1.4) Evaluate whether financial incentives (e.g., tax abatements and others) should be developed to further create affordable home ownership opportunities.		Ongoing	Town Manager	This review is still ongoing. Revise completion timeframe to 2024.
2) Provide more affordable housing for seniors.	2.1) Continue to support the Berlin Housing Authority project approved by the Planning and Zoning Commission to build 50 units of low and very low-income senior rental housing at 143 Percival Avenue. The Town has an option to sell that site to the Berlin Housing Authority for \$1 to support the project.	Continue to support the Berlin Housing Authority project approved by the Planning and Zoning Commission to build 50 units of low and very low-income senior rental housing at 143 Percival Avenue if the Housing Authority demonstrates that it is making progress toward securing project financing. The Town has an option to sell that site to the Berlin Housing Authority for \$1 to support the project.	Ongoing	Town Manager	
	2.2) Evaluate adding other organizations to the provision in the Zoning Regulations that allows the Berlin Housing Authority to build elderly housing in single-family residential zones by special permit.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to allow entities other than the Berlin Housing Authority to build elderly housing in single-family residential zones by special permit.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends allowing private developers to construct elderly housing.

Strategy	Action	Recommend Amended Action	Updated Timeframe	Responsible Party	Notes/Status
2) Provide more affordable housing for seniors.	2.3) Ensure that universal design features (standards ensuring homes are accessible for those with mobility limitations and other disabilities) are incorporated into all new multifamily housing structures by requiring a percentage of units be constructed with these features.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to require that universal design features (standards ensuring homes are accessible for those with mobility limitations and other disabilities) are incorporated into all new multifamily housing structures by requiring a percentage of units be constructed with these features.	2024	Planning & Zoning Commission	2023 Zoning Review recommends incorporation of universal design features in elderly housing.
	2.4) Proactively lobby State and Federal representatives to help secure funding for affordable housing initiatives in Berlin.		Ongoing	Town Council	
3) Refine existing Zoning Regulations to better support affordable housing.	3.1) Review residential zoning districts for opportunities to add additional housing types that may not be allowed today (i.e. two-family homes/duplexes).	Retain consulting services or provide adequate staff resources to assist in preparing Zoning amendments as recommended in this Implementation Plan.	2023	Planning & Zoning Commission	2023 Zoning Review recommends allowing two-family homes in the R11.
	3.2) Evaluate allowing mixed-use development with affordable housing in potential redevelopment areas at Webster Square and Ferndale Plaza areas.		2023	Planning & Zoning Commission	Not recommended by the P&Z Commission in its 2023 Zoning Review.
	3.3) Review BTD zoning to ensure that the regulations adequately support the development of affordable housing.	Prepare amendments to the Zoning Regulations to ensure that the regulations adequately support the development of affordable housing.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends multiple amendments.
	3.4) Evaluate allowing greater densities in the Kensington Village Core 2 overlay district with the addition of a requirement that developments include affordable components.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to allow greater densities in the Kensington Village Core 2 overlay district with a requirement that developments include affordable components.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends allowing prorating of dwelling units per acre. P&Z Commission amended regulations in Aug. 2023 to allow up to 7 units per acre when there is an affordable component.
	3.5) Consider offering local incentives, including tax abatement, for affordable housing projects.		Ongoing	Town Manager	This review is still ongoing. Timing will likely coincide with future affordable housing proposals.

Strategy	Action	Recommend Amended Action	Updated Timeframe	Responsible Party	Notes/Status
3) Refine existing Zoning Regulations to better support affordable housing.	3.6) Evaluate potential changes to the Accessory Dwelling Unit (ADU) provisions of the Zoning Ordinance to expand the use of ADU's in meeting housing needs.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to make changes to the Accessory Dwelling Unit (ADU) provisions of the Zoning Ordinance to expand the use of ADU's in meeting housing needs.	2023/2024	Planning & Zoning Commission	2023 Zoning Review provides multiple recommendations for amendments to regulations to support ADU development.
	3.7) Evaluate potential changes to the PDD district to provide specifications for affordable housing uses.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to make changes to the PDD district to provide specifications for affordable housing uses.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends that 20% of residential units in a PDD be deed restricted as affordable for a period of 99 years.
	3.8) Evaluate requirements for bedroom counts and unit sizes for affordable rental units.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to revise requirements for bedroom counts and to eliminate unit size requirements.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends removal of all unit size requirements (as required by statute) and increasing share of two-bedroom units allowed in BTD.
4) Maintain a focus on expanding the affordable housing supply.	4.1) Review and recommend actions to diversify the Town's housing stock as part of the Town's ongoing 2023 update to its Plan of Conservation and Development and subsequent POCD implementation plan.		2023/2024	Planning & Zoning Commission	The POCD recommends six strategies for improving and expanding housing supply, accessibility, and affordability.
	4.2) Establish a Plan of Conservation and Development Implementation Committee to track Plan Implementation especially with respect to housing diversification and affordability.		2023	Town Council, Town Manager will track implementation until the Committee is formed	The Town Council has created an Implementation Committee.
	4.3) Maintain adequate Town staffing and skill sets to administer affordable housing programs. 4.4) Offer Affordable Housing training to staff and members of land use boards.		Ongoing	Town Council	PZC & ZBA commissioner training is now mandated by statute and includes a minimum relating to affordable housing.

Strategy	Action	Recommend Amended Action	Updated Timeframe	Responsible Party	Notes/Status
4) Maintain a focus on expanding the affordable housing supply.	4.5) Continue to require and monitor affordable housing implementation plans for all projects that include an affordable housing component.		Ongoing	Planning & Zoning Commission, Community Services	
	4.6) Continue tax incentives for mixed-use, inclusionary projects.		Ongoing	Town Council	
	4.7) Develop a public education campaign in town to communicate the need for affordable housing and discuss the need and benefits of housing across all types and income spectrums. Discuss and present housing as an economic development tool in Berlin.		2024	Economic Development Commission	Not completed.
	4.8) Prioritize the creation of affordable housing for households at less than 50% of AMI.		Ongoing	Planning & Zoning Commission	2023 Zoning Review recommends establishing tiered AMI affordability levels for private elderly housing developments.
	4.9) Explore extending the required duration of deed restrictions beyond 40 years or make them permanent.	As recommended, in the 2023 Zoning Review, prepare an amendment to the Zoning Regulations to extend the required duration of deed restrictions beyond 40 years.	2023/2024	Planning & Zoning Commission	2023 Zoning Review recommends 99-year deed restriction of affordable elderly housing units, affordable units in BTD and PDD, and a lifetime deed restriction of ADUs.
	4.10) Communicate with affordable housing developers about opportunities for affordable housing development in Berlin.		Ongoing	Economic Development Commission	
	4.11) Explore the potential for creating affordability deed restrictions for portions of the existing housing stock.		2025	Town Manager	

Agenda Item No. 14
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 17, 2023

SUBJECT: Amendment to a Contract with FHI Studio Concerning Amendments to the Zoning Ordinance

Summary of Agenda Item:

FHI Studio was the Town's consultant concerning the preparation of the Town's Affordable Housing Plan and Plan of Conservation and Development. These plans recommended zoning text amendments related to affordable housing. FHI has given the Town a proposal to assist with the preparation of affordable housing related zoning text amendments as recommended in the Town's Affordable Housing Plan and Plan of Conservation and Development for a fee not to exceed \$8,500. The Town is also working with FHI with zoning test amendments related to the Housing for Elderly persons section of the Zoning Ordinance pursuant to its existing contract. Funds for this amendment will be from account # 500.10.1014.0.54000.01404, Plan of Devel. Update.

Funding:

The \$8,500 in funding for this item is to be taken from the Plan of Devel. Update account.


Actions Needed:

Move to authorize the Town Manager to enter an amendment to the contract with FHI Studio in an amount not to exceed \$8,500 to be paid from the Plan of Devel. Update account, to assist with preparation of zoning ordinance amendments recommended in the Town's Affordable Housing Plan and Plan of Conservation and Development, subject to review and approval of Corporation Counsel.

Attachments:

1. Proposal from FHI Studio.
2. Sufficiency of Funds.

Prepared By:

Maureen Giusti, Town Planner 
Jim Mahoney, Economic Development Coordinator

Proposed Scope of Services for Assistance with Zoning Amendments

10/17/23

As requested by James Mahoney (Economic Development Coordinator) and Maureen Giusti (Town Planner), FHI Studio has prepared a proposed scope of services for the development of zoning amendments that would remove barriers to and facilitate the development of housing as identified by the Plan of Conservation and Development and Affordable Housing Plan and by an 8/14/23 Zoning Review (attached for reference) conducted by FHI Studio as part of the POCD scope of services.

This proposal is for additional work above and beyond the POCD/AHP contract scope. This work will result in the preparation of draft zoning text amendments that may be adopted by the Town.

Scope

Task	Hours
1. Project Coordination: Conduct monthly project coordination calls with the Town Economic Development Coordinator and Town Planner.	3
2. Prepare amendments to the NAHD zoning regulations as recommended by the Zoning Review.	4
3. Prepare an amendment that allows for, and specify bulk, area, and height regulations for two-family homes in the R-11 district.	4
4. Prepare amendments to the BTD as recommended by the Zoning Review including requiring affordable unit deed restrictions that exceed 40 years.	8
5. Prepare amendments to the Kensington Core Area 2 regulations as recommended in the Zoning Review including removing minimum unit size restrictions and allowing the prorating of dwelling units per acre.	4
6. Amend ADU regulations as recommended by the Zoning Review.	8
7. Amend PPD regulations to require affordable units with deed restriction of those units in excess of 40 years as recommended by the Zoning Review.	4
8. Amend Adult Housing regulations as recommended by the Zoning Review and and specify bulk, area, and height regulations for such development if permitted in the R-43 and R-21 zones.	4
Total Hours	39

Fee

The hourly not to exceed for the proposed scope of services is \$8,500, inclusive of direct costs. This is based upon an hourly billing rate of \$216.

Schedule

We anticipate completion the zoning amendments by January of 2024 (not including adoption) and will follow a schedule as agreed upon with the Town.

Exclusions and Assumptions

1. Successful completion of this scope of services is not predicated upon adoption of the draft zoning amendments.
2. Participation in all meetings by FHI Studio to be conducted virtually.
3. All amendments to be provided in MS Word or PDF format. Amendments will be formatted for compatibility with the zoning regulations document format.
4. Up to two rounds of revision on all draft amendments will be conducted.
5. Amendments will be conducted consistent with the 8/14/23 Zoning Review. Zoning amendments not identified by the Zoning Review or listed in this scope of services are excluded.

Agreement

If this proposed scope of services is agreeable to you, please sign below to authorize commencement of the work.



Francisco Gomes, FHI Studio

10/17/23

Date

Maureen Giusti, Town Planner, Town of Berlin

Date



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

(Sec. 6-10-2 of the Town Charter)

DATE 17-Oct-23

Purchase Item or Contract: Economic Development/Planning		Requested by: J. Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Assist with preparations of zoning ordinance amendments	\$8,500.00	\$8,500.00
			-
			-
			-
			-
TOTAL			\$8,500.00

Account No. 500.10.1014.0.54000.01404

Professional Services

Budgeted Amount..... \$25,710.25

Available balance..... \$11,775.45

Encumbrances to Date..... \$13,934.80

Amount Needed for This Package..... \$8,500.00

Expenditures to Date..... \$0.00

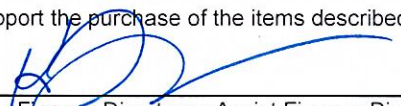
Available Balance After Purchase..... \$3,275.45

Is a budget change needed? ☐ Yes ☒ No

If so, has a budget change been prepared? ☐ Yes ☒ No

☒ I certify that there ARE sufficient funds available to support the purchase of the items described above.

or:


Finance Director or Assist. Finance Director

☐ I certify that a budget change in the amount of \$ _____ must be processed concurrently with this certification to support this commitment.

Finance Director or Assist. Finance Director

Agenda Item No. 15
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 2, 2023

SUBJECT: Authorization for the Town Manager to Deed the Abandoned Section of the Wigwam Road Right of Way to the City of New Britain Water Department and to Retain a Relocated Right of Way for Emergency Vehicle Use and Public Access

Summary of Agenda Item:

The Town Council previously authorized the Town Manager to sign agreements needed to relocate the public right of way that was retained by Berlin when the Town abandoned a portion of the former Wigwam Road to the City of New Britain Water Department. The City of New Britain is willing to relocate the right of way, but it does not think that the area was properly deeded by the Town of Berlin to the City of New Britain Water Department, so it requests that the abandoned portion of Wigwam Road be properly deeded to the City of New Britain Water Department.

The background is that a portion of Wigwam Road was abandoned by the Town in Berlin in 1985 and conveyed to the City of New Britain Water Department, as it owned the properties on both sides of the road. The abandoned section extends from the north end of Sanctuary Lane to Ragged Mountain Preserve as described in Map 1915 titled Map Showing a Portion of Wigwam Road Abandonment, prepared by the Berlin Engineering Department that was filed on the Berlin Land Records. No deed was filed to accompany Map 1915.

To authorize the proper deeding by the Town of Berlin to the City of New Britain Water Department of an abandoned portion of Wigwam Road that extends from the north end of Sanctuary Lane to Ragged Mountain Preserve, so that the right of way could subsequently be relocated, the Town Council referred this matter to the Planning & Zoning Commission for a report pursuant to 8-24 of the Connecticut General Statutes. The Planning & Zoning Commission has given a favorable report related to this matter, so the next step is to authorize the Town Manager to deed said portion of the former Wigwam Road right of way to the City of New Britain Water Department.

Funding:

No funding is required for this action.

Action Needed:

Move to authorize the Town Manager to the deed the previously abandoned portion of Wigwam Road as described by Map 1915 filed in the Town of Berlin Land Records and prepared by the Town of Berlin Engineering Department that extends from the north end of Sanctuary Lane to Ragged Mountain Preserve to the City of New Britain Water Department and to reaffirm the previous approval to the relocate of the Public Access And Emergency & Municipal Vehicle Access in a manner as depicted in the 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, subject to review and approval of Corporation Counsel.

Attachments:

1. Map 1915 prepared by the Town of Berlin Engineering Department showing the abandoned right of way with a notation retaining rights for Town of Berlin and public use.
2. Map showing the proposed relocated path of public right of way prepared by New England GeoSystems.
3. Section 8-24 report from the Planning and Zoning Commiussion.

Prepared By:

Jim Mahoney, Economic Development Coordinator
Chris Edge, Economic Development Director

CE

ENGINEERING, SURVEYING, AND MAPPING
TOWN OF BERLIN
NEW BRITAIN COUNTY, CONNECTICUT
MAP SHOWING PORTION OF
BLOCK 10 AND BLOCK 12
WIGWAM ROAD
DEDICATED AND OPENED
DATED SEPTEMBER 1, 1915
BY THE TOWN OF BERLIN
PLAT NO. 100
PREPARED BY: E. C. LEE
DATE: 11-1-15

RECORDED FOR PLANNING
PURPOSES ONLY. NOT TO BE
USED FOR ANY OTHER PURPOSE.

1915 1915-1916

1915

Phragmites 7/25/05

MOHAWK RIVER BELLS - GRAB



MAP SHOWING PORTION OF
WIGWAM ROAD
ABANDONED AT TOWN MEETING
DATED MARCH 1903
BERLIN, CT

NAME: A. B. ...
ADDRESS: ...
CITY: ...
STATE: ...
DATE: ...
BY: ...

REGISTERED FOR PLANNING
September 6, 1963
TOWN OF FISH OPOKON
BELLING, CONN.
James A. White
105N CLAY

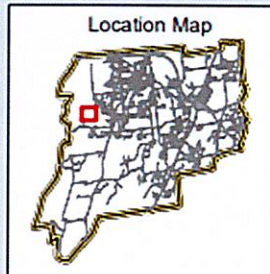
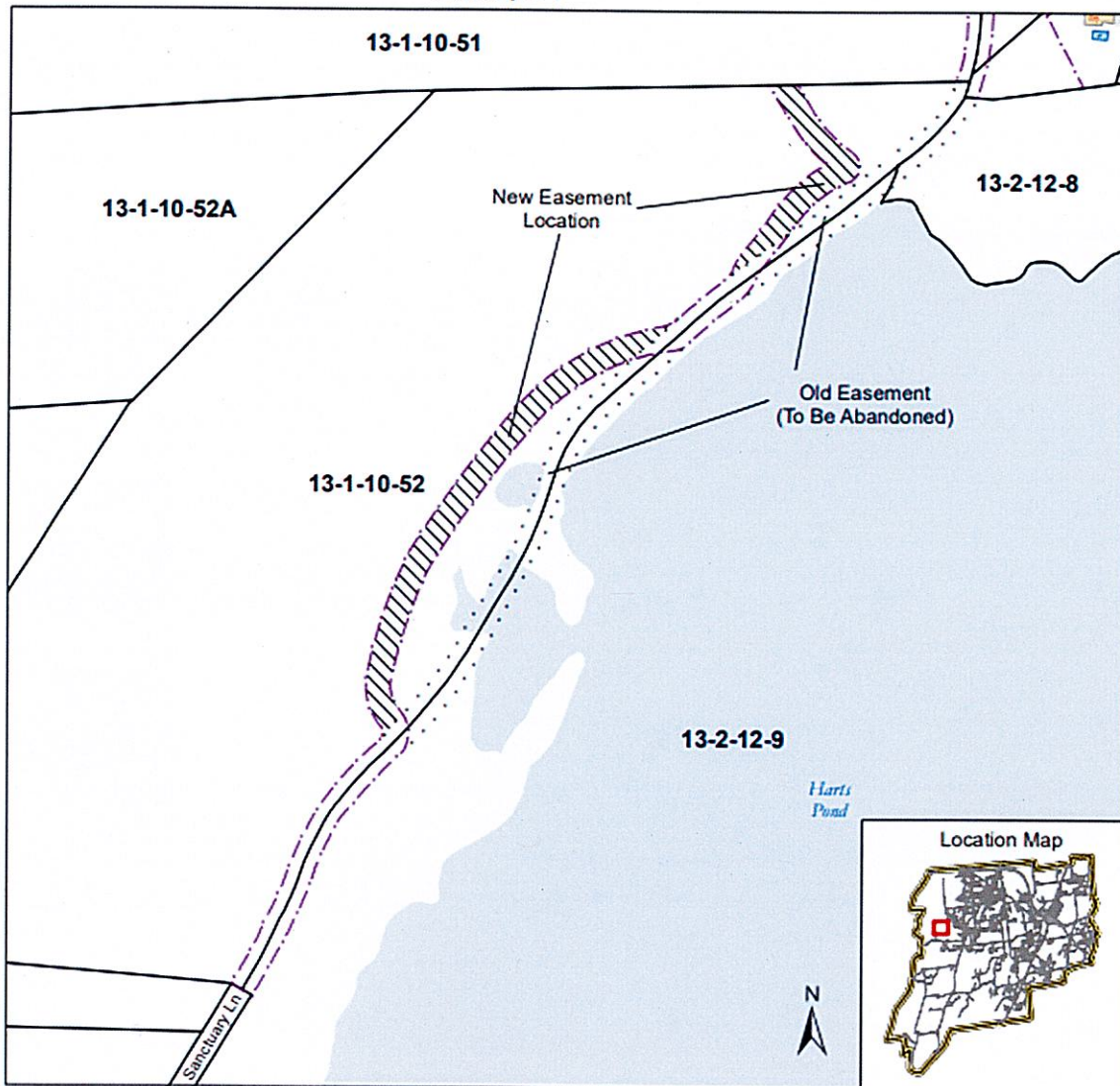
PROPOSED TELEPHONE
WILLOW ROAD

10

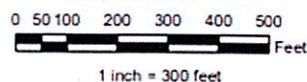
1915-1915

Relocation of Easement for Public Access And Emergency & Municipal Vehicle Access Along Former Wigwam Rd

Berlin, CT



Map Produced June 2023



DISCLAIMER:

THIS MAP IS PREPARED FOR THE INVENTORY OF REAL PROPERTY WITHIN THE TOWN OF BERLIN AND IS COMPILED FROM RECORDED DEEDS, PLATS, TAX MAPS, SURVEYS, PLANIMETRIC MAPS AND OTHER PUBLIC RECORDS AND DATA. USERS OF THIS MAP ARE HEREBY NOTIFIED THAT THE AFOREMENTIONED PUBLIC PRIMARY INFORMATION SOURCES SHOULD BE CONSULTED FOR VERIFICATION OF THE INFORMATION CONTAINED ON THIS MAP. THE TOWN OF BERLIN AND ITS MAPPING CONTRACTORS ASSUME NO LEGAL RESPONSIBILITY FOR THE INFORMATION CONTAINED HEREIN.

13-1-10-52 Map-Block-Lot

- 225 Address Number
- Parcels
- Easement
- New Easement
- Old Easement

- Driveways and Parking Lots
- Building
- Pools
- Paved or Unpaved Road
- Lake, Pond or River



Town of Berlin

Planning and Zoning Department

240 Kensington Road
Berlin, Connecticut 06037
www.berlinct.gov

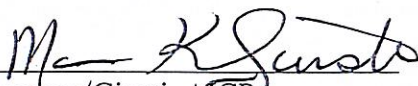
Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

October 10, 2023

TOWN OF BERLIN NOTICE OF DECISION

SUBJECT: In accordance with Section 8-24 of the Connecticut General Statutes, review and recommendation to deed the abandoned section of Wigwam Road right of way to the City of New Britain Water Department and to retain a right of way for emergency vehicle use and public access.


At its meeting of September 28, 2023, after review in accordance with Section 8-24 of the Connecticut General Statutes, the Berlin Planning and Zoning Commission voted unanimously to forward favorable recommendation to the Town Council for the matter of relocation of easement for public access and emergency & municipal vehicle access along former Wigwam Road.


Maureen Giusti, AICP
Town Planner

Maureen K. Giusti, AICP, Town Planner, 860-828-7060, mgiusti@berlinct.gov
(Vacant) Assistant Town Planner, 860-828-7186
Paul Morbidelli, Zoning Enforcement Officer, 860-828-7008, pmorbidelli@berlinct.gov
(Vacant) Land Use Administrator, 860-828-7066

Agenda Item No. 16
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: October 9, 2023

SUBJECT: Appropriation of STEAP Steele Boulevard Park and Connecticut Communities Challenge Grant for the Kensington Village Core TOD Improvement Project

Summary of Agenda Item:

The Town has been awarded a \$500,000 Small Town Economic Assistance Grant (STEAP) for the Steele Boulevard Park project and a Connecticut Communities Challenge Grant of \$1,560,947 for the Kensington Village Core TOD Improvement Project. Action is required to appropriate the grants and to refer the appropriation of the grants to the Board of Finance for action.

Funding:

Previous Town Council agenda items have authorized the Town Manager to enter agreements with the State with respect to these grants and have addressed the local funding required. With respect to the STEAP grant, the Town Council authorized a \$100,000 match from the Farmington Avenue Development (non-grant) account. The Park is planned to include a small amphitheater like shelter and performance area, pavers, benches, a bike rack and other amenities. The location is ideal for small events and activities because a significant amount of public parking is available nearby.

With respect to the Connecticut Communities Challenge Grant, it was stated that \$5,000 in additional funding will be required from the Town for State legal expenses related to the grant and this will be sourced from the Town's outside legal account. All other Town matching funds required have already been spent for the paving of the Kensington Fire Department parking lot, for the Transition Academy at 362 Main Street, and for the location of YMCA daycare programs at McGee and Hubbard schools. Most of the improvements to the schools were paid for by the YMCA with expenses run through the Finance Department and expenses for the Transition Academy were paid by the Berlin and Cromwell Boards of Education. The Town will be entering a sub-recipient agreement with Newport Realty Group and it will receive \$1,105, 947 from the grant and the balance of the cost for the construction and development of the 10 apartments (5 affordable) at a portion of 848 Farmington Avenue will be covered by equity and bank financing from Newport Realty Group and its affiliated LLC that will own this project. Newport also needs to secure approvals from the Planning and Zoning Commission. The grant has an overall required match requirement that will not be met until the Newport portion is secured by approval of necessary approvals and financing for this project and project activities are expected to start in the fall of 2024 or the spring of 2025. Therefore, the 362 Main Street Transition Academy

improvements (\$405,000) and 848 Farmington Avenue rear trails portion of the project (\$50,000) will not be able to start until that time.

Action Needed:

Move to appropriate a \$500,000 Small Town Economic Assistance Grant (STEAP) for the Steele Boulevard Park project.

Move to appropriate a Connecticut Communities Challenge Grant of \$1,560,947 for the Kensington Village Core TOD Improvement Project subject to Newport Realty 848 Farmington Ave LLC securing project financing and approvals, and to refer this matter to the Board of Finance.

Attachments:

None


Prepared By:

Chris Edge, Economic Development Director

Jim Mahoney, Economic Development Coordinator C E

Agenda Item No. 17
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: October 5, 2023

SUBJECT: License Agreement Amendment for Newport Realty Group LLC and Affiliate Entities (Steele Center @ Farmington Ave)

Summary of Agenda Item:

The Town and Newport Realty Group, LLC entered into a License Agreement to allow Newport to work on the 55 Steele Boulevard site to install utilities, footings, and foundations in concert with the Town's engineered control project. A closing on the sale of the property to Newport will occur after the engineered control installation is complete. The license agreement will expire on December 31, 2023.

After foundations were removed as the first part of the Town's Engineered Control project for 55 Steele Boulevard, excavations revealed the presence of unsuitable structural materials in future foundations areas. Deeper excavations were done to define the depth of unsuitable materials. A decision was made to pause the work while Newport updates its structural plans. A key consideration is not moving contaminated material off-site. By raising the building elevation by 8" and making other adjustments, Newport was able to revise its plans in a manner that will not require export of contaminated materials (provided that saturated materials, when dried out, are structurally appropriate for reuse on site). The Town's environmental consultant, Loureiro Engineering, is finalizing adjustments to the engineered control project specifications to accommodate the raising of the building elevation. The Town is in discussions with its Engineered Control Project contractor, B&W Paving, about scope changes and delays that have occurred. Based on the status of the work, the Engineered Control project will not be completed by December 31, 2023. Therefore, an extension to the License Agreement between the Town and Newport is needed.

Funding:

No additional funding is needed to extend the License.

Actions Needed:

Move to authorize the Town Manager to enter into an amendment to the license agreement between the Town and Newport Realty Group, LLC to extend the license to a new termination date of December 31, 2024, subject to review and approval of Corporation Counsel.

Attachments:


None

Prepared By:

Christopher Edge, Economic Development Director
Jim Mahoney, Economic Development Coordinator C€

Agenda Item No. 18
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: October 5, 2023

SUBJECT: Authorization for the Town Manager to enter into Easements for Trails at the Rear of 848 Farmington Avenue

Summary of Agenda Item:

The Town is finalizing contracts for a Connecticut Community Challenges Grant of \$1,560,947 from the Connecticut Department of Economic and Community Development. One component of the grant is to cooperate with Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust, to improve access and create trails at the rear of 848 Farmington Avenue including building a bridge over the swale at the rear of the 848 Farmington Avenue parking area. This project element will require easements from the property owners, Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to allow the improvements to be constructed and to provide public access to the trails. The grant amount for the bridge and trail work is \$50,000. The plan for the trail network is attached (Map by Yantic River Consulting, LLC titled, Concept Walking and Foot Path System for Berlin Town Center, Concept Layout).

The Town Council referred the matter of obtaining easements from Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to create trails at the rear of 848 Farmington Avenue to the Planning & Zoning Commission for a review pursuant to 8-24 of the Connecticut General Statutes. The Planning and Zoning Commission will review this item at their meeting of October 19 and make a report to the Town Council. The next step in the process is to authorize the Town Manager to enter the easements.

Funding:

No funding is needed for the easements. Funding for the trails is to be provided through a Connecticut Communities Challenge Grant as explained in the Town Council item authorizing the Town Manager to execute an assistance agreement and other documents to secure said grant.

Action Needed:

Move to authorize the Town Manager to enter into easements with Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to allow trail improvements to be constructed and to provide public access to trails at the rear of 848 Farmington Avenue as shown on the map titled "Concept Walking and Foot Path System for Berlin Town Center, Concept Layout", subject to review and approval of said easements by Corporation Counsel.

Attachments:

1. Map by Yantic River Consulting, LLC titled, Concept Walking and Foot Path System for Berlin Town Center, Concept Layout.


Prepared By:

Jim Mahoney, Economic Development Coordinator
Chris Edge, Economic Development Director

CE

Agenda Item No. 19
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: October 17, 2023

SUBJECT: Authorization for the Subordination of the Town's Façade Program
Mortgage with Respect to 848 Farmington Avenue

Summary of Agenda Item:

As a condition of the Connecticut Communities Challenge Grant project that will include the creation of 10 added apartments at 848 Farmington Avenue, Newport 848 Farmington Ave, LLC will be required to give a mortgage of \$1,105,947 to the State of Connecticut in the amount of the grant related to this component of the project. Newport will also be obtaining additional financing from Thomaston Savings Bank to fund the additional apartments. To advance the Connecticut Communities Challenge Grant and the related private financing from Thomaston Savings Bank, it is requested that the Town subordinate its mortgage related to a façade program grant that is originally recorded at Volume 773, page 226 of the Berlin Land Records, to the State of Connecticut and to additional financing from Thomaston Savings Bank.

Funding:

No funding is needed for this item.

Action:

Move to authorize the Town Manager to execute subordination agreements to the State of Connecticut and related to additional financing from Thomaston Savings Bank, with respect to the Town's mortgage from Newport 848 Farmington Ave, LLC related to a façade program grant that is recorded at Volume 773, page 226 of the Berlin Land Records, subject to the review and approval of Corporation Counsel.

Attachments:

None.

Prepared By:

Chris Edge, Economic Development Director
Jim Mahoney, Economic Development Coordinator 

Agenda Item No. 20
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: October 12, 2023

SUBJECT: Cash Acceptance Policy

Summary of Agenda Item:

The Town of Berlin Revenue Collector's Office currently does not have a written cash acceptance policy. The attached policy was developed to ensure accurate and secure acceptance of cash payments, minimize the risk of inadvertently accepting counterfeit notes, avoid loss and safeguard the integrity of financial transactions.

It will be posted in the Revenue Collector's Office and the Town's website and mailed with the tax bills when they go out in July 2024.

Funding:

None.

Action Needed:

Discussion, no action needed.

Attachments:

Town of Berlin Revenue Collector's Cash Acceptance Policy

Prepared By: Arosha Jayawickrema



Town of Berlin
Revenue Collector's Office
240 Kensington Road
Berlin, CT 06037
Phone: 860 828 7023

TOWN OF BERLIN REVENUE COLLECTOR'S CASH ACCEPTANCE POLICY

The Town of Berlin Revenue Collector follows the cash acceptance procedures outlined below. The purpose of this policy is to ensure accurate and secure acceptance of cash payments, minimize the risk of inadvertently accepting counterfeit notes, avoid loss and safeguard the integrity of financial transactions.

All cash received at the revenue collector's office is processed and verified using a counterfeit detection device. This machine accurately counts the cash and identifies notes that cannot be validated as legal currency. In the event the currency is rejected by the machine, the cash will not be accepted by the Revenue Collector's Office and must be replaced by the payor. The payor has the option to write a check for the difference or exchange the rejected notes with valid legal currency. Anyone who tenders invalid notes shall remain liable to the Town for payment of the underlying obligation.

All coins over \$5.00 must be in rolls.

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: October 12, 2023
SUBJECT: Appointment of Council Member to Police Pension Committee

Summary of Agenda Item:

The Investment Policy Statement of the Town of Berlin Police Pension Plan calls for a Pension Committee. The Committee's Roles and Responsibilities are as follows:

- Oversee the management of assets.
- Act solely in the best interest of the Plan beneficiaries and the Plan's objectives.
- Determine investment objectives and constraints. Immediately communicate any revision in objectives or constraints to the Investment Consultant.
- Set and revise the investment policies (including asset allocation) and receive board approval as necessary.
- Periodically review Plan-related investment expenses to ensure they are competitive and appropriate.
- Review and evaluate investment results and make changes as needed.
- Avoid prohibited transactions and conflicts of interest.

In addition to the Town Manager, Finance Director, and the representative from the Berlin Police Union, it will be valuable to have a Council member on the Pension Committee.

Funding:

None

Action Needed:

Move to appoint Councilor Sandra Coppola to the Pension Committee of the Town of Berlin Police Pension Plan.

Attachments:

None

Prepared By: Arosha Jayawickrema, Town Manager

Join Zoom Meeting

<https://berlinct-gov.zoom.us/j/81295694534?pwd=vmFbyCjJlmcTRkaCUKeITCmFIng1bg.1>

Meeting ID: 812 9569 4534

Passcode: 030017

+1-646-931-3860

**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, October 3, 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 7:07 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Those in attendance were:

Councilor Sandra Coppola
Councilor Casey Foster – *via Zoom*
Mayor Mark Kaczynski
Councilor Charles Paonessa
Councilor Donna Risolo – *via Zoom*
Councilor Donna Veach – *via Zoom*

Absent:

Councilor Peter Rosso

Also in attendance:

Town Manager Arosha Jayawickrema
Corporation Counsel Jeffrey Donofrio

D. AUDIENCE OF CITIZENS:

None

E. MAYOR'S UPDATE:

None

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

G. CONSENT AGENDA:

1. **Topic re: Accept monetary donations totaling \$4,850.00 and deposit \$130.00 into the library agency account for the library's greatest need and deposit \$4,720.00 into the Cancellarini Trust fund for the purchase of books and other library materials also accept the donation of wine glasses with an approximate value of \$40.00 to be used in an adult craft program. – Berlin-Peck Memorial Library**
2. **Topic re: Approve permission for consumption of alcoholic beverages (BYOB - beer and wine) at Pistol Creek for the Berlin Fire Department annual family picnic for approximately 70 people on Saturday, October 7, 2023. Food will be a sit-down dinner and there will be no entertainment. Tulip Insurance will be obtained if permission is granted. – Parks and Recreation**
3. **Topic re: Approve waiving estimated field and light fees not to exceed an amount of \$1,090 for the CCC (Central CT Conference) soccer tournament at Scalise Field, Sage Park on November 1 and November 3, 2023. – Parks and Recreation**
4. **Topic re: Approve permission for CCC (Central CT Conference) to charge a fee of \$5 for adults and \$3 for students/seniors for their soccer tournament taking place at Scalise Field on November 1 and November 3, 2023. – Parks and Recreation**
5. **Topic re: Approve that the Berlin Lions Club be authorized to sell luminaries at the Berlin High School home football games on October 20 and November 10, 2023 at Sage Park. – Parks and Recreation**
6. **Topic re: Accept a donation of a maximum of 10 straw/hay bales, valued at approximately \$90 to be used for the Parks and Recreation Scarecrow Contest for the 2023 Scarecrow Festival. – Parks and Recreation**
7. **Topic re: Accept the donations of \$375.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**

Councilor Paonessa moved to accept the Consent Agenda as presented.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (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, October 3, 2023, at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

“AN ORDINANCE APPROPRIATING \$3,700,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION (2023) AND AUTHORIZING THE ISSUE OF \$3,700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”.

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

Mayor Kaczynski convened the Public Hearing for the \$3,700,000 Police Station Renovation Project (2023) appropriation and bond ordinance. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

Mayor Kaczynski asked if there is a motion and a second to read the title of the following proposed ordinance and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of this meeting.

Councilor Paonessa moved to waive the reading of the ordinance and incorporate the wording of the ordinance into the record.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Those opposed: None

Vote being 6-0 (MOTION CARRIED).

AN ORDINANCE APPROPRIATING \$3,700,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION (2023) AND AUTHORIZING THE ISSUE OF \$3,700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE.

No public comments were made.

No Councilor comments were made.

Mayor Kaczynski called the public hearing on the \$3,700,000 Police Station Renovation Project (2023) bond ordinance closed at 7:13 p.m.

I. NEW BUSINESS:

- 1. Topic re: Approve a non-budgeted appropriation of \$1,000,000 from the FY24 General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund, pending approval by the Board of Finance. – Finance**

Town Manager Jayawickrema stated that this item was the subject of tonight's Special Town Meeting.

Finance Director Kevin Delaney explained that this item is to approve moving \$1,000,000 from Unassigned Fund Balance to assist with the cost and to mitigate borrowing for the renovations of the Police Department outlined during tonight's Special Town Meeting.

Based on the audit of fiscal year 2023, which is nearly complete, the town has sufficient reserves to appropriate these funds and still retain at least 11% of the General Fund Operating Budget as a reserve.

Councilor Paonessa moved to approve a non-budgeted appropriation of \$1,000,000 from the FY24 General Fund Unassigned Fund Balance to the Buildings & Renovations account in the Police Station Construction Fund, pending approval by the Board of Finance.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

2. **Topic re: Waive Rule 7 of the Town Council Rules and Procedures to vote on the proposed Ordinance at tonight's meeting. Also to adopt "AN ORDINANCE APPROPRIATING \$3,700,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION (2023), AND AUTHORIZING THE ISSUE OF \$3,700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSED APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE". Also refer the matter of renovating the Police Department by utilizing the former firearms training range and Board of Education storage area in the Town Hall to the Planning and Zoning Commission for a C.G.S. Section 8-24 Review. – Town Clerk**

Town Manager Jayawickrema introduced this item and asked Finance Director Delaney to provide a recap.

Finance Director Delaney stated that this item is an ordinance and an appropriation which would happen simultaneously authorizing the borrowing of funds so that when the bids are opened for the Police Station renovation sufficient funds are available to cover the cost of the entire project so the bid can be awarded and the project can move forward. The actual amount that is borrowed will be determined later on and cannot exceed this amount but can be less than this amount. Any existing balance can be deauthorized by either the Town Council or Board of Finance.

If the \$750,000 State grant for the project is awarded, that amount would be taken from this bond amount and that balance would be all that is available for borrowing without subsequent ordinance if the Town Council and Board of Finance chose to do so.

Councilor Paonessa moved to waive Rule 7 of the Town Council Rules and Procedures to vote on the proposed Ordinance at tonight's meeting.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

Councilor Paonessa moved to adopt "AN ORDINANCE APPROPRIATING \$3,700,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION (2023), AND AUTHORIZING THE ISSUE OF \$3,700,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSED APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

Councilor Paonessa moved to refer the matter of renovating the Police Department by utilizing the former firearms training range and Board of Education storage area in the Town Hall to the Planning and Zoning Commission for a C.G.S. Section 8-24 Review.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

Add second motion to Agenda Item #3

Councilor Paonessa moved to add a second motion to Agenda Item #3. Topic re: adopt a non-discrimination policy in place that complies with Connecticut General Statutes section 4a-60(a)(1) and 4a-60(a)(1), as amended.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

3. **Topic re: Adopt the attached resolution authorizing the Town Manager to execute and file a Connecticut Communities Challenge Grant application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Berlin and move to adopt a non-discrimination policy in place that complies with Connecticut General Statutes section 4a-60(a)(1) and 4a-60(a)(1), as amended. – Economic Development**

Economic Development Coordinator Jim Mahoney stated that the Town of Berlin was awarded a \$1,560,947 Connecticut Communities Challenge Grant for the Kensington Village Core TOD Improvement Project. This item is to adopt the resolution.

In addition, the Town of Berlin needs to affirm that it has a non-discrimination policy in place. Based on review it was identified that the Town Council has not recently affirmed its policy which is a requirement for many State grants.

Councilor Paonessa moved to adopt the attached resolution authorizing the Town Manager to execute and file a Connecticut Communities Challenge Grant application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Berlin and move to adopt a non-discrimination policy in place that complies with Connecticut General Statutes section 4a-60(a)(1) and 4a-60(a)(1), as amended.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

Councilor Paonessa moved to adopt a non-discrimination policy in place that complies with Connecticut General Statutes section 4a-60(a)(1) and 4a-60(a)(1), as amended.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

4. Topic re: Referral to the Planning & Zoning Commission pursuant to 8-24 of the Connecticut General Statutes regarding the securing of easements from Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to allow trail improvements to be constructed and to provide public access to the trails at the rear of 848 Farmington Avenue as shown on the map titled "Concept Walking and Foot Path System for Berlin Town Center, Concept Layout". – Economic Development

Economic Development Coordinator Mahoney stated that one component of the Connecticut Communities Challenge Grant is to improve access and create trails at the rear of 848 Farmington Avenue. This project will require easements from the property owners; Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to allow improvements to be constructed and to provide public access to the trails. Therefore a referral to the Planning & Zoning Commission for an 8-24 review is required.

Councilor Paonessa moved to refer to the Planning & Zoning Commission pursuant to 8-24 of the Connecticut General Statutes regarding the securing of easements from Newport Realty Group, the Kensington Fire Department, and the Berlin Land Trust to allow trail improvements to be constructed and to provide public access to the trails at the rear of 848 Farmington Avenue as shown on the map titled "Concept Walking and Foot Path System for Berlin Town Center, Concept Layout".

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

J. TOWN MANAGER'S REPORT:

- With the assistance of Corporation Counsel a letter was drafted to send to JoAnn Angelico-Stetson regarding the Town Council's penalty to be imposed for her Ethics Policy violation. The letter was provided to Council members and the Town Manager is requesting their feedback on the letter.

Councilor Coppola asked for clarification of the 30 day publishing date for the public apology. After discussion the Town Council agreed that it should be 30 days from the date of their decision on September 27, 2023. Corporation Counsel Donofrio stated he will update the letter to state the publishing date to be by October 27, 2023.

Councilor Coppola inquired if the letter should specify which local newspaper the public apology should be published in. Corporation Counsel Donofrio stated that was not specified in the motion made during the meeting of September 27th.

A copy of the corrected letter is attached to these minutes.

- At a previous Town Council meeting Mayor Kaczynski asked the Town Manager to inquire about a refund of application fees paid to Planning and Zoning by a specific group of residents. After discussion with Corporation Counsel Jennifer Coppola it was determined that there is no mechanism in place to issue a refund for these fees.

Corporation Counsel Donofrio stated that for every type of refund there is a statutory or regulatory basis. Legal opinions given are with the notion that an auditor for the Town may question the legal basis of refunding money. For this particular category of cost there is no legal basis to refund.

- The Town Manager reminded Council members to turn in their Town Manager reviews to Corporation Counsel Donofrio by the next meeting.

K. SPECIAL COMMITTEE REPORTS:

A joint meeting between the Town Council and Board of Finance was held on September 25th.

L. COUNCILORS' COMMUNICATION:

Councilor Coppola thanked the Rotary Club for the breakfast held for Berlin's First Responders this past weekend. It was a great event and much appreciated.

Councilor Paonessa stated that some political signs were torn down with apparent malice. He reminded everyone that political signs are a freedom of speech and to please respect others' rights.

M. ACCEPTANCE OF MINUTES:

September 19, 2023

Councilor Paonessa moved to accept the Town Council Meeting Minutes of September 19, 2023 as presented.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Veach, Mayor Kaczynski.

Abstain: Councilor Risolo.

Vote being 5-0-1 (MOTION CARRIED).

N. ADJOURNMENT:

Councilor Paonessa moved to adjourn the meeting at 7:44 p.m.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Foster, Councilor Paonessa, Councilor Risolo, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED).

Submitted by,

Kathryn J. Wall
Clerk of the Meeting