

Agenda Item No. 20
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 14, 2020

SUBJECT: Timberlin Golf Course-Single Rider Cart Increase

Summary of Agenda Item:

During the height of the COVID-19 outbreak Timberlin Golf course remained open to public while following the strict guidelines from the Governor's office and the CDC. Timberlin also continued to allow the use of motorized carts, restricting to single use only.

Effective June 17, 2020, by order of DECD members of the same household can share a cart and are not required to wear a facial covering or use a "divider." Members of the same household can alternate as drivers provided both meet all regulations for operating a cart.

That same order provided that two golfers, not of the same household may also share a cart. However, both must wear a facial covering while in the cart and also during times when social distancing cannot be maintained. The driver of the cart must remain the sole driver throughout the round.

With the increased number of rounds being played the demand for carts has also increased, and with many golfers still electing one cart person, the golf course has run short on the number of carts needed to supply the demand.

In an effort to maximize the 75 cart fleet and keep revenues in line, the golf course is requesting an increase in the fee for a single rider cart.

	Current Cart Rate-Single Rider	Proposed Cart Rate-Single Rider
9- Hole	\$11.25	\$15.00
18-Holes	\$19.25	\$25.00
9-Hole cart special	\$9.25	\$13.00

This option was discussed and approved at the July 16, 2020 Golf Commission Meeting.

Action Needed: Move to increase the nine-hole single cart rate from \$11.25 to \$15.00 and eighteen-hole single cart rate from \$19.25 to \$25.00, and the nine-hole cart special from \$9.25 to \$13.00.

Attachments:

Prepared By: Jonathan Zuk, Director of Golf

Agenda Item No. 21
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 14, 2020
SUBJECT: Timberlin Golf Course Cost Reduction Options

Summary:

The Berlin Town Council has requested a list of cost reduction options from the Timberlin Golf Commission that would allow the golf course to operate as a self-sustaining entity of the Town of Berlin.

The Commission has developed a list of items for Council discussion. Those recommendations are attached.

Action Needed:

Discussion regarding recommendations on cost reduction options from the Golf Commission.

Attachments:

Timberlin Cost Reduction Options.

Prepared by:

Jonathan Zuk-Director of Golf



Options	Advantages	Challenges
Credit Card Surcharge	<ul style="list-style-type: none"> ➤ Pass along the cost of using a credit card to the customer (\$17K on \$720 of charges) ➤ This practice is currently in place in the Town of Berlin tax dept. ➤ No additional charge for the customer if they pay by cash or use a Debit card 	<ul style="list-style-type: none"> ➤ New fee will take some time to get used to ➤ Customers may be vocal regarding this change and take it out on golf staff
New Language At Union Contract Renewal to Reduce Overtime Hours	<ul style="list-style-type: none"> ➤ Contract language should reflect that the golf course is a 7 day a week operation in the summer and therefore should have a schedule in place whereby overtime is only paid for work performed over 40 hours. Currently, all weekends are guaranteed overtime. 	<ul style="list-style-type: none"> ➤ Union issues
Reduction Of Labor Costs	<ul style="list-style-type: none"> ➤ With the Minimum Wage and General Wage Increases (GWI), today's wages exceed the level of job skills needed ➤ Take a private golf club approach (One Superintendent who manages and directs all other non-union maintenance personnel) 	<ul style="list-style-type: none"> ➤ Union issues
Outsource Entire Golf Course Operation	<ul style="list-style-type: none"> ➤ Financial risk is eliminated from the town of Berlin ➤ Opportunity for capital expenditures to be accomplished at no cost to the town of Berlin 	<ul style="list-style-type: none"> ➤ Union Issues ➤ Traditions of the golf course would change ➤ Resident discounts and club organizations could possibly be eliminated

	<ul style="list-style-type: none"> ➤ Metrics would be clearly identified. Non-compliance would result in significant penalties ➤ This practice started in the city of Indianapolis in the 90's and is now happening all over the country due to rising wage and benefit costs in municipal golf ➤ Split the Restaurant Operations from the Golf Operations (if one vendor is not operating to the satisfaction of the town it is easier to replace.) 	<ul style="list-style-type: none"> ➤ Revenue to the town could be eliminated ➤ Control of the golf course by the town could be lost and there would be no need for the golf commission
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Agenda Item No. 22
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 14, 2020
SUBJECT: Timberlin Season Pass Credit & Refund Policy

Summary:

Please see attached Timberlin Season Pass credit & refund policy. This policy has been approved by the Timberlin Golf Commission.

Please see attached Timberlin Season Pass Credit & Refund policy.

Action Needed:

Move to Adopt the Timberlin Golf Course Season Pass Refund & Credit policy.

Attachments:

Season Pass Refund & Credit policy.

Prepared by:

Jonathan Zuk- Director of Golf JZ

Timberlin Golf Course Season Pass Credit or Refund Policy

DEFINITIONS:

Season Pass Credit:

A credit can be issued if an individual develops a medical condition that prevents him/her from playing golf for the remainder of the season.

Season Pass Refund:

A refund can be issued if an individual develops a medical condition that will prevent him/her from playing golf on a permanent basis.

PROCESS:

Requesting a Credit or Refund:

Golfers must submit a written request explaining their circumstances. This request must also include medical certification from their treating physician substantiating the request. These documents are to be submitted to the Director of Golf by the close of business on June 30th for processing and submission to the Golf Commission for approval prior to seeking final approval from the Town Council. *Any exceptions to this refund policy will be made at the sole discretion of the Golf Commission to the Town Council and must be based upon hardship or other good cause demonstrated by the golfer.*

Credits and Refunds will be calculated as follows:

- The amount of the credit or refund will be based on the cash value of the season pass minus any rounds of golf played (based on age and residency category).
- No credit or refund will be considered after June 30th.
- Golf credits are nontransferable and can only be used by the individual golfer as credit towards a season pass for the next available golf season.
- All requests for credit or refund will be charged a 10% processing fee based on the amount of the credit or refund (minimum of \$5 / maximum of \$50).
- Refunds or credits may take up to 4-6 weeks to process.
- Refund checks will be distributed via US postal service.
- Credit card refunds will be applied to the original credit card once approved.

Agenda Item No. 23
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 14, 2020

SUBJECT: Timberlin Season Pass Credit & Refund Policy Mr. Gonzales

George Gonzales, a Berlin resident, received approval from the Berlin Town Council for a season pass credit of \$437.00 to go toward the purchase of his 2021 Timberlin season golf pass. The refund was requested due to a medical condition that had left him more susceptible to the COVID-19 virus. He had purchased his season pass on April 24, 2020. His play stats are listed below.

George Gonzales	
Resident Senior Restricted Season Pass	\$460
Number of Senior W/D 18-hole Rounds Played-2020	1
Cost of Senior Resident 18-hole Round	\$23.00
Total Cost of Rounds Played	\$23.00
Total Refund Requested-2020 Golf Season	\$437.00

This refund was approved at the July 16, 2020 Golf Commission Meeting.

Due to Mr. Gonzales's medical condition and subsequent complications with the uncertainty of COVID-19, Mr. Gonzales, in consultation with his treating physician has chosen to no longer play golf. He is now requesting a prorated refund of his 2020 season pass in lieu of the 2021 season pass credit.

Action Needed:

Move to grant Mr. Gonzales a prorated refund of his 2020 Timberlin Golf Course season pass in the amount of \$437.00.

Attachments:

None

Prepared by:

Jonathan Zuk-Director of Golf

JZ

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema

DATE: July 13, 2020

SUBJECT: Referral of the Elementary Schools HVAC upgrades design and construction to the Public Building Commission

Summary of Agenda Item:

The classroom unit ventilators within the elementary schools are 30 years old, no longer energy efficient and costly to repair and maintain as parts are becoming obsolete. In fiscal year 2016 funding was allocated to perform a study and design for HVAC upgrades at Willard Elementary School. A study, design and bid documents have been prepared for Willard School, however funding for Construction has been deferred in previous fiscal years. A comprehensive plan to address all three elementary schools has been discussed, however funding will need to be allocated for either option. The project estimates exceed one million dollars, therefore per charter, the project must be referred to the Public Building Commission. The intent is to have the Public Building Commission further pursue the projects at all three elementary schools to establish a project cost to fund in future budgets along with project design, bidding, construction, and commissioning. This referral was approved by Town Council on March 3, 2020 without the formal Statement of Need from the Board of Education which is now provided.

Action Needed:

Move to refer the elementary schools HVAC upgrades design and construction Statement of Need to the Public Building Commission.

Attachments:

Berlin Board of Education Statement of Need

Prepared By:

Douglas Solek, Director of Facilities



**Berlin Board of Education
Berlin, CT**

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

**Design and Construction of
Upgrades to the HVAC Systems
at**

**Emma Hart Willard Elementary School
Norton Road
Berlin, CT 06037**

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

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

June 17, 2020

Introduction

The Town of Berlin has three (3) K-5 Elementary Schools with a current student population of 1,172. All of these facilities were originally constructed between 1955 and 1965, with various additions and renovations between 1990 and 2009. The existing HVAC systems are outdated and inefficient. In addition the classroom unit ventilators are 30 years old and costly to repair as parts become obsolete. In fiscal year 2016 funding was allocated to perform a study and design for HVAC upgrades at Willard Elementary School. A study, design and bid documents were prepared at that time, however funding for construction has been deferred in previous fiscal years. A comprehensive plan to address all three elementary schools has also been discussed since then, however funding will need to be allocated.

Statement of Need

Given the existing age and condition of HVAC systems, the Berlin Board of Education requests that the Town refers a new project to its Public Building Commission (which is the standing School Building Committee) that entails the planning, code compliance, design, budgeting, construction, installation and commissioning for HVAC upgrades at all the Elementary Schools.

Project Rationale

A Facilities Condition Assessment for each of the subject facilities was prepared for the Town/BOE by Friar Associates Inc. in 2013. Excerpts from the Assessment relating to the condition of the HVAC Systems at the time of the report are presented in the following Exhibits included herein:

- EXHIBIT I Emma Hart Willard Elementary School
- EXHIBIT II Mary E. Griswold Elementary School
- EXHIBIT III Richard D. Hubbard Elementary School

The Project

The project will include the planning, design, code compliance, construction, installation and commissioning for new modern HVAC Systems for each of the three (3) schools. The Project will be phased with one school completed each year for three consecutive years with the majority of construction activities being performed during summer months while the facilities are unoccupied,

Conclusion

The Project is critical to the Town/BOE providing for a safe comfortable and appropriate learning and community environment for all its students attending Grades PK-5, as well as to protect these facilities as Town own assets and investments. The existing systems are inefficient and costly to operate, and are not providing adequate and acceptable conditions for our students, teachers and administrators occupying the facilities on a daily basis throughout the school year. The Town of Berlin and the Board of Education are committed to improving this circumstance in a timely fashion; the Project has been overdue for many years.

EXHIBT I

Berlin Facilities Condition Assessment Emma Hart Willard 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.

HVAC Conditions

System	Condition	Comments
Heating Plant	Fair	Boilers and Pumps are Old But Appear Servicable.
Cooling Plant	Excellent / Poor	New Rooftop DX Air Handlers Old Perimeter Unit Ventilators
HVAC Air Handling Equipment	Excellent / Poor	New Rooftop DX Air Handlers Old Perimeter Unit Ventilators
Hydronic Distribution	Good	
Controls	Good	Electronic

Facility Heating Plant is hydronic, via (2) 3,100MBH, dual-fuel (oil/gas), cast iron boilers. The boilers and associated base mounted, end suction pumps appear in good condition.

There is no central cooling plant. Cooling is provided by zoned DX rooftop air handling units, installed in 2013, and perimeter heat pump unit ventilators. The rooftop units are in excellent condition. The perimeter unit ventilators are old and appear in poor condition.

Additional heat throughout the building is provided by hydronic unit heaters, cabinet heaters and perimeter finned tube radiation.

Facility equipment control system is electronic and appears in good condition.

Facility oil tank is 10,000 gallon capacity, buried under the front parking lot.

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% Effic 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.

EXHIBIT 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 Coils, 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 MMBH Gas/3.1 MMBH 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.

BERLIN BOARD OF EDUCATION
June 29, 2020
MINUTES
SPECIAL MEETING

Attendance: Richard Aroian
Julia Dennis
Mary Ellen Maloney
Jaymee Miller
Timothy Oakes
Adam Salina
Kari Sassu, Ph.D.
Tracy Sisti
Matthew Tencza

Also in attendance: Superintendent of Schools Brian J. Benigni; Assistant Superintendent for Curriculum and Instruction Erin McGurk; Director of Business Operations Jeffrey Cugno; Director of Human Resources Denise Parsons; Director of Literacy and Social Studies Laurie Gjerpen; Assistant Principal of Berlin High School Barbara Ventura; and Principal of Hubbard School Alfred Souza.

I. CALL TO ORDER

Mr. Aroian called the virtual meeting to order at 6:06 p.m.

Mr. Aroian acknowledged and thanked the administration, staff, students, parents, Berlin Police Department and community partners that took part in the end-of-year celebrations.

II. COMMITTEE REPORTS/CORRESPONDENCE TO THE BOARD

A. Committee Reports

Ms. Dennis reported the Communications Committee met twice since the last Board of Education meeting to discuss ways to engage the community and how to stay ahead of relevant information. The Committee will meet prior to the July Board meeting and plans to have some time in workshop at the July Board meeting to discuss community engagement topics and the idea of bringing back social media.

Mr. Tencza reported the Finance and Operations Committee met on June 24, 2020 and in attendance beside himself were Board members Aroian, Oakes and Salina; Superintendent Benigni; Jeffrey Cugno; John Richards; and Jan Zagorski. The Committee discussed the disposition of the year-end surplus (\$775,000) that was accumulated through closing schools for the balance of the school year and also Superintendent Benigni's and his team's budget management throughout the school year. Mr. Tencza stated the Committee agreed to propose to the Board of Finance putting \$775,000 into the two percent non-lapsing account, with \$375,000 used for the fire suppression capital expenditure for Hubbard School and the roof top unit at Willard School. The remaining \$400,000 would be held in the event all CHOICE funds were expended. Mr. Tencza stated he spoke with the Board of Finance Chair Sam Lomaglio this morning, and the Board of Finance will allow the Board of Education to put \$375,000 into the non-lapsing account; however, \$400,000 would need to be returned to the Town. Mr. Tencza stated at the July 13, 2020 Board meeting, the Finance and Operations Committee will recommend \$375,000 be placed into the non-lapsing account and \$400,000 be returned to the town.

B. Correspondence to the Board

Superintendent Benigni shared correspondence received from Alexandra Brielmann.

In response to Mr. Aroian's question concerning the Governor's Adapt, Advance and Achieve Plan released today for the reopening of schools, Superintendent Benigni stated the Administrative Council Group will meet next Monday to begin discussing the plan and rollout. In the meantime, a back-to-school group, currently consisting of 32 staff and community members, has been formed. Superintendent Benigni stated each school will address individually how it operates and functions to best meet the social distance and cleaning guidelines. Superintendent Benigni anticipates sharing some broad thoughts concerning the plan at the July 13, 2020 Board meeting with the goal to have the Berlin Public Schools back-to-school plan ready to be shared with the community and submitted to the State at the end of July.

III. CONSENT AGENDA

Approval of Minutes – Regular Meeting of June 8, 2020

Moved by Mr. Salina, seconded by Dr. Sassu, to accept the consent agenda as presented.

FAVOR: ALL

MOTION CARRIED: 9:0; including President Aroian

IV. NEW BUSINESS

A. Anticipated Appointment of Athletic Director

Moved by Mr. Salina, seconded by Mr. Tencza, that the Board of Education appoint David Francalangia to the position of Athletic Director and K-12 Physical Education Health Coordinator for the district, effect July 1, 2020.

FAVOR: ALL

MOTION CARRIED: 9:0; including President Aroian

B. Statement of Need – HVAC Systems – Elementary Schools

Director of Business Operations Jeffrey Cugno presented the Statement of Need and Education Specifications for the design and construction of upgrades to the HVAC systems at the three elementary schools, which will be submitted to the Berlin Public Building Commission.

Moved by Mr. Oakes, seconded by Mr. Salina, to approve the Statement of Need and Education Specifications for the design and construction of upgrades to the HVAC systems at the three elementary schools to be submitted to the Berlin Public Building Commission.

Mr. Tencza expressed his concern that the Statement of Need references a 2013 study, the recommendations in that study are now seven years old and the Board is in the process of having that study updated. In response to Mr. Tencza's question will the Statement of Need be modified as it moves through the process to accommodate any deficiencies, Mr. Cugno stated the Statement of Need provides information for the projects and provides the Public Building Commission and State of Connecticut with what has been done to date and the rationale for moving forward. There are no bids or specifications attached. Mr. Cugno stated brand new information will be put together for the HVAC systems, and in putting together the Educational Specifications, he made aware the condition of these three facilities and anticipates that would be updated during the process.

FAVOR: ALL

MOTION CARRIED: 9:0; including President Aroian

C. Discussion: Deposit into the Non-Lapsing Account

Mr. Tencza stated he did not have much more to add from his earlier committee report. He stated at the July 13, 2020 Board meeting the Board will vote on the recommendation of the Finance and Operations Committee to place \$375,000 into the non-lapsing account and return \$400,000 to the town.

D. Personnel Not Covered by Collective Bargaining

Board members were provided with Superintendent Benigni's recommendations for personnel not covered by collective bargaining.

Moved by Mr. Salina, seconded by Dr. Sassu, to approve the proposed salaries for personnel not covered by collective bargaining and issue them contracts for the 2020-2021 school year.

FAVOR: ALL

MOTION CARRIED: 9:0; including President Aroian

E. Evaluation of the Superintendent of Schools

At 6:31 p.m., a motion was made by Mr. Oakes, seconded by Mr. Salina, to go into executive session to discuss a personnel matter and invite just the members of the Board.

FAVOR: ALL

MOTION CARRIED: 9:0; including President Aroian

In attendance for Executive Session, in the Board of Education meeting room at 238 Kensington Road, Berlin, Connecticut, were Board members Aroian, Dennis, Maloney, Miller, Oakes, Salina, Sassu, Sisti and Tencza.

At p.m., the Board returned to Open Session.

V. ADJOURNMENT


At p.m., a motion was made by , seconded by , to adjourn.

FAVOR: ALL
MOTION CARRIED:

Respectfully submitted,

Julia Dennis, Secretary, Berlin Board of Education

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: July 14, 2020

SUBJECT: Authorization for the Town Manager to Apply for a STEAP Grant for Kensington Sidewalks Project Phase III or for the Municipal Complex Roof at 27 Town Farm Lane

Summary of Agenda Item:

The State of Connecticut has invited Berlin to apply for Small Town Economic Assistance Program Grants. The maximum grant application amount is \$500,000. The Town has been in the process of making sidewalk improvements to fill gaps in its sidewalk network in the vicinity of Town Hall, Kensington Center, the Train Station, Berlin High, McGee Middle School and Willard Elementary School. The new sidewalk connections will also provide access from neighborhoods to the Town's open space and trails network via a connection to Bicentennial Park. A related set of sidewalk improvements are currently in the final design phase and will be funded from a Connectivity grant for the Connecticut Department of Transportation. In 2017 the Town applied for a STEAP grant for sidewalk improvements but no grants were awarded in the 2017 round and no additional STEAP funding opportunities were offered until the STEAP solicitation for proposals this month. For the 2020 STEAP funding round a local match is also required. Staff requests authorization for the Town Manager to apply for State financial assistance in an amount not to exceed \$500,000 for the Kensington Sidewalks Project Phase III and to offer to contribute \$50,000 from the Grant Road Improvements or other eligible Town accounts to use as a local match subject to subsequent authorization for use of funds for this purpose, to execute and file such 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 the Town per the attached resolution, subject to the review and approval of Corporation Counsel. In addition, staff request the authorization to apply for a 2020 STEAP grant of \$300,000 for roofing and related work for the Municipal Complex roofs at 27 Town Farm Lane and to offer to provide a local match of \$30,000 from eligible Town accounts subject to subsequent authorization for use of funds for this purpose.

Action:

Move to authorize the Town Manager to apply for State financial assistance in an amount not to exceed \$500,000 for Kensington Sidewalks Project Phase III and/or for \$300,000 roofing and related work for the Municipal Complex roofs at 27 Town Farm Lane, to execute and file such 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 the Town per the attached resolution, subject to the review and approval of Corporation Counsel.

Attachments:

1. Authorizing resolution 1.
2. Authorizing resolution 2.

Prepared By:

Chris Edge, Economic Development Director 

Jim Mahoney, Economic Development Coordinator

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE OF CONNECTICUT
(AN EQUAL OPPORTUNITY EMPLOYER)

Certified Resolution of the Governing Body

I, _____, _____, certify that below is a true and correct copy of a

(Name of Official)

(Title of Official)

resolution duly adopted by

(Name of the Applicant)

at a meeting of its

(Governing Body)

duly convened on

_____ and which has not been rescinded or modified in

(Meeting Date)

any way whatsoever and is at present in full force and effect.

(Date)

(Signature and Title of Official)

SEAL

WHEREAS, pursuant to _____ CGS 4-66g

(State Statutory Reference)

the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and **WHEREAS**, it is desirable and in the public interest that the _____ Town of Berlin

_____ make an application to the State for

(Applicant)

\$ 300,000 in order to undertake the Municipal Complex Roofs Project

(Name and Phase of Project)

and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE

Berlin Town Council

(Governing Body)

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by CGS 4-66g

(State Statutory Reference)

2. That the filing of an application for State financial assistance by _____ Town of Berlin

(Applicant)

in an amount not to exceed \$ 300,000 is hereby approved and that

Arosha Jayawickrema, Town Manager

(Title and Name of Authorized Official)

is directed to execute and file such 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 the Town of Berlin.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE OF CONNECTICUT
(AN EQUAL OPPORTUNITY EMPLOYER)

Certified Resolution of the Governing Body

I, _____, _____, certify that below is a true and correct copy of a

(Name of Official)

(Title of Official)

resolution duly adopted by

(Name of the Applicant)

at a meeting of its

(Governing Body)

duly convened on

_____ and which has not been rescinded or modified in

(Meeting Date)

any way whatsoever and is at present in full force and effect.

(Date)

(Signature and Title of Official)

SEAL

WHEREAS, pursuant to

CGS 4-66g

(State Statutory Reference)

the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and **WHEREAS**, it is desirable and in the public interest

that the Town of Berlin make an application to the State for

(Applicant)

\$ 500,000 in order to undertake the Kensington Sidewalks Project Phase III

(Name and Phase of Project)

and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE

Berlin Town Council

(Governing Body)

3. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by
CGS 4-66g

(State Statutory Reference)

4. That the filing of an application for State financial assistance by
Town of Berlin

(Applicant)

in an amount not to exceed \$ 500,000 is hereby approved and that


Aroscha Jayawickrema, Town Manager

(Title and Name of Authorized Official)

is directed to execute and file such 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 the Town of Berlin.

Agenda Item No. 26
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: July 10, 2020

SUBJECT: Authorization to Approve Changes to The Town of Berlin Tax Abatement Policy

Summary of Agenda Item:

On October 1, 2013, the Town Council authorized the Town of Berlin's Tax Abatement Policy. At that time, the State of Connecticut limited most municipalities to providing a 3-year tax abatement through Connecticut General Statute 12-65b. Since that time, the statute has been modified including taking out any language pertaining to investment thresholds and changing the abatement time period to "for a period not longer than 10 years". This has made the tax abatements more open and competitive as developers bargain for more aggressive abatements and towns are competing to provide more attractive incentives for development.

This agenda item will add a new level of tax abatement if a firm or developer spends a minimum of \$12,500,000 on an eligible project. The new level of tax abatement will give the firm a larger tax abatement than the Town of Berlin has offered in the past, but as things are getting more competitive, especially in the time of COVID, we need to find ways to get additional investment, jobs and taxes in Town.

Any and all tax abatements are on new investment only. The Town Council will still have the final approval for each Tax Abatement application.

Action:

Move to amend the Berlin Tax Abatement Policy to add an additional level of tax abatement and amend the abatement time to be consistent with state statute.

Attachments:

Current Tax Abatement Policy
State of Connecticut Definition of Mixed Use
12-65b from the CT State Statutes (allowing tax abatements)
Proposed Tax Abatement Policy (changes highlighted)

Prepared By:

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



Current Town of Berlin Tax Abatement Program

Adopted 3/19/19

The Town of Berlin, Connecticut recognizes the importance of continued economic growth in our community and has adopted the following tax abatement framework. Projects must be consistent with State Statutes. The Town policy is that projects must involve real property improvements for at least one of the following: (1) for office use; (2) for manufacturing use; (3) for warehouse, storage or distribution use; (4) for information technology; or (5) for restaurants, (6) new retail developments or redevelopment of existing retail properties that involve substantial renovations or restoration of the exterior of the building and improvements to landscaping including automotive dealerships selling new vehicles, (7) recreation facilities or (8) mixed use developments, as defined in Section 8-13 of the Connecticut General Statutes. The following abatement schedule will be used by the Town Council as a guideline based upon the investment made on each project. The Town Council must act to approve each project and its specific abatement schedule.

For real property improvements of greater than \$150,000 if the project is for office use, for manufacturing use, for warehouse, storage or distribution use, recreation facilities, newly developed for restaurants, retail use or information technology the Town may offer:

Abatement Schedule:

Year 1 50% Year 2 40% Year 3 30%

For real property improvements of greater than \$50,000 if the project is for redevelopment of existing retail properties that involve substantial renovations or restoration of the exterior of the building and improvements to landscaping the Town may offer:

Abatement Schedule:

Year 1 50% Year 2 40% Year 3 30%

For real property improvements of greater than \$1,000,000 (One Million Dollars) for any type of eligible activity above, the Town may offer:

Abatement Schedule:

Year 1 50% Year 2 40% Year 3 30% Year 4 20% Year 5 10%

For real property improvements of greater than \$3,000,000 (Three Million Dollars) for any type of eligible activity above, the Town Council may offer:

Abatement Schedule:

Year 1 50% Year 2 50% Year 3 40% Year 4 40% Year 5 30% Year 6 20% Year 7 10%

Application Procedure

The tax abatement program application should be submitted to the Economic Development Director for consideration for a recommendation by the Economic Development Commission to the Town Council. If approved by the Economic Development Commission, then property owners within 500 feet of the proposed development site will be notified 7 days in advance of the meeting where the Town Council will consider a tax partnership application.

Definition from the Connecticut General Statutes Section 8-13m:

(13) "Mixed-use" development" means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

Sec. 12-65b. Agreements between municipality and owner or lessee of real property or air space fixing the assessment of such property or air space. (a) Any municipality may, by affirmative vote of its legislative body, enter into a written agreement, for a period of not more than ten years, with any party owning or proposing to acquire an interest in real property in such municipality, or with any party owning or proposing to acquire an interest in air space in such municipality, or with any party who is the lessee of, or who proposes to be the lessee of, air space in such municipality in such a manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to section 12-64, fixing the assessment of the real property or air space which is the subject of the agreement, and all improvements thereon or therein and to be constructed thereon or therein, subject to the provisions of subsection (b) of this section. For purposes of this section, "improvements to be constructed" includes the rehabilitation of existing structures for retail business use.

(b) The provisions of subsection (a) of this section shall only apply if the improvements are for at least one of the following: (1) Office use; (2) retail use; (3) permanent residential use in connection with a residential property consisting of four or more dwelling units; (4) transient residential use in connection with a residential property consisting of four or more dwelling units; (5) manufacturing use; (6) warehouse, storage or distribution use; (7) structured multi-level parking use necessary in connection with a mass transit system; (8) information technology; (9) recreation facilities; (10) transportation facilities; (11) mixed-use development, as defined in section 8-13m; or (12) use by or on behalf of a health system, as defined in section 19a-508c.

Town of Berlin Tax Abatement Program

Proposed July 2020

The Town of Berlin, Connecticut recognizes the importance of continued economic growth in our community and has adopted the following tax abatement framework. Projects must be consistent with State Statutes. The Town policy is that projects must involve real property improvements for at least one of the following: (1) for office use; (2) for manufacturing use; (3) for warehouse, storage or distribution use; (4) for information technology; or (5) for restaurants, (6) new retail developments or redevelopment of existing retail properties that involve substantial renovations or restoration of the exterior of the building and improvements to landscaping including automotive dealerships selling new vehicles, (7) recreation facilities or (8) mixed use developments, as defined in Section 8-13 of the Connecticut General Statutes. The following abatement schedule will be used by the Town Council as a guideline based upon the investment made on each project. The Town Council must act to approve each project and its specific abatement schedule.

For real property improvements of greater than \$150,000 if the project is for office use, for manufacturing use, for warehouse, storage or distribution use, recreation facilities, newly developed for restaurants, retail use or information technology the Town may offer:

<u>Abatement Schedule:</u>		
Year 1 50%	Year 2 40%	Year 3 30%

For real property improvements of greater than \$50,000 if the project is for redevelopment of existing retail properties that involve substantial renovations or restoration of the exterior of the building and improvements to landscaping the Town may offer:

<u>Abatement Schedule:</u>		
Year 1 50%	Year 2 40%	Year 3 30%

For real property improvements of greater than \$1,000,000 (One Million Dollars) for any type of eligible **use** above, the Town may offer:

<u>Abatement Schedule:</u>				
Year 1 50%	Year 2 40%	Year 3 30%	Year 4 20%	Year 5 10%

For real property improvements of greater than \$3,000,000 (Three Million Dollars) for any type of eligible **use** above, the Town Council may offer:

<u>Abatement Schedule:</u>						
Year 1 50%	Year 2 50%	Year 3 40%	Year 4 40%	Year 5 30%	Year 6 20%	Year 7 10%

For real property improvements of greater than \$12,500,000 (Twelve Million Five-Hundred Thousand Dollars) for any type of eligible **use** above, the Town Council may offer:

Abatement Schedule:

Commercial

Year 1 70%	Year 2 70%	Year 3 60%	Year 4 60%	Year 5 60%	Year 6 60%	Year 7
	60%	Year 8 60%	Year 9 50%	Year 10 50%		

Residential (If Within A Mixed-Use Project)

Year 1 80%	Year 2 70%	Year 3 60%	Year 4 50%	Year 5 40%
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Application Procedure

The tax abatement program application should be submitted to the Economic Development Director for consideration for a recommendation by the Economic Development Commission to the Town Council. If approved by the Economic Development Commission, then property owners within 500 feet of the proposed development site will be notified 7 days in advance of the meeting where the Town Council will consider a tax partnership application.

Berlin - 2020		Qtr 1		Qtr 1		Qtr 2		Qtr 2		Qtr 3		Qtr 3		Qtr 4		Total		Total	
G/L Description	G/L#	#Custs	Cons	THG	Billing	#Custs	Cons	THG	Billing	#Custs	Cons	THG	Billing	#Custs	Cons	THG	Billing	#Custs	Cons
Metered:																			
Residential	51100	2,738	37,902	250,671.45		2,747	39,951	260,570.86								77,853	511,242.31		
Commercial	51400	89	3,454	20,405.49		91	2,629	15,712.28								6,083	36,117.77		
Industrial	51300	17	3,442	19,673.23		17	3,616	20,639.37								7,058	40,312.60		
Public Authority	51500															0	0.00		
Sewer	51900		43,988	340,098.42			46,546	350,659.36								90,534	690,757.78		
Total Metered		2,844	88,786	630,848.59		2,855	92,742	647,581.87		0	0	0	0.00	0	0	181,528	1,278,430.46		
Non-Metered:																			
Residential Sewer	52050			11,204.03				11,134.27								0	22,338.30		
Sewer Surcharge	52425			51,768.19				50,410.92								0	102,179.11		
Total Non-Metered		0	0	62,972.22		0	0	61,545.19		0	0	0	0.00	0	0	0	124,517.41		
Other																			
Assessments	52560			1,023.17				2,267.04								0	3,290.21		
DPH Fee	32900			3,602.96				3,494.91								0	7,097.87		
Interest	57100			7,004.29				1,321.82								0	8,326.11		
Misc Fees	52510															0	0.00		
NSF Fee	52531			20.00				40.00								0	60.00		
Refund	21300			622.25				44.30								0	666.55		
Total Other		0	0	12,272.67		0	0	7,168.07		0	0	0	0.00	0	0	0	19,440.74		
TOTAL		2,844	88,786	706,093.48		2,855	92,742	716,295.13		0	0	0	0.00	0	0	181,528	1,422,388.61		

Please note: This amount was misreported for 1st qtr. \$7,004.29 is correct

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 10, 2020

SUBJECT: Tax Abatement for 196 Wilbur Cross Highway Berlin LLC (Turnpike Ridge)

Summary of Agenda Item:

196 Wilbur Cross Highway Berlin LLC was approved for the construction of a mixed-use project at 196 Berlin Turnpike in late 2019 which will include 72 high-end market rate apartments and 18,000 square feet of retail space. They have requested a tax abatement on both the residential and commercial portions of the project. Based upon our new Tax Abatement policy, with a planned investment of over \$12,500,000, 196 Wilbur Cross Highway Berlin LLC is requesting a tax abatement of 10 years on the commercial portion of the project of 70% for years 1 through 3, 60% for years 4 through 8, and 50% for years 9 and 10. For the residential portion of the project they have requested a 5-year tax abatement of 80% in year 1, 70% in year 2, 60% in year 3, 50% in year 4, and 40% in year 5.

The Economic Development Commission recommends that the Town Council approve the tax abatement for 196 Wilbur Cross Highway Berlin LLC.

Actions Needed:

Move to approve a tax abatement for 196 Wilbur Cross Berlin LLC for their mixed-use project. The abatement schedule for the residential portion of the project will be for 5 years at 80% abatement in year 1, 70% in year 2, 60% in year 3, 50% in year 4, and 40% in year 5. The abatement schedule for the commercial portion of the project will be for 10 years at 70% abatement for years 1 through 3, 60% for years 4 through 8, and 50% for years 9 and 10 per the town's tax abatement policy.

Attachments:

- 1) Estimated taxes and abated taxes on the residential portion of the project
- 2) Estimated taxes and abated taxes on the commercial portion of the project
- 3) A copy of the letter to abutters

Prepared By: Christopher Edge, Economic Development Director

196 WILBUR CROSS HIGHWAY BERLIN LLC
RESIDENTIAL

Year	<u>Estimated Assessment Increase</u>	<u>Mill Rate</u>	<u>Real Estate Taxes</u>	<u>Added Vehicles*</u>	<u>Total Taxes</u>	<u>Tax Abatement</u>	<u>Net Taxes</u>
1	8,050,000	33.93	\$ 273,137	\$77,191	\$ 350,327	\$218,509	\$ 131,818
2	8,050,000	34.18	\$ 275,185	\$77,964	\$ 353,149	\$192,630	\$ 160,520
3	8,050,000	34.44	\$ 277,249	\$80,330	\$ 357,579	\$138,624	\$ 218,955
4	8,050,000	34.70	\$ 279,328	\$79,534	\$ 358,862	\$111,731	\$ 247,131
5	8,050,000	34.96	\$ 281,423	\$80,335	\$ 361,758	\$84,427	\$ 277,331
6	8,050,000	35.22	\$ 283,534	\$81,127	\$ 364,660		\$ 364,660
7	8,050,000	35.49	\$ 285,660	\$81,946	\$ 367,606		\$ 367,606
8	8,050,000	35.75	\$ 287,803	\$82,765	\$ 370,567		\$ 370,567
9	8,050,000	36.02	\$ 289,961	\$83,584	\$ 373,545		\$ 373,545
10	8,050,000	36.29	\$ 292,136	\$84,425	\$ 376,561		\$ 376,561
11	8,050,000	36.56	\$ 294,327	\$85,267	\$ 379,594		\$ 379,594
12	8,050,000	36.84	\$ 296,535	\$86,109	\$ 382,643		\$ 382,643
13	8,050,000	37.11	\$ 298,759	\$86,973	\$ 385,732		\$ 385,732
14	8,050,000	37.39	\$ 300,999	\$87,861	\$ 388,860		\$ 388,860
15	8,050,000	37.67	\$ 303,257	\$88,725	\$ 391,982		\$ 391,982
16	8,050,000	37.95	\$ 305,531	\$89,612	\$ 395,143		\$ 395,143
17	8,050,000	38.24	\$ 307,823	\$90,522	\$ 398,345		\$ 398,345
18	8,050,000	38.53	\$ 310,131	\$91,410	\$ 401,541		\$ 401,541
19	8,050,000	38.81	\$ 312,457	\$92,342	\$ 404,800		\$ 404,800
20	8,050,000	39.11	\$ 314,801	\$93,252	\$ 408,053		\$ 408,053
Total			\$ 5,870,036	\$ 1,701,272	\$ 7,571,309	\$ 745,921	\$ 6,825,387

*Based upon a value of \$11,500,000 for the residential (estimated)

**196 WILBUR CROSS HIGHWAY BERLIN LLC
COMMERCIAL**

Year	Estimated Assessment Increase	Mill Rate	Real Estate Taxes	Personal Property Taxes	Total Taxes	Tax Abatement	Net Taxes
1	2,100,000	33.93	\$ 71,253	\$ 7,125	\$ 78,378	\$49,877	\$ 35,627
2	2,100,000	34.18	\$ 71,787	\$ 7,197	\$ 78,984	\$50,251	\$ 35,929
3	2,100,000	34.44	\$ 72,326	\$ 7,269	\$ 79,594	\$50,628	\$ 36,235
4	2,100,000	34.70	\$ 72,868	\$ 7,341	\$ 80,209	\$43,721	\$ 43,830
5	2,100,000	34.96	\$ 73,415	\$ 7,415	\$ 80,829	\$44,049	\$ 44,195
6	2,100,000	35.22	\$ 73,965	\$ 7,489	\$ 81,454	\$44,379	\$ 44,564
7	2,100,000	35.49	\$ 74,520	\$ 7,564	\$ 82,084	\$44,712	\$ 44,935
8	2,100,000	35.75	\$ 75,079	\$ 7,639	\$ 82,718	\$45,047	\$ 45,310
9	2,100,000	36.02	\$ 75,642	\$ 7,716	\$ 83,358	\$37,821	\$ 53,252
10	2,100,000	36.29	\$ 76,209	\$ 7,793	\$ 84,002	\$38,105	\$ 53,690
11	2,100,000	36.56	\$ 76,781	\$ 7,871	\$ 84,652		\$ 92,523
12	2,100,000	36.84	\$ 77,357	\$ 7,949	\$ 85,306		\$ 93,256
13	2,100,000	37.11	\$ 77,937	\$ 8,029	\$ 85,966		\$ 93,995
14	2,100,000	37.39	\$ 78,522	\$ 8,109	\$ 86,631		\$ 94,740
15	2,100,000	37.67	\$ 79,110	\$ 8,190	\$ 87,301		\$ 95,491
16	2,100,000	37.95	\$ 79,704	\$ 8,272	\$ 87,976		\$ 96,248
17	2,100,000	38.24	\$ 80,302	\$ 8,355	\$ 88,657		\$ 97,012
18	2,100,000	38.53	\$ 80,904	\$ 8,439	\$ 89,342		\$ 97,781
19	2,100,000	38.81	\$ 81,511	\$ 8,523	\$ 90,034		\$ 98,556
20	2,100,000	39.11	\$ 82,122	\$ 8,608	\$ 90,730		\$ 99,338
Total			\$ 1,531,314	\$ 156,892	\$ 1,688,206	\$ 448,591	\$ 1,396,507

*Based upon a value of \$3,000,000 for the commercial (estimated)

OVERALL TAX ABATEMENT PACKAGE – EFFECT ON TOWN OF BERLIN

Over the span of 10 years, the tax abatement will be around \$1.19 MILLION*

Over the same span of 10 years, the taxes to the Town (post-abatement) will be around \$3.3 MILLION*

Over the span of 20 years, the taxes to the Town (post-abatement) will be around \$8.2 MILLION*
(includes real estate, personal property and car taxes for apartments)

July 14, 2020

Dear Berlin Property Owner,

The Town of Berlin Economic Development Commission has received an application pursuant to its Tax Partnership Program. This involves a phase in of increases in real property taxes resulting from the development of a new building at 500 Four Rod Road. The applicant, 196 Wilbur Cross Highway Berlin LLC will be constructing a mixed-use project including 72 high-end market rate apartments and 18,000 square feet of retail at 196 Berlin Turnpike. 196 Wilbur Cross Highway Berlin LLC has requested a tax abatement on the new development. This will not affect the taxes on your property, but will help a business to build a new building and to expand in Berlin.

This matter is **scheduled** to be considered at the Town Council meeting on **Tuesday July 21st at Town Hall, 240 Kensington Road at 7:00 PM**. I am providing you this notice because you are the owner of record of a nearby property. The Town Council has requested that all property owners within 500 feet of the subject property be notified that this application will be considered at the meeting on July 21, 2020.


Please call me at 828-7005 if you have any questions in this regard.

Sincerely,

Chris Edge
Economic Development Director

Agenda Item No. 28
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: July 9, 2020

SUBJECT: Authorization for the Town Manager to Enter into an Easement or License for the Portion of the Boulevard to be Constructed on Property of the Connecticut Department of Transportation

Summary of Agenda Item:

A portion of the Boulevard project will be constructed on land owned by the Connecticut Department of Transportation in order to connect Boulevard to the Train Station parking. The Connecticut Department of Transportation has determined that it will grant the Town a license or easement to permit the construction. The Town Council referred the matter of the obtaining an easement or license from the Connecticut Department of Transportation for a review by the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes and that review is expected to occur at the July 16 Planning and Zoning Commission meeting. A report from the Planning and Zoning Commission with its recommendation will be provided to the Town Council.

Action

Move to authorize the Town Manager to enter into an easement or license from the Connecticut Department of Transportation for the Boulevard project, subject to review and approval of Corporation Counsel.

Attachments:

1. Map showing easement area.
2. Report from the Planning & Zoning Commission (to be provided at Town Council meeting)

Prepared By:

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

Agenda Item No. 29
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 9, 2020
SUBJECT: Authorization for the Town Manager to enter into Easements with Eversource for the Boulevard Project

Summary of Agenda Item:

Eversource will be supplying electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit oriented development project. In order for Eversource to supply power to the project the Town needs to grant easements to Eversource for its service lines. The Town Council referred the matter of the providing an easement to Eversource to supply electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit oriented development project for a review by the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes and that review is expected to occur at the July 16 Planning and Zoning Commission meeting. A report from the Planning and Zoning Commission with its recommendation will be provided to the Town Council.

Action

Move to authorize the Town Manager to provide an easement to Eversource to supply electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit oriented development project and to enter into such agreements as are required for this purpose, subject to review and approval of Corporation Counsel.

Attachments:

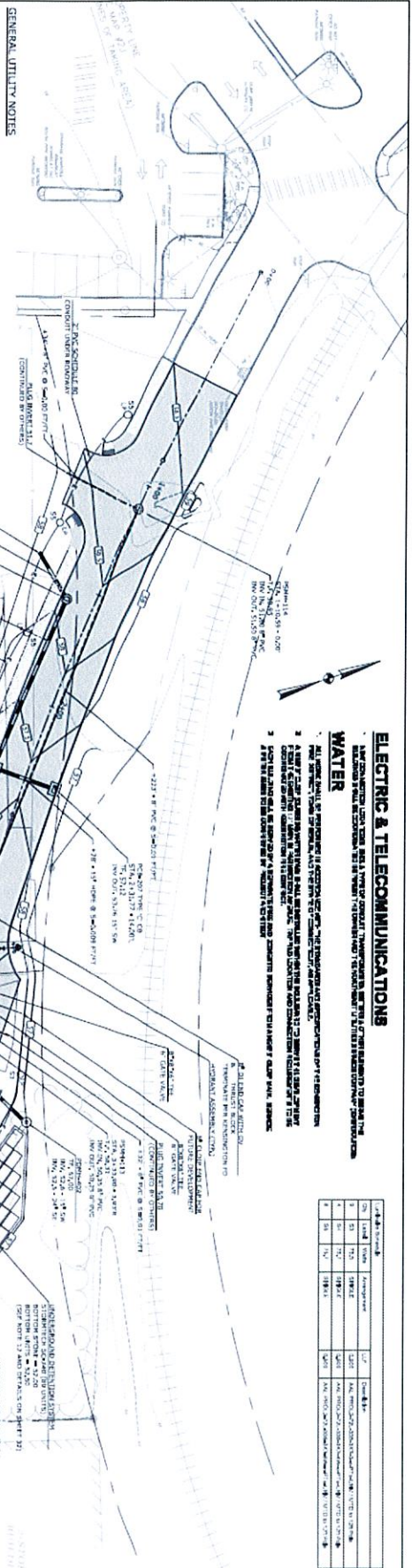
1. Map showing easement area.
2. Report from the Planning & Zoning Commission (to be provided at Town Council meeting)

Prepared By:

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

ELECTRIC & TELECOMMUNICATIONS THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.

NO.	DATE	DESCRIPTION	BY	CHKD BY
1	10/1/2020	ISSUED FOR PERMITTING	MM	MM
2	10/1/2020	REVISED PER TOWN OF BERLIN COMMENTS	MM	MM
3	10/1/2020	REVISED PER UTILITIES COMMENTS	MM	MM
4	10/1/2020	REVISED PER TOWN OF BERLIN COMMENTS	MM	MM



GENERAL UTILITY NOTES

1. THE LOCATION OF EXISTING UTILITIES AND UNDERGROUND STRUCTURES HAS BEEN OBTAINED FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
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13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
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16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE TOWN OF BERLIN, CONNECTICUT, AND THE UTILITIES COMPANIES SERVING THE PROJECT AREA.

REVISIONS

NO.	DATE	DESCRIPTION
1	10/1/2020	ISSUED FOR PERMITTING
2	10/1/2020	REVISED PER TOWN OF BERLIN COMMENTS
3	10/1/2020	REVISED PER UTILITIES COMMENTS
4	10/1/2020	REVISED PER TOWN OF BERLIN COMMENTS

SCALE

1" = 40'

WMM

WATER MAINS ENGINEERS

340 KENNINGTON ROAD

BERLIN, CT 06033


UTILITY PLAN

BOULEVARD TO THE TRAIN STATION

BERLIN, CONNECTICUT

Agenda Item No. 30
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: July 14, 2020

SUBJECT: Authorization for the Town Manager to Enter into Contracts with Wiggan and Dana, Franklin Surveys and Loureiro Engineering Regarding Preparation of an Environmental Land Use Restriction Filing for 873 Farmington Avenue and for Additional Survey Work for the Boulevard Project and for Easements

Summary of Agenda Item:

Coccoma Brothers Associates LLC is the owner of the property at 873 Farmington Avenue. This property is contiguous to the Town's property at 889 Farmington Avenue that it acquired through foreclosure. The 889 Farmington Avenue property is environmentally contaminated and there is a groundwater plume that originates at 889 Farmington Avenue that may be contaminating the groundwater at 873 Farmington Avenue. The Town has done vapor testing of the existing building at 873 Farmington Avenue and there were no exceedances of standards for vapors that indicate that volatilization of compounds in the groundwater plume is a problem for the existing structures on the site. As part of its environmental settlement agreement with Coccoma Brothers Associates LLC, the Town secured the right to file an Environmental Land Use Restriction (ELUR) on the property at 873 Farmington Avenue and to provide for the installation of a passive vapor mitigation system for the planned addition to be constructed on the site. This strategy will be protective of the occupants of the new buildings or additions and it will also support the Town's effort to avoid the need to implement an active groundwater remediation system related to the 889 Farmington Avenue property. The Town also needs additional survey services related to ELURs at 861 and 889 Farmington Avenue, to easements and control points for the Boulevard and to additional easements related to the Steele Center @ Farmington Ave. redevelopment project.

The Town is now assembling its consulting team to prepare and file the ELUR application to the Connecticut Department of Energy and Environmental Protection (DEEP) and it has obtained proposals for other survey services needed for the overall project. The consulting team for the ELUR effort will have three components, environmental consulting, survey and legal. The Town's environmental consultant for the 889 Farmington Avenue project is Loureiro Engineering. The Town received a proposal from Loureiro to prepare the environmental background and justification elements of the ELUR application, to coordinate with DEEP on technical issues and to address DEEP's comments and questions concerning the application. As part of this work Loureiro will design and inspect the construction of a passive ventilation system for the addition at 873 Farmington Avenue. Loureiro has submitted a proposal to provide these services for a fee of \$12,500 and staff also recommends that authorization for general consulting services for the

project be increased by \$6,000 and that \$18,500 that for these services will be paid from the Demolition & Envir. Remed. account number, 540.10.1017.0.53957.00000.

Survey work for the ELUR filing for 873 Farmington Avenue would be provided by Franklin Surveys. Franklin has done previous survey work for the Town on this project as a sub-consultant to Yantic Engineering and Franklin has also done all the survey work for the Steele Center @ Farmington Avenue Transit Oriented Development Project. Franklin has submitted a proposal to prepare the A-2 survey for the 873 Farmington Avenue ELUR for a fee of \$3,800 and a proposal to upgrade surveys for 861 and 889 Farmington Avenue to satisfy the ELUR survey requirements for \$1,000 that will both be paid from the Demolition & Envir. Remed., account number 540.10.1017.0.53957.00000.

In addition, Franklin has provided a proposal to prepare four additional easement maps related to the Boulevard Project for a fee of \$800 each and a proposal to provide control points for the Boulevard construction for \$700. Two of the easement maps (\$1,600) and the control points work will be funded from the STEAP Blvd at the Berlin Train Station account 504.10.1017.0.53460.00000 account and the other two easement maps (\$1,600) will be funded by the Economic Development Contractual Services account # 001.10.1017.0.53814.00000.

The legal team for the preparation of the 873 Farmington Avenue ELUR will be led by Wiggin and Dana. The Town's insurer, Chubb, is paying for Wiggin and Dana's services to assist in this effort. In addition, Halloran and Sage will be assisting with the effort in order to coordinate with Cocomo Brothers, to secure subordination agreements with any lien holders and to otherwise assist with legal matters related to the ELUR at the direction of Corporation Counsel. Services by Halloran and Sage were part of the Cocomo environmental settlement agreement and the fee is not to exceed \$15,000, \$12,500 of which will be paid by Chubb via funds already deposited in Corporation Counsel's client account and the balance of \$2,500 will be paid from the Demolition & Envir. Remed. Account, number 540.10.1017.0.53957.00000.

Actions

Move to waive the bidding process and authorize the Town Manager to enter into a contract with Franklin Surveys to prepare an A-2 survey for an ELUR for 873 Farmington Avenue and upgrades to the surveys for 861 and 889 Farmington Avenue to satisfy the ELUR survey requirements for a fee of \$4,800 that will be paid from the from the Demolition & Envir. Remed. Account, to prepare 2 easement maps for the Boulevard utilities and to provide services for location of control points for the Boulevard for a fee of \$2,300 from STEAP Blvd at the Berlin Train Station, and to prepare 2 easement maps for the 861, 873 Farmington Avenue redevelopment project easements for a fee of \$1,600 funded by the Economic Development Contractual Services account, as it is in the best interest of the Town.

Move to waive the bidding process and authorize the Town Manager to enter into a contract with Loureiro Engineering to work on an ELUR for 873 Farmington Avenue and to design and inspect the construction of a passive ventilation system for the addition at 873 Farmington Avenue for a fee of \$12,500 and to authorize additional general consulting services of \$6,000 for

the project that will be paid from the Demolition & Envir. Remed. Account, as it is in the best interest of the Town.

Move to waive the bidding process and authorize the Town Manager to enter into a contract with Halloran and Sage to provide legal services related to an ELUR for 873 Farmington Avenue for a fee not to exceed \$15,000, \$12,500 of which will be paid by Corporation Counsel from funds received from the Town's insurer Chubb and the balance of up to \$2,500 that will be paid from the Demolition & Envir. Remed. Account, as this is in the best interest of the Town.

Attachments:

1. Proposal from Loureiro Engineering.
2. Proposals from Franklin Survey (4).
3. Proposal from Halloran and Sage.
4. Sufficiency of funds.

Prepared By:

Chris Edge, Economic Development Director

Jim Mahoney, Economic Development Coordinator

CE



July 13, 2020

Town of Berlin
Town Manager's Office, Room 1
240 Kensington Road
Berlin, Connecticut 06037

Attn: Mr. Jim Mahoney

RE: Proposal for Engineering Services - Application for Environmental Land Use Restriction and Sub-Slab Venting System Design, 873 Farmington Avenue, Berlin, CT

Dear Mr. Mahoney:

Loureiro Engineering Associates, Inc. (Loureiro) is pleased to submit this proposal to prepare an application for Environmental Land Use Restriction (ELUR) and to develop a sub-slab venting system (SSVS) design for the proposed 2,600 square foot addition at the above referenced site. Loureiro will prepare the application for ELUR upon receipt of an A-2 Survey drawing (Exhibit C of the ELUR application) from Franklin Surveys. For purposes of this proposal, it is assumed that Franklin Surveys will provide all drafting services necessary to produce an A-2 Survey drawing that meets all requirements outlined in the DEEP *Instructions and Guidance - Application for Environmental Land Use Restriction for Commissioners Review and Approval*. The land title review, including research of easements, will be performed by legal counsel for the Town of Berlin.

Loureiro will complete the ELUR application and present a design specification for the SSVS on a time and materials basis for the fees presented in the table below. Our proposed fee for design includes two site visits to inspect the system during construction. During each site visit, the Loureiro project engineer will compile a photographic log, field notes, and sketches documenting the construction process. A construction completion report will be prepared by Loureiro for the SSVS system at the end of the project.

Description	Cost
ELUR Application	\$7,500
Sub-Slab Venting System Design and Construction Inspections	\$3,500
Sub-Slab Venting System Construction Completion Letter Report	\$1,500
Project Total	\$12,500

Loureiro will complete the ELUR application and SSVS design specification in draft form for review by the Town of Berlin. Final copies will be submitted upon receipt of final comments.

Town of Berlin
July 13, 2020
Page 2 of 2



If you should you have any questions concerning this proposal, please feel free to contact me at (860) 410-2904.

Sincerely,

LOUREIRO ENGINEERING ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "K. Bitjeman".

Kevin J. Bitjeman, L.E.P.
Senior Project Manager



July 13, 2020

Mr. Jim Mahoney
Economic Development Coordinator
Town of Berlin
240 Kensington Road
Berlin, CT 06037

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

RE: Proposal for Professional Land Surveying Services
Survey Control Point Report
Lot #75RD – Transit-Oriented Development Boulevard

Dear Jim:

Thank you for contacting me about this additional land surveying need relative to the Town's Transit-Oriented Development project. This letter presents my understanding of your needs and circumstances. A proposed scope of services and associated fees for those services are provided for your review and approval.

PROJECT UNDERSTANDING

- You have contracted Guerrero Construction Company, Inc. (hereinafter, "Guerrera") to provide services relative to the Town's Transit-Oriented Development Boulevard. In turn, Guerrero requested information on existing survey control points for their use in layout of proposed improvements.
- During our prior survey work at the site, we established a series of control points consisting of small nails and other marks set in the ground. A few of the marks were recovered and verified during our follow-on services.
- For quality assurance, Franklin Surveys will perform a survey visit to recover and verify control points. The intent of this task is to ensure that there are at least four points generally situated around the boulevard area that are currently intact and available for use by others. We will then provide a written control point report.
- Surveying services to be performed shall be in conformance with the requirements of Sections 20-300b-1 through 20-300b-20 of the "Standards for Surveys and Maps in the State of Connecticut" (hereinafter, the "Standards") adopted by the Connecticut Association of Land Surveyors on August 29, 2019. All survey work will be performed under the direction of a Connecticut-licensed Professional Land Surveyor.

SCOPE OF SERVICES

Control Point Verifications and Report

We will mobilize to the site to recover and verify our existing survey control points and establish new points as might be needed. A minimum of four (4) survey control points will be verified and witnessed with wood stakes and brightly colored flagging.

Additional points might also be provided to achieve intervisibility between control points, where possible.

115 Popple Bridge Road
Griswold, CT 06351

Upon conclusion of the fieldwork, we download and process the observations and perform a quality assurance review in accordance with standard surveying protocols. The horizontal positional accuracy of the control points shall meet or exceed Class A-2. And, the vertical positional accuracy of the control points shall meet or exceed Class V-2, both as defined by the abovementioned Standards.

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

We will report the control point information in the form of a table that lists point identifiers together with their respective project northings, eastings, and elevations. We will also include a basic sketch depicting their locations graphically for convenience.

PROJECT SCHEDULE

We recognize that time is of the essence as it relates to the successful completion of this task. Franklin Surveys proposes to perform the above described services within one (1) week of your authorization to proceed, notwithstanding sustained adverse weather conditions or other unforeseen circumstances.

PROPOSED FEES

Franklin Surveys proposes to perform the base scope of professional services for the lump sum fee of \$700, inclusive of labor and direct expenses.

Sincerely,



Kevin D. Franklin, MS, PLS

ACCEPTANCE

To indicate your agreement with the scope and fee presented herein, please return a signed copy of this proposal, which will constitute our contract for professional services.

Authorized Signatory for Town of Berlin

Title

Date



July 13, 2020

Mr. Jim Mahoney
Economic Development Coordinator
Town of Berlin
240 Kensington Road
Berlin, CT 06037

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

RE: Proposal for Professional Land Surveying Services
Transit-Oriented Development, Berlin, Connecticut
Easement Maps

Dear Jim:

Thank you for contacting me about this additional land surveying need relative to the Town's Transit-Oriented Development project. This letter presents my understanding of your needs and circumstances. A proposed scope of services and associated fees for those services are provided for your review and approval.

PROJECT UNDERSTANDING

- Franklin Surveys recently prepared and delivered two easement maps relative to the Transit-Oriented Development (TOD) project. At this time, you anticipate the need for several additional easement maps for the project.
- In terms of estimating the level of effort required, it is believed that the additional easement maps will be of a generally similar nature to the previously prepared easement maps. Additional easements maps shall be for project needs including, but not necessarily limited to, utility services, access, and parking.
- Franklin Surveys' services are hereby offered on a per map basis, whereby you initiate our preparation of an easement map and the unit cost shall be due upon map delivery. This proposal is valid for up to four (4) easement maps on the TOD project.
- Surveying services to be performed shall conform to the requirements of Sections 20-300b-1 through 20-300b-20 of the "Standards for Surveys and Maps in the State of Connecticut" (hereinafter, the "Standards") adopted by the Connecticut Association of Land Surveyors on August 29, 2019. All survey work will be performed under the direction of a Connecticut-licensed Professional Land Surveyor.

SCOPE OF SERVICES

TOD Easement Map

As each need for an easement map arises, we expect that you will contact us to inform us of the proposed location(s) and preferred wording. We assume that the project civil engineer, Yantic River Consultants, LLC, will continue to provide us with their computer automated drawing (CAD) files with the proposed easement outline(s). Our responsibility is to then depict the proposed easement area(s) on a survey map that conforms to the abovementioned Standards for your use in legally recording the proposed

easement(s) on the land records. Each map shall contain appropriate notes, labels, locus map, and map legend.

We plan to draft the map and then deliver it via email in .pdf format for review and comment. Upon timely receipt of comments, we will finalize and deliver the easement map. For each of the easement maps, we will ship you five (5) signed and sealed paper copies for your distribution plus one (1) Mylar copy for filing on the land records.

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748-6183

kevin@franklinsurveys.com

www.franklinsurveys.com

PROJECT SCHEDULE

We propose to complete these tasks within the framework of the overall project schedule. Given our normal workload and the level of effort involved, you could expect about a two-week turnaround from the time of your request to receipt of deliverables.

PROPOSED FEES

Franklin Surveys proposes to prepare up to four (4) easement maps as described above, for the lump sum fee of **\$800 per map**, inclusive of labor and direct expenses.

Sincerely,



Kevin D. Franklin, MS, PLS

ACCEPTANCE

To indicate your agreement with the scope and fee presented herein, please return a signed copy of this proposal, which will constitute our contract for professional services.

Authorized Signatory for Town of Berlin

Title

Date



July 10, 2020

Jim Mahoney
Economic Development Coordinator
Town of Berlin
240 Kensington Road
Berlin, CT 06037

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

RE: Proposal for Professional Land Surveying Services
ELUR Class A-2 Survey Map
873 Farmington Avenue, Berlin, Connecticut

Dear Jim:

Thank you for contacting me about this additional land surveying need relative to the Town's Transit-Oriented Development project. This letter presents my understanding of your needs and circumstances. A proposed scope of services and associated fees for those services are provided for your review and approval.

PROJECT UNDERSTANDING

- You are preparing an application for an Environmental Land Use Restriction (ELUR) relative to the subject property located at the above referenced address. As part of the ELUR application, you are required to submit a property survey.
- The area to be surveyed includes the subject property as well as the frontage portion of Farmington Avenue. We will utilize the existing survey data from our prior work on adjacent properties and perform new survey work as required.
- The survey shall be in conformance with the requirements of Sections 20-300b-1 through 20-300b-20 of the "Standards for Surveys and Maps in the State of Connecticut" adopted by the Connecticut Association of Land Surveyors on August 29, 2019. All survey work will be performed under the direction of a Connecticut-licensed Professional Land Surveyor.
- The survey shall also be in conformance with the "ELUR Class A-2 Survey Submittal Checklist" available from the Connecticut Department of Energy & Environmental Protection online portal.
- As part of the ELUR process, your attorney is performing a title search. Franklin Surveys will be provided with a copy of the resulting report and documents referenced thereby. Franklin Surveys will assume the responsibility for additional land record research as needed to express a property/boundary opinion.
- The survey might be used as the basis for design and planning of site improvements. Accordingly, we will include survey of existing site topography (above and beyond the ELUR checklist requirements).
- You indicated the possibility of changes to the site subsequent to the performance of our ELUR survey work. An "Optional As-built Survey" task and fee is provided below to cover a follow-up survey visit and associated processing and drafting time.

SCOPE OF SERVICES

Research

- Our file from previous work on adjacent properties includes many of the relevant deeds and maps. The land record research for this project will primarily be a review of our existing files, followed with a review of the title search to be provided, and additional research tasks to be determined by professional judgement.

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748-6183

kevin@franklinsurveys.com

www.franklinsurveys.com

Field Survey

- We will mobilize to the site to recover and verify our existing survey control points and add to our control point network as needed to achieve line-of-sight to the outdoor portions of the subject property.
- During the fieldwork, we will visit each of the subject property's corners to look for existing markers or monuments. Existing markers or monuments will be witnessed with brightly colored flagging and/or paint marks for visibility. Installation of new property markers, should any be desired, is not included in our base scope of work.
- In addition to site features and property/boundary evidence, we will survey the relief of the ground surface at regular intervals and at utility structures and building doorways to support planning and design.

ELUR Class A-2 Survey Map

- In accordance with standard survey protocols, we will reduce the field observations to coordinates and draft a digital survey map in an AutoCAD-based platform.
- Based on the land record research and physical evidence, a Connecticut-licensed land surveyor will express a property/boundary opinion relative to the subject parcel.
- Existing site features will be depicted together with the relief of the ground surface at a site-appropriate contour interval and spot elevations. The map will also contain typical notes, labels and map legend.
- We will provide the map to you in portable document format (.pdf) for review and comment.
- After revision (if required), we will provide five (5) signed and sealed paper prints of the map. Additional prints and/or fileable Mylar copies of the map can be provided for 1.1 times actual cost.

Optional As-built Survey

- Per our discussion, we might need to return to survey the vapor mitigation system if constructed after the ELUR survey. Our tasks would be to measure the positions of completed features and add them to the map. Note, we are not familiar with the technical aspects of a vapor mitigation system. If there are key points that should be surveyed other than its visible outline (and access panel locations, if any), we assume direction would be provided prior to our visit.
- The fee presented below is based on making one ½ day (4-hour) visit and spending one ½ day drafting as well as an additional five (5) paper copies and an updated .pdf file.

ADDITIONAL SERVICES

The following services are not included as a part of this agreement. You may require these services based upon the conclusions derived from the performance of the primary scope of work. If required, these services can be performed for an additional fee in accordance with your future authorization:

- Permitting services, such as preparation of forms and applications and attendance at meetings.
- Underground utility detecting.
- Preparation of certifications or reports, including FEMA Elevation Certificate and ALTA/NSPS Land Title Survey.
- Resolution of boundary line discrepancies or encroachments. If any are observed, we will notify you as soon as possible.
- Easement mapping or documents.
- Layout (also known as "stake-out") of proposed improvements.

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

PROJECT SCHEDULE

Franklin Surveys proposes to perform the above described services within the framework of the overall project schedule. Based upon our current workload, you could anticipate a draft map delivery within four (4) weeks of receipt of your written notice to proceed, notwithstanding sustained adverse weather conditions or other unforeseen circumstances.

PROPOSED FEES

Franklin Surveys proposes to perform the base scope of professional services for the lump sum fee of **\$2,900**, inclusive of labor and direct expenses. The fee for the Optional As-built Survey would be an additional **\$900**.

Sincerely,



Kevin D. Franklin, MS, PLS

ACCEPTANCE

To indicate your agreement with the scope and fee presented herein, please return a signed copy of this proposal, which will constitute our contract for professional services.

Authorized Signatory for Town of Berlin

Title

Date



July 13, 2020

Mr. Jim Mahoney
Economic Development Coordinator
Town of Berlin
240 Kensington Road
Berlin, CT 06037

115 Popple Bridge Road
Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com

RE: Proposal for Professional Land Surveying Services
Transit-Oriented Development, Berlin, Connecticut
ELUR Survey Certifications

Dear Jim:

Thank you for contacting me about this additional land surveying need relative to the Town's Transit-Oriented Development (TOD) project. This letter presents my understanding of your needs and circumstances. A proposed scope of services and associated fees for those services are provided for your review and approval.

PROJECT UNDERSTANDING

- Franklin Surveys recently submitted a separate proposal to provide an Environmental Land Use Restriction (ELUR) survey map to the Town of Berlin for #873 Farmington Avenue. At this time, you anticipate that two (2) additional ELUR survey maps might be required for other properties.
- An ELUR survey might be required for property at #861 Farmington Avenue. Franklin Surveys surveyed the property while preparing the existing conditions base mapping for the TOD project. It is believed that site conditions at #861 Farmington Avenue have not changed subsequent to that survey work.
- An ELUR survey might be required for a portion of #889 Farmington Avenue relative to a proposed remediation area (i.e. "the cap" mentioned in past project correspondence). Franklin Surveys surveyed this area as part of preparing the existing conditions base mapping for the TOD project. It is our understanding that we are engaged under an ongoing agreement to provide an as-built survey upon completion of construction of the cap.
- Franklin Surveys' services are hereby offered on a per map basis, whereby we would do the extra work required to re-issue survey data in a format that complies with the "ELUR Class A-2 Survey Submittal Checklist" (hereinafter, the "Checklist").
- Surveying services to be performed shall conform to the requirements of Sections 20-300b-1 through 20-300b-20 of the "Standards for Surveys and Maps in the State of Connecticut" (hereinafter, the "Standards") adopted by the Connecticut Association of Land Surveyors on August 29, 2019. All survey work will be performed under the direction of a Connecticut-licensed Professional Land Surveyor.

SCOPE OF SERVICES

#861 Farmington Avenue

If you need an ELUR survey for #861 Farmington Avenue, we expect that we can use the data we collected during the abovementioned base mapping effort. We would refocus the map to zoom in on the subject property, meaning increase the scale and level of detail, while checking off the Checklist items. If the ELUR Subject Area does not include the entirety of the property, we assume that you are responsible for providing information on the specific Subject Area(s). The map shall also contain appropriate notes, labels, locus map, and map legend.

#889 Farmington Avenue

If you need an ELUR survey for the area of the cap, we are assuming that we will acquire the new survey data as part of our future as-built mobilization. The intent of this proposal is to clarify that Franklin Surveys' deliverable for the as-built work includes an ELUR Class A-2 Survey map. If requested, we will perform the additional drafting tasks required to comply with the ELUR Checklist.

Survey Deliverables

We plan to draft the map and then deliver it via email in .pdf format for review and comment. Upon timely receipt of comments, we will finalize and deliver the ELUR Class A-2 Survey map. For each map, the fee presented includes five (5) signed and sealed paper copies for your distribution plus one (1) Mylar copy for filing on the land records.

PROJECT SCHEDULE

We propose to complete these tasks within the framework of the overall project schedule. Given our normal workload and the level of effort involved, you could expect about a two-week turnaround from the time of your request to receipt of deliverables.

PROPOSED FEES

Franklin Surveys proposes to prepare ELUR Class A-2 Survey maps as described above for the lump sum fee of **\$500 per map**, inclusive of labor and direct expenses.

Sincerely,



Kevin D. Franklin, MS, PLS

115 Popple Bridge Road

Griswold, CT 06351

Direct: (860) 748 6183

kevin@franklinsurveys.com

www.franklinsurveys.com



Kenneth R. Slater, Jr.
860.297.4662
slater@halloransage.com

Town of Berlin
c/o Jim Mahoney
Economic Development Coordinator
240 Kensington Road
Berlin, CT 06037

**Re: Legal Services Regarding Environmental Land Use Restriction
at 873 Farmington Avenue, Berlin**

Dear Mr. Mahoney:

Thank you for requesting our legal services in connection with the above-referenced matter.

Our Standard Terms of Engagement for Legal Services ("Standard Terms") are enclosed with this letter. By signing this engagement letter, you are acknowledging that you have read and approved those terms. If there is a conflict between any provision of our Standard Terms and this letter, this letter shall control.

The scope of work for this engagement will be for services in connection with obtaining DEEP approval of the No Build ELUR (as defined in the Settlement Agreement) application for the property at 873 Farmington Avenue, Berlin, CT, including reviewing the No Build ELUR application materials (as prepared by the Town), obtaining necessary subordination agreements and recording the DEEP-approved No Build ELUR on the Berlin Land Records and other tasks that are reasonably required to be completed in connection with same provided such other tasks receive prior approval from the Town's attorney.

My billing rate is \$375.00 per hour. When and where services warrant, work may be performed by associates at lesser hourly rates. However, as needs require, other attorneys may be included or substituted. You understand that our costs, such as copying, telephone charges, computerized legal research, secretarial overtime, travel, and express mail charges, if any, will be charged and itemized on the bill. We agree that the work will not exceed \$15,000. In the event that unforeseen matters require additional work the scope of work can be expanded upon written agreement of the Town of Berlin.

We will bill for our time on an hourly basis monthly. We will expect to be paid within thirty (30) days of the date of our invoice. If we are not paid within that time period, an interest charge of 1% per month will be charged on outstanding balances. If a bill is not paid within sixty (60) days, you understand that it is our office policy to cease work on your matter at that time. If the bill remains outstanding for ten more days, you have given us permission to withdraw from the case if an appearance has been entered on your behalf.

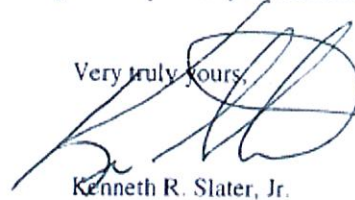
Our rates and expenses may be subject to an annual adjustment if this matter continues beyond December 2021. We will inform you of any adjustment that may take place prior to any increase in our rates.

You may terminate our services at any time. If you wish to terminate our services, our engagement will cease upon notification to us. In agreeing to the terms of the services, the Town of Berlin acknowledges that an attorney-client relationship exists with the owner of the property and that this limited scope of work does not prevent this firm from providing any other legal services to the owner of the land, its principals, and associated companies. We mutually agree that the work performed in accordance with this scope of services presents no conflict of interest between the Town of Berlin and the owner and its principals and associated companies.

If you have any other matters to be handled by us, the terms and conditions of this letter shall control unless otherwise agreed to in writing.

If this letter accurately sets forth your understanding of our engagement, please sign and return the enclosed copy to me. I sincerely thank you for selecting us to represent your interests and I look forward to working with you on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kenneth R. Slater, Jr.", written over the typed name.

Kenneth R. Slater, Jr.

KRS/dlb
Enclosures

AGREED:

Duly Authorized

Date



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE **14-Jul-20**

Purchase Item or Contract: Economic Development		Requested by: C. Edge	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Design passive ventilation system	\$12,500.00	\$12,500.00
1.00	Surveys for 861 & 889 Farmington Ave	\$1,000.00	\$1,000.00
1.00	Settlement with 873 Farmington Ave	2,500.00	\$2,500.00
			-
			-
			-
TOTAL			\$16,000.00

Account No. 540.10.1017.0.53957.00000

Budgeted Amount.....	<u>\$265,673.54</u>	Available balance.....	<u>\$188,297.98</u>
Encumbrances to Date.....	<u>\$41,528.04</u>	Amount Needed for This Package.....	<u>\$16,000.00</u>
Expenditures to Date.....	<u>\$35,847.52</u>	Available Balance After Purchase.....	<u>\$172,297.98</u>

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 Town Accountant

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

Finance Director or Town Accountant



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE **14-Jul-20**

Purchase Item or Contract: Economic Development		Requested by: C. Edge	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Two easement maps	\$1,600.00	\$1,600.00
			-
			-
			-
			-
			-
TOTAL			\$1,600.00

Account No. 504.10.1017.0.53460.00000

Budgeted Amount.....	<u>\$460,500.00</u>	Available balance.....	<u>\$367,120.00</u>
Encumbrances to Date.....	<u>\$37,249.10</u>	Amount Needed for This Package.....	<u>\$1,600.00</u>
Expenditures to Date.....	<u>\$56,130.90</u>	Available Balance After Purchase.....	<u>\$365,520.00</u>


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:

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


Finance Director or Town Accountant

Finance Director or Town Accountant



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE **14-Jul-20**

Purchase Item or Contract: Economic Development		Requested by: C. Edge	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Two easement maps	\$1,600.00	\$1,600.00
			-
			-
			-
			-
			-
TOTAL			\$1,600.00

Account No. 001.10.1017.0.53814.00000

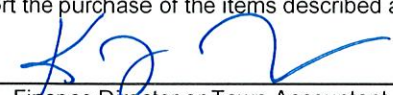
Budgeted Amount.....	<u>\$4,800.00</u>	Available balance.....	<u>\$4,800.00</u>
Encumbrances to Date.....	<u>\$0.00</u>	Amount Needed for This Package.....	<u>\$1,600.00</u>
Expenditures to Date.....	<u>\$0.00</u>	Available Balance After Purchase.....	<u>\$3,200.00</u>

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 Town Accountant

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

Finance Director or Town Accountant

Agenda Item No. 2.1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: July 17, 2020

SUBJECT: Modification of Town Contract with Newport Realty Concerning Phasing, Closing Dates and Contingencies, Modification of the Approval for the Award of a Contract for Construction of the Boulevard to the Train Station, Budget Transfers and Appropriation of \$235,000 for the Boulevard Project to the Economic Development Fund

Summary of Agenda Item:

The Town previously entered into an agreement with the Newport Realty Group pertaining to the sale and redevelopment of Town owned parcels at 861, 889, 903 and 913 Farmington Avenue in the vicinity of the Berlin Train Station ("Agreement"). The Town Council approved two amendments to the Agreement; the first amendment was concerning the terms of the sale regarding the 861 portion of the transaction. The second amendment approved in June 2020 had the following revisions to the contract:

A Seller financing contingency was revised so that instead of being required to have financing in place for the first phase of the development project, the Town will require that Newport have a financing commitment for funds to acquire 861, 903 and 913 Farmington Avenue (\$470,000), to fund its shared costs funding obligation for off-site costs (the parties have agreed on \$268,754.75 as Newport's share of the cost of expected off-site improvements and Newport will receive a credit of \$90,000 for constructing an underground detention system that is part of the approach to not increase discharge into the CTDOT drainage system in Farmington Avenue) and for renovation of 861 Farmington Avenue.

Newport has agreed not to require that the Town remove the slabs and footings at 889 Farmington Avenue.

The Agreement will be modified so that in addition to the Purchase Price, that Buyer will pay a share of off-site costs. The parties have agreed on the estimated magnitude of expected off-site costs and the prorated contributions of each party. Per the schedule attached, Newport's portion of shared costs is \$268,754.75 and it will receive a credit of \$90,000 for constructing an underground detention system that is part of the approach to not increase discharge into the CTDOT drainage system in Farmington Avenue.

Town will grant Buyer an easement over a portion of 889 Farmington Avenue in order to allow completion phase 1 of the project.

The parties agreed that an Environmental Land Use Restriction (ELUR) may be filed on 861 Farmington Avenue either before or after the closing,

The Town will indemnify Buyer from third party claims related to groundwater contamination originating on 889 Farmington Avenue that migrated onto 861 Farmington Avenue to the extent of such contamination as of the date of Closing. The Town had already agreed to provide an indemnification but it would not have been effective until Newport closed on 889 Farmington Avenue.

Town agreed to provide a parking easement on a portion of 889 Farmington Avenue for the benefit of 861 Farmington Avenue at closing of phase 1.

A contract amendment with Newport was not yet executed and subsequent to the approval of the latest contract amendment in June, it has been determined that Newport will not be able to close on financing for the purchase of 861, 903 and 913 Farmington Avenue and for its shared cost contribution by the end of July due in part to the fact that the stipulated judgment to resolve the Zoning Appeal was not accepted by the court until June 29 and that the banks are overwhelmed with transactions in the present economic environment. A closing in July is needed in order to provide part of the needed funding for the Boulevard project in order to allow the Town to sign the contract for the construction of the Boulevard so the Boulevard can be completed by the end of the year before grant funds are scheduled to expire. Therefore, Town staff had additional negotiations with Newport and a modification to the contract amendment is proposed whereby by the end of July Newport will close on the purchase of 861 Farmington Avenue (\$10,000) and 903 Farmington Avenue (\$195,000) and will provide a non-refundable \$30,000 deposit for the purchase of 913 Farmington Avenue. Bank financing for the first phase of the project is expected to be approved in late August or early September at which time Newport will close on the purchase of 913 Farmington Avenue for \$265,000 with credits provided for earlier deposits.

The projected schedule for other elements of the Steele Center @ Farmington Avenue project is as follows:

- Start construction on 861 Farmington Avenue rehab in August 2020.
- Start construction on 903 Farmington Avenue (Building B) in the Fall of 2020
- Start construction on 889 Farmington Avenue in the 3rd quarter of 2021.
- Start construction on 913 Farmington Avenue (Building A) and 903 Farmington Avenue (Building C) in the summer 2021 subject to tenant commitments.
- Close on 889 Farmington Avenue after Newport secures development financing and on or before 12/31/21.

In order to have adequate funding for the Boulevard project by the end of July the Town Council and Board of Finance will need to approve a transfer of \$235,000 to substitute for the funds that were expected from the closing of 913 Farmington Avenue sale that will not occur until late August or early September. The transferred funds will come from: \$125,000 from the Schools Electricity account (001.35.3561.0.53102.00000) and \$110,000 from the Issue of June 2019 account, in the General Fund. Ultimately, the funds will be deposited into the Economic

Development Fund and appropriated to the Farmington Ave Development (non-grant) account (504.10.1017.0.54000.01624).

In addition, when the Town Council authorized the Town Manager to enter into a contract with Guerrera Construction, low bidder for the Boulevard project, a condition of this authorization was that the Town receive \$470,000 for closing on the sale of 861, 903 and 913 Farmington Avenue and an additional \$268,754.75 in Boulevard cost share, \$178,754.75 cash plus a \$90,000 credit for the cost of installing a storm water detention system on the triangular parcel northeast of the Boulevard. This condition will need to be modified so that the Town Manager is authorized to enter into a contract with Guerrera Construction for the Boulevard contract when Newport has closed on 861 and 903 Farmington Avenue and entered into a cost sharing agreement and the appropriation of \$235,000 for the Boulevard project to the Farmington Ave Development (non-grant) account (504.10.1017.0.54000.01624) account is approved by the Board of Finance. The Town also expects to enter into an amendment to its Small Town Economic Assistance Program (STEAP) contract with the Connecticut Department of Transportation by as soon as early August to provide \$336,043 in added funding for the Boulevard project that will substitute for and/or supplement the added \$235,000 in Town funds. Also, in the earlier Town Council action, prior to execution of the contract with Guerrera the Town needed to obtain rights from the Department of Transportation to construct a portion of the Boulevard on State property (the encroachment permit for the Boulevard project from the Connecticut Department of Transportation has been issued). The Connecticut Department of Economic and Community Development has now given the Town permission to start Boulevard construction using state grants for this purpose in advance of granting of such rights from CTDOT so the original condition placed by the Town Council needs to be modified. Further the authorization for the Town Manager to enter into change orders with Guerrera is reduced to \$26,711.25 because the cash from Newport for the cost share is \$268,754.75 instead of \$279,000 as stated in the previous Town Council resolution.

Action

Move to authorize the Town Manager to enter into a contract amendment with Newport Realty Group LLC concerning the sale of 861, 889, 903 and 913 Farmington Avenue whereby by the end of July Newport will close on the purchase of 861 Farmington Avenue (\$10,000) and 903 Farmington Avenue (\$195,000), pay a non-refundable \$30,000 deposit for the purchase of 913 Farmington Avenue and enter into an agreement to pay the cost share on the Boulevard project on a prorated basis as costs are incurred by the Town, subject to review and approval of the amendment by Corporation Counsel.

Move to modify the funding for and authorization for the Town Manager to enter into the Boulevard contract such that it is contingent on the sale to Newport of 861 and 903 Farmington Avenue for \$205,000 plus a non-refundable deposit of \$30,000 for the purchase of 913 Farmington Avenue and to enter into a shared cost contribution agreement with Newport for off-site work of \$268,754.75, of which \$178,754.75 will be paid in cash and an agreement from the Connecticut Department of Transportation to grant the Town rights to construct the portion of the Boulevard that will be on a parcel that connects to the Train Station parking lot and is owned by CTDOT or approval from the Connecticut Department of Economic and Community

Development to start Boulevard construction using state grants for this purpose in advance of granting of such rights from CTDOT said contract and change orders to be funded from the following accounts and sources: a portion of the proceeds of the sale 861 and 903 Farmington Avenue and the non-refundable deposit on the purchase of 913 Farmington Avenue (\$164,000, the remaining \$71,000 in sale proceeds will be dedicated to the additional construction administration contract for WMC Engineering), Town appropriation of \$235,000 in funds from the Farmington Ave Development (non-grant) account (504.10.1017.0.54000.01624), Newport net shared cost contribution by agreement (\$178,754.75), STEAP Blvd at the Berlin Train Station account (\$360,000), TOD Property Acquisition account (\$245,397) and STEAP Downtown Sidewalks account (\$38,252) and to reduce authorization for the Town Manager to enter into change orders with Guerrero to \$26,711.25 because the cash from Newport for the cost share is \$268,754.75 instead of \$279,000 as stated in the previous Town Council resolution.

Move to transfer \$125,000 from the Schools Electricity account and \$110,000 from the Issue of June 2019 account to the Transfer to Other Funds account, all in the General Fund, and appropriate the transferred funds to the Farmington Ave Development (non-grant) account in the Economic Development Fund.

Attachments:

1. **Budget Adjustment Form.**
2. **Schedule of shared costs.**

Prepared By:

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



TOWN OF BERLIN
BUDGET CHANGE FORM

Section 1: To be completed by Department:

Department:	Economic Development	Fiscal Year:	FY2020	Date:	6/30/20
To Acct #:	Description:	Amount:	Requested by:		
001.45.4567.0.59622.00000	Transfer to Other Funds	\$235,000.00	J. Mahoney		
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>					
From Acct #:	Description:	Amount:	Approved by:		
001.35.3561.0.53102.00000 001.40.4065.0.59500.02049	Electricity (schools) Issue of June 2019	\$125,000 \$110,000	VD		

Contingency Balance (If applicable):

Explanation of request, include reason why funds are available for transfer if applicable (use additional pages if necessary):

To ensure the Farmington Avenue Boulevard project moves forward by the grant deadline (12/31/2020) for the nearly \$1 million in State grants, the Town and Newport Group (developers) have agreed to split the costs originally funded by the land acquisition proceeds (\$470,000). When the developers secure the development loan (for acquisition and construction), the developers will pay the Town the remaining purchase price (\$235,000). This transfer "fronts" the money to begin construction. The funds will be transferred into an Economic Development account (504.10.1017.0.54000.01624).

Section 2: To be completed by Town Manager:

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date:	7/9/2020
Comments:				
<i>Archer Jayaraman</i>				

Section 3a: Town Council action:

Request approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Referred to Town Mtg. <input type="checkbox"/>	N/A <input type="checkbox"/>
Comments:				

Section 3b: Board of Finance action:

Request approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Referred to Town Mtg. <input type="checkbox"/>	N/A <input type="checkbox"/>
Comments:				

Section 4: To be completed by Finance Department:

Budget Change # :	JE#	Approved by Town Meeting	Date approved:
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Town of Berlin
Construction of Bypassed to the Train Station
Town No. 202005
WMC Reference No. 1408.110

Prepared By: REEMISA
Date: June 3, 2020
Rev: Date

100% (Shared Costs)

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANT ²⁰	UNIT PRICE	TOTAL COST ²⁰	Category & Percentages	Newport	Town
2	0219001 Sedimentation Control System	L.F	220	\$ 3.50	\$ 770.00	Traffic @ 90% Newport, 10% Town	\$ 693.00	\$ 77.00
3	0219011 Sedimentation Control System at Catch Basin	Ea	3	\$ 130.00	\$ 390.00	Drainage @ 71% Newport, 29% Town	\$ 276.90	\$ 113.10
4	0404171 A PMMA S/S	Ton	230	\$ 115.00	\$ 26,450.00	Traffic @ 90% Newport, 10% Town	\$ 23,805.00	\$ 2,645.00
5	0405236 Material for Tack Coat	Gal	21.5	\$ 8.00	\$ 1,720.00	Traffic @ 90% Newport, 10% Town	\$ 1,548.00	\$ 172.00
6	0406275 A Fine Milling of Bituminous Concrete (0" to 4")	S.Y	22.40	\$ 5.00	\$ 1,120.00	Traffic @ 90% Newport, 10% Town	\$ 1,008.00	\$ 112.00
7	0507460 A Underground Detention System	L.S	1	\$ 90,000.00	\$ 90,000.00	Detention @ 83% Newport, 17% Town	\$ 74,700.00	\$ 15,300.00
8	0507785 A Road Markable (Security)	Ea	1	\$ 750.00	\$ 750.00	Drainage @ 71% Newport, 29% Town	\$ 512.90	\$ 237.10
9	050800110 A Type C Catch Basin - 0' - 10' Deep	Ea	1	\$ 4,000.00	\$ 4,000.00	Drainage @ 71% Newport, 29% Town	\$ 2,840.00	\$ 1,160.00
10	06060015 A 15" R.C. Pipe - 0' - 10' Deep	L.F	15	\$ 54.00	\$ 810.00	Drainage @ 71% Newport, 29% Town	\$ 575.10	\$ 234.90
11	06060018 A 18" R.C. Pipe - 0' - 10' Deep	L.F	30.5	\$ 59.00	\$ 17,995.00	Drainage @ 71% Newport, 29% Town	\$ 12,776.45	\$ 5,218.55
12	0811003 Precast Concrete Curb	L.F	320	\$ 45.00	\$ 14,400.00	Traffic @ 90% Newport, 10% Town	\$ 12,960.00	\$ 1,440.00
13	0922001 Temporary Bituminous Concrete Sidewalk	S.Y	190	\$ 30.00	\$ 5,700.00	Traffic @ 90% Newport, 10% Town	\$ 5,130.00	\$ 570.00
14	0944003 Paving and Placing Topsoil	S.Y	800	\$ 7.00	\$ 5,600.00	Traffic @ 90% Newport, 10% Town	\$ 5,040.00	\$ 560.00
15	Turf Easement	S.Y	800	\$ 2.00	\$ 1,600.00	Traffic @ 90% Newport, 10% Town	\$ 1,440.00	\$ 160.00
16	0970005 Traffic Person (Manual Police Officer)	Hr	1	\$ 20,400.00	\$ 20,400.00	Traffic @ 90% Newport, 10% Town	\$ 18,360.00	\$ 2,040.00
20	1010039 Precast Polymer Concrete Handhole Type II (17" x 10")	Ea	1	\$ 1,200.00	\$ 1,200.00	Electrical @ 99% Newport, 1% Town	\$ 1,287.00	\$ 13.00
21	1017066 Precast Concrete Transformer Pad (78" x 54" x 36")	Ea	1	\$ 2,500.00	\$ 2,500.00	Electrical @ 99% Newport, 1% Town	\$ 2,475.00	\$ 25.00
22	1209023 A Removal and Relocation of Existing Signage	L.S	1	\$ 1,500.00	\$ 1,500.00	Traffic @ 90% Newport, 10% Town	\$ 1,350.00	\$ 150.00
23	1210101 4" White Epoxy Resin Pavement Markings	L.F	1,000	\$ 0.60	\$ 600.00	Traffic @ 90% Newport, 10% Town	\$ 540.00	\$ 60.00
24	1210102 4" Yellow Epoxy Resin Pavement Markings	L.F	920	\$ 0.60	\$ 552.00	Traffic @ 90% Newport, 10% Town	\$ 496.80	\$ 55.20
25	1210106 12" White Epoxy Resin Pavement Markings	L.F	20	\$ 7.00	\$ 140.00	Traffic @ 90% Newport, 10% Town	\$ 126.00	\$ 14.00
26	1401034 A Handing Sanitary Sewerage (Sanitary Sewer)	L.S	1	\$ 5,000.00	\$ 5,000.00	Sanitary @ 100% Newport, 0% Town	\$ 5,000.00	\$ -
27	1401032 A 8" PVC (Sanitary Sewer) (Paved Area)	L.F	21.5	\$ 100.00	\$ 2,150.00	Sanitary @ 100% Newport, 0% Town	\$ 2,150.00	\$ -
28	1403501 A Road Markable (Sanitary Sewer)	Ea	2	\$ 1,000.00	\$ 2,000.00	Sanitary @ 100% Newport, 0% Town	\$ 2,000.00	\$ -
SUBTOTAL					\$	236,577.00	SUBTOTAL \$ 206,501.75 \$ 31,075.25	

ITEM NO.	LUMP SUM ITEMS	PERCENT (%)	UNIT	QUANT.	UNIT PRICE	TOTAL COST	LUMP SUM ITEMS
1	0201001 A Cleaning and Guttering	4.2%	L.S	1	\$ 9,913.72	\$ 9,913.72	
17	0571001 A Maintenance and Protection of Traffic	See Note 5	L.S	1	\$ 11,000.00	\$ 11,000.00	See Note 5
18	0973004 Mobilization and Project Closure	8.4%	L.S	1	\$ 19,827.45	\$ 19,827.45	
19	0990001 Construction Staging	1.7%	L.S	1	\$ 1,565.49	\$ 1,565.49	
SUBTOTAL					\$	44,706.66	
SUBTOTAL					\$	38,794.75	\$ 5,911.90

CONSTRUCTION ITEMS SUBTOTAL				\$ 236,577.00	CONSTRUCTION ITEMS SUBTOTAL				\$ 206,501.75	\$ 31,075.25
LUMP SUM ITEMS SUBTOTAL				\$ 44,706.66	LUMP SUM ITEMS SUBTOTAL				\$ 38,794.75	\$ 5,911.91
SUBTOTAL				\$ 281,283.66	SUBTOTAL				\$ 245,296.50	\$ 36,987.16
CONTINGENCY @ 10%				\$ 28,128.37	CONTINGENCY @ 10%				\$ 24,529.65	\$ 3,598.71
2020 TOTAL				\$ 309,412.03	2020 TOTALS				\$ 269,826.15	\$ 40,585.87

NOTES:
1) Quantities of Shared Cost Items by WMC Engineers
2) Bidding Item No. 7 (0507460 - Underground Detention System), (171) Prices and Total Costs for Items are from the lowest bid submitted by
Guernsey Construction on May 28, 2020 for the referenced project.
3) Cost for Item No. 7 is an estimated budget based on the review of prices submitted for Alternative No. 1.
4) Percentages for Items 1, 18, & 19 calculated from actual bid prices.
5) The bid cost for Item 17 was applied on a pro-rata basis using the Newport and Town subtotals. WMC will be needed partnership for the off-site work on Farmington Ave.

Agenda Item No. 32
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 16, 2020

SUBJECT: Authorization for the Town Manager to Subordinate the Town's Mortgage with Respect to 16 Harding Street

Summary of Agenda Item:

The Italian Independent Political Club is in the process of refinancing their building and property at 16 Harding Street in Berlin. The property is presently encumbered by a Statutory Form Mortgage Deed in the original principal amount of \$36,690.54, in favor of **TOWN OF BERLIN**, that was placed on the property as a condition of the Town's façade grant program in order to enforce a provision that requires the owner to maintain the improvements for a period of five years.

The Italian Independent Political Club is requesting that the Town waive priority of its mortgage on the property so that it can satisfy a condition of financing being required by T D Bank. There are no provisions in the Town's façade program guidelines that require that the Town's mortgage have a first position.

The action required to assist the Italian Independent Political Club to refinance is to authorize the Town Manager to execute a subordination agreement with respect to the Statutory Form Mortgage Deed in the original principal amount of \$36,690.54, in favor of **TOWN OF BERLIN**, dated May 14, 2020 and recorded May 27, 2020 in Vol. 770 at Page 475-480 of the Berlin Land Records, subject to review and approval of Corporation Counsel.

Action:

Move to authorize the Town Manager to execute a subordination agreement with respect to the Statutory Form Mortgage Deed in the original principal amount of \$36,690.54, in favor of **TOWN OF BERLIN**, dated May 14, 2020 and recorded May 27, 2020 in Vol. 700 at Page 475-480 of the Berlin Land Records, subject to review and approval of Corporation Counsel.

Attachments:

Proposed subordination agreement

Prepared By:

Chris Edge, Economic Development Director

SUBORDINATION AGREEMENT

WHEREAS, ITALIAN POLITICAL INDEPENDENT CLUB OF KENSINGTON CONN., INC., of the Town of Berlin, County of Hartford, and State of Connecticut, is desirous of obtaining from **TD BANK, N.A.,** its successors and assigns, a Mortgage of \$150,000.00 upon a Note secured by a mortgage of premises known as 16 Harding Street, in the Town of Berlin, County of Hartford and State of Connecticut; and

WHEREAS, said premises are currently encumbered by a Mortgage Deed from The Italian Independent Political Club to the Town of Berlin dated May 14, 2020 and recorded May 27, 2020 in Volume 770, Page 475 of the Berlin Land Records.

WHEREAS, TD BANK, N.A., its successors and assigns, will only make said loan if said loan is secured by a First Mortgage on said premises; and

WHEREAS, in order to induce **TD BANK, N.A.,** its successors and assigns to make said loan, **TOWN OF BERLIN** is willing to waive priority of said lien from **THE ITALIAN INDEPENDENT POLITICAL CLUB,** to it.

NOW THEREFORE, in order that said loan may be made and may be secured by a First Mortgage on said premises, **TOWN OF BERLIN** hereby agrees to waive and surrender to said **TD BANK, N.A.,** its successors and assigns, such right or priority as it has or ought to have by virtue of the above described lien and hereby covenants and agrees that said mortgage from **ITALIAN POLITICAL INDEPENDENT CLUB OF KENSINGTON CONN., INC.,** to **TD BANK, N.A.,** its successors and assigns, to be recorded in the Berlin Land Records shall take precedence over said mortgage from **THE ITALIAN INDEPENDENT POLITICAL CLUB,** to the **TOWN OF BERLIN** dated May 14, 2020 and recorded May 27, 2020 in volume 770 at Page 475 of the Berlin Land Records and shall be entitled to the same rights and privileges, both in law and equity as it would have if it had been executed, delivered and recorded prior to said lien.

Signed, sealed and delivered on July 16, 2020 in the presence of:

Town of Berlin

By: _____
Arosha Jayawickrema
Town Manager

STATE OF CONNECTICUT)

) ss: Berlin

July __, 2020

COUNTY OF HARTFORD)

Personally appeared, Arosha Jayawickrema, on behalf of the **Town of Berlin**, signer and sealer of the foregoing instrument, who, being duly authorized, acknowledged the same to be his/her free act and deed, before me.

Notary Public
My Commission Expires:

The Town Council will meet in person. Due to the COVID-19 pandemic and in accordance with applicable Executive Orders by Governor Lamont, no public will be allowed to attend in person at this meeting. The Town Council invites the public to join the meeting by clicking on the following link or by phone. Please see the following information:

Meeting Link:

<https://townofberlin.my.webex.com/webappng/sites/townofberlin.my/meeting/download/bf05be4403ff4edb8d9082a18abac72f?siteurl=townofberlin.my&MTID=mddd8e0cd82d57ab4d595737cf3de4eed>

Meeting Number: 132 076 5127

Password: Council (2686245 from phones and video systems)

Join by video system

Dial 1320765127@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 132 076 5127

Password: Council (2686245 from phones and video systems)

**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, July 7, 2020
Board of Education Conference Room – Remote Meeting
7:00 P.M.**

A. CALL TO ORDER

Mayor Kaczynski called the meeting to order at 7:02 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Those in attendance were:

Councilor JoAnn Angelico-Stetson
Mayor Mark Kaczynski
Councilor Brenden Luddy
Councilor Charles Paonessa
Councilor Peter Rosso – *joined remotely – left at 8:21p.m.*
Councilor Mike Urrunaga
Councilor Donna Veach

Also in attendance:

Town Manager Arosha Jayawickrema
Corporation Counsel Jeffrey Donofrio

D. AUDIENCE OF CITIZENS

None

E. **MEETING AGENDA** – Immediately Following the Audience of Citizens

F. CONSENT AGENDA:

1. **Topic re: Accept monetary donations totaling \$500.00 for the Berlin Peck Memorial Library and deposit \$500.00 into the library agency account to be used to purchase adult fiction books. – Berlin-Peck Memorial Library**
2. **Topic re: Approve Berlin High School Class of 2021 to sell food, beverages and merchandise at Berlin High School events during the 2020 – 2021 school year. – Parks and Recreation**

Councilor Luddy moved to approve the Consent Agenda as presented.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

G. PUBLIC HEARINGS

The Town Council of the Town of Berlin will meet at Berlin Board of Education, Conference Room, 238 Kensington Road, Berlin, CT on Tuesday, July 7, 2020, at 7:00 p.m. for the purpose of holding a public hearing on the following proposed Ordinance:

TAXATION AND FINANCE

Exemption of Property Leased to Charitable, Religious or Nonprofit Organizations (a) Pursuant to and subject to the requirements and terms of Connecticut General Statutes Section 12-81(58), any real or personal property leased to a charitable, religious or nonprofit organization, exempt from taxation for federal income tax purposes, provided such property is used exclusively for the purposes of such charitable, religious or nonprofit organization, shall be exempt from taxation by the municipality. (b) The exemption set forth in (a) hereof shall apply to the Grand List of October 1, 2019, and each Grand List thereafter. (c) Upon the cessation of any factor serving as a basis for the exemption, as determined by the Tax Assessor, the property owner shall be liable for the payment of municipal taxes on that portion of the property that was exempt from the date of such cessation, including a prorated share of the taxes for the tax year in which such cessation took place. Such liability shall attach to the property as a charge thereon.

Following the public hearing, the Town Council is expected to consider and act upon the ordinance.

Dated at Berlin, Connecticut this 19th day of June 2020.

Mayor Kaczynski convened the Public Hearing on the Exemption of Property Leased to Charitable, Religious or Nonprofit Organizations (a) Pursuant to and subject to the requirements and terms of Connecticut General Statutes Section 12-81(58), any real or personal property leased to a charitable, religious or nonprofit organization, exempt from taxation for federal income tax purposes, provided such property is used exclusively for the purposes of such charitable, religious or nonprofit organization, shall be exempt from taxation by the municipality. (b) The exemption set forth in (a) hereof shall apply to the Grand List of October 1, 2019, and each Grand List thereafter. (c) Upon the cessation of any factor serving as a basis for the exemption, as determined by the Tax Assessor, the property owner shall be liable for the payment of municipal taxes on that portion of the property that was exempt from the date of such cessation, including a prorated share of the taxes for the tax year in which such cessation took place. Such liability shall attach to the property as a charge thereon.

Per Town Council request for further information, Town Manager Jayawickrema contacted The Connecticut Conference of Municipalities (CCM) and was provided a list of towns that have adopted this ordinance along with language used. The Tax Assessor also called local towns and found that New Britain was the only local town that has adopted it.

When questioning if these towns saw an increase in taxpayers removing properties from the tax rolls, they were told this was not the case. The Town Manager also stated that there is a process that must be followed in order to obtain the tax exemption including the Assessor visually inspecting the property. If only a portion of the property is being leased by a tax-exempt organization only that portion will receive the tax exemption.

Corporation Counsel Donofrio concurred that this is not an automatic exemption, there is a vetting process and the Assessor would be obtaining the information he needs to satisfy that the language of the ordinance is applicable.

Mayor Kaczynski asked if there was any public comment.

Economic Development Director Chris Edge stated that he thought that it would be nice to have the opportunity to provide this exemption to organizations in Berlin.

Attorney Rick Pentore stated that he had originally proposed this ordinance on behalf of the Mooreland Hill School which went back on the tax rolls when the school closed. There had been the possibility of the YMCA leasing the property but that has been put on hold due to COVID-19 and its affect on the YMCA's daycare programs. On behalf of his client he would like to see this ordinance adopted.

Councilor Angelico-Stetson questioned why more local towns hadn't adopted the ordinance. Corporation Counsel stated he believes the request by a taxpayer for the exemption has just never come up in those towns.

Mayor Kaczynski closed the Public Hearing at 7:16 p.m.

H. NEW BUSINESS:

1. **Topic re: Adopt the ordinance which allows exemption from taxation of real or personal property when the property is leased to a charitable, religious or nonprofit organization. – Town Manager**

Councilor Luddy moved to adopt the ordinance which allows exemption from taxation of real or personal property when the property is leased to a charitable, religious or nonprofit organization.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

2. **Topic re: Authorize the Town Manager to extend the option agreement between the Town and the Berlin Housing Authority, currently set to expire on 7.31.2020, out to a date in November of 2020. – Housing Authority**

Town Manager Jayawickrema introduced this item by explaining that there was a request from the Berlin Housing Authority (BHA) to extend the option agreement for the Knights of Columbus property. The Housing Authority Chairman believes that there is a very good chance that they could obtain 9% tax credit financing from the State Department of Housing which would allow the Housing Authority to finance at least 60% of the total project.

Berlin Housing Authority Chairman Joe Bajorski stated that the deadline for applications is November 2020 and awards are announced in March of 2021. The option agreement expires at the end of this month, if this extension is granted the contractors will file the application by the end of November.

Mayor Kaczynski asked Chairman Bajorski to confirm that the application will be for Senior Affordable Housing and Mr. Bajorski confirmed that is the case. There was previously a point system in the State of Connecticut under which the town would not qualify, however language has been added to allow discretion on how strictly to follow the point system. This could allow projects that were previously in the pipeline to move forward, including the Town of Berlin project.

The request to extend the option agreement will allow the BHA time to determine if the application will be submitted to the State Department of Housing in November. If it is then they will ask for another extension to the award period in March of 2021.

Councilor Luddy moved to authorize the Town Manager to extend the option agreement between the Town and the Berlin Housing Authority, currently set to expire on 7-31-2020, out to November 30, 2020.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

3. **Topic re: Approve the transfer of \$11,365 from Nursing Department Professional Services account to Department Head account (\$10,000), Social Security account (\$765) and the Pension account (\$600) to perform the Quality Assurance processes.**

Waive the bidding procedure for the Quality Assurance processes including quarterly auditing, quarterly reporting, and annual reporting and allow the work to be performed internally by the Director of Nursing. This is in the best interest of the town. -VNA

Town Manager Jayawickrema introduced this item by explaining that the Berlin VNA currently outsources required documentation auditing and reporting to an external quality consulting firm at a cost of almost \$30,000 per year with a three-year contract. After conversation with the VNA Administrator it was determined that the auditing could be done in house this year at a savings. The auditing would then go out to bid.

VNA Administrator Wendy Russo stated that the current contract with Qualidigm Consulting expires this year. Due to COVID-19 the patient census has decreased so the auditing process could be brought in-house this year at a cost savings to the Town. Ms. Russo stated that she has experience with auditing procedures. In January the VNA Administrator and Town Manager will meet to revisit the process.

Councilor Luddy moved to approve the transfer of \$11,365 from Nursing Department Professional Services account to Department Head account (\$10,000), Social Security account (\$765) and the Pension account (\$600) to perform the Quality Assurance processes.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

Councilor Luddy moved to waive the bidding procedure for the Quality Assurance processes including quarterly auditing, quarterly reporting, and annual reporting and allow the work to be performed internally by the Director of Nursing. This is in the best interest of the town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

4. **Topic re: Waive the Town's bidding procedures and approve issuing purchase orders for the following vendors due to the Library's participation in Connecticut Library Consortium and in the Library Connection, Inc. as the best discounts have already been provided. This is in the best interest of the town.**

Supplies. Books. Baker and Taylor Co. For adult books - \$43,000.00

Books. Baker and Taylor Co. For children's and teen books - \$22,000.00

Databases. Books. Supplies. Data Services. Audio/Visual - Library Connection, Inc. - \$54,000.00

Network Maintenance. Data Services Novus - \$13,000.00 – Berlin-Peck Memorial Library

Library Director Helen Malinka stated that the Berlin-Peck Memorial Library is part of the Connecticut Library Consortium which is able to obtain the best prices from vendors of library supplies such as books and audio/visual items.

Councilor Luddy moved to waive the Town's bidding procedures and approve issuing purchase orders for the following vendors due to the Library's participation in Connecticut Library Consortium and in the Library Connection, Inc. as the best discounts have already been provided. This is in the best interest of the town.

Supplies. Books. **Baker and Taylor Co.** For adult books - \$43,000.00

Books. **Baker and Taylor Co.** For children's and teen books - \$22,000.00

Databases. Books. Supplies. Data Services. Audio/Visual - **Library Connection, Inc.** - \$54,000.00

Network Maintenance. Data Services **Novus** - \$13,000.00

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

5. **Topic re: Award Contract # 2020-21 (Miscellaneous Concrete Sidewalks) to William Laydon Construction of North Haven, CT to allow for concrete sidewalk construction throughout the Town, by various Town departments (including the Board of Education), through established unit prices. Funding will come from established line item accounts within the fiscal year 2020/2021 and 2021/2022 departmental budgets. The contract will involve work to be performed through December 31, 2021. – Public Works**

Public Works Director Mike Ahern stated that this contract is for repair/replacement and/or new construction of sidewalks throughout the Town. Per staff's bid analysis it was determined that the low bidder omitted information on two unit-price items, and the second lowest bidder inadvertently submitted a lower unit price for one item than intended which increased the total bid amount. Therefore, based on bid review and analysis, staff recommends awarding the bid to William Laydon Construction of North Haven, CT. This contract can be used by other departments including the Board of Education.

Councilor Luddy moved to award Contract # 2020-21 (Miscellaneous Concrete Sidewalks) to William Laydon Construction of North Haven, CT to allow for concrete sidewalk construction throughout the Town, by various Town departments (including the Board of Education), through established unit prices. Funding will come from established line item accounts within the fiscal year 2020/2021 and 2021/2022 departmental budgets. The contract will involve work to be performed through December 31, 2021.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

6. **Topic re: Waive the bidding procedure and award a contract for GIS annual maintenance and departmental services to New England Geo-Systems of Middletown, CT for an amount not to exceed \$30,000.00, as this is in the best interest of the Town. – Public Works**

Public Works Director Ahern explained that New England Geo-Systems has maintained the Town's Geographic Information System (GIS) used by various departments and the public via the Town website. They have invested equipment and software to maintain the Town's GIS system and the contract price has not increased from the previous year.

Councilor Luddy moved to waive the bidding procedure and award a contract for GIS annual maintenance and departmental services to New England Geo-Systems of Middletown, CT for an amount not to exceed \$30,000.00, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

7. **Topic re: Authorize the Finance Director to file claims for reimbursement of General Government and Board of Education COVID-19 related expenses, as permitted under applicable federal/state programs, with the Federal Emergency Management Agency (FEMA) and the State of Connecticut Office of Policy and Management Coronavirus Relief Fund (CRF). – Finance**

Finance Director Kevin Delaney stated that the Federal Government made several programs available to provide financial assistance for COVID-19 related expenses of government agencies. The State of Connecticut Office of Policy and Management established the Municipal Coronavirus Relief Fund (CRF) to reimburse municipalities for such costs. The CRF program requires that the municipality's legislative body authorize the town's CFO to file these claims.

Councilor Luddy moved to authorize the Finance Director to file claims for reimbursement of General Government and Board of Education COVID-19 related expenses, as permitted under applicable federal/state programs, with the Federal Emergency Management Agency (FEMA) and the State of Connecticut Office of Policy and Management Coronavirus Relief Fund (CRF).

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

8. **Topic re: Transfer \$44,808, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts. – Finance**

Finance Director Delaney stated that this request is typical for the end of the budget process. By Charter the Town is required to have every account in the General Government budget at zero or positive. If any individual account lines exceed the budget during the year, transfers are done within the budget to bring them up to at least zero.

Councilor Luddy moved to transfer \$44,808, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

9. **Topic re: Waive the Town's bidding procedures and authorize the Town Manager to increase Purchase Order 200439 for Greenwood Roof Services of Milford, Massachusetts for an amount not to exceed \$25,000, for fiscal year 2019/2020, as this is in the best interest of the Town. – Facilities**

Facilities Director Doug Solek explained that a few extra roof repairs were required this year due to weather related incidents. The current open purchase order needs to be increased to cover these expenses. Funds are currently available in the School Expenses Department 61 Contractual Services Account.

Councilor Luddy moved to waive the Town's bidding procedures and authorize the Town Manager to increase Purchase Order 200439 for Greenwood Roof Services of Milford, Massachusetts for an amount not to exceed \$25,000, for fiscal year 2019/2020, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

10. **Topic re: Authorize the Town Manager to apply for State financial assistance in an amount not to exceed \$836,043.21 for the Boulevard to the Train Station Project, to execute and file such 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 the Town per the attached resolution, subject to the review and approval of Corporation Counsel. – Economic Development**

Economic Development Director Chris Edge stated that this authorization is necessary to allow the Town to move forward on the Boulevard project.

Councilor Luddy moved to authorize the Town Manager to apply for State financial assistance in an amount not to exceed \$836,043.21 for the Boulevard to the Train Station Project, to execute and file such 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 the Town per the attached resolution, subject to the review and approval of Corporation Counsel.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

11. **Topic re: Refer the obtaining of an easement or license from the Connecticut Department of Transportation for the Boulevard project for a review by the Planning and Zoning**

Commission pursuant to section 8-24 of the Connecticut General Statutes. – Economic Development

Economic Development Director Edge explained that the Department of Transportation needs to provide an easement or license for a portion of the Boulevard project that will be constructed on their property. Before the Town Council can act on accepting this easement or license the Planning and Zoning Commission needs to provide an 8-24 review.

Councilor Luddy moved to refer the obtaining of an easement or license from the Connecticut Department of Transportation for the Boulevard project for a review by the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

- 12. Topic re: Refer the granting of an easement to supply electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit-oriented development project for a review by the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes. – Economic Development**

Economic Development Director Edge stated that an easement must be provided by the Town to Eversource in order for them to supply electricity to the Boulevard project. Before the Town Council can act on granting the easement the Town Planning and Zoning Commission needs to provide an 8-24 review.

Councilor Luddy moved to refer the granting of an easement to supply electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit-oriented development project for a review by the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

- 13. Topic re: Authorize the Town Manager to execute the attached subordination agreements pertaining to AMCO Machine and its related entities, FAV Realty LLC and FAVTO Realty LLC, with respect to the Town's right of first refusal to purchase 921 Farmington Avenue, recorded in Volume 697, page 1136 of the Berlin Land Records, and the Town's Mortgage on 945 Farmington Avenue recorded in Volume 721, Page 1043 of the Berlin Land Records, subject to the review and approval of Corporation Counsel. – Economic Development**

Economic Development Director Edge explained that AMCO Machine and its related entities are in the process of modifying loans with Peoples United Bank. The Bank is requesting subordination by the Town of interests held by the Town in the Right of First Refusal and the Façade Program Mortgage noted in the motion. In 2018 and 2019 the Town Council authorized similar subordination agreements.

Councilor Luddy moved to authorize the Town Manager to execute the attached subordination agreements pertaining to AMCO Machine and its related entities, FAV Realty LLC and FAVTO Realty LLC, with respect to the Town's right of first refusal to purchase 921 Farmington Avenue, recorded in Volume 697, page 1136 of the Berlin Land Records, and the Town's Mortgage on 945 Farmington Avenue recorded in Volume 721, Page 1043 of the Berlin Land Records, subject to the review and approval of Corporation Counsel.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

14. Topic re: Approve a tax abatement for MC Barber LLC for the renovation of 1427 Berlin Turnpike of 50% in year 1, 40% in year 2, and 30% in year 3 per the town's tax abatement policy. – Economic Development

Economic Development Director Edge stated that MC Barber LLC has purchased and submitted an application for renovation of 1427 Berlin Turnpike and will be relocating their barber school to Berlin. The building has been in disrepair for several years so this business will be an asset to the Town. The Economic Development Commission recommends that the Town Council approve this tax abatement.

Councilor Luddy moved to approve a tax abatement for MC Barber LLC for the renovation of 1427 Berlin Turnpike of 50% in year 1, 40% in year 2, and 30% in year 3 per the town's tax abatement policy.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

15. Topic re: Waive the Town's bidding procedures to allow the Town Clerk's Office to continue to use Cott Systems, Inc. software for land records and dog licensing, provide maintenance, auditing services and supplies to the office for an amount not to exceed \$13,500 for fiscal year 2020/2021. – Town Clerk

Town Clerk Kate Wall explained that with an increase in the land record software cost due to its placement on the Cloud, an increase in the number of software licenses for the dog licensing program, and the addition of land record auditing services the Town Clerk's office is requesting this waiver.

Councilor Luddy moved to waive the Town's bidding procedures to allow the Town Clerk's Office to continue to use Cott Systems, Inc. software for land records and dog licensing, provide maintenance, auditing services and supplies to the office for an amount not to exceed \$13,500 for fiscal year 2020/2021.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

I. TOWN MANAGER'S REPORT:

- The Boulevard Project – the plan was for Newport Realty to complete their financing by the end of June. However, their bank is backlogged due to a COVID-19. As of now the bank is looking at an August timeframe to approve Newport's loan.

There are concerns in waiting until August since the contract would not be awarded until September and there is a December 31, 2020 deadline associated with the State financial assistance of \$836,043.21. There is the possibility of losing this money if the project is not completed by that date.

The Town has some options, one is to ask the State to extend the December deadline until possibly June 2021.

However, the Town Manager reached out to Newport Realty to discuss other options that may exist including Newport paying \$235,000 now to close. The Town would then appropriate fund balance until they are able to close at the end of August. The contract could then be awarded possibly by the end of July.

The Town Manager is suggesting using \$195,000 of that \$235,000 to purchase 903 Farmington Avenue, and \$10,000 to purchase 861 Farmington Avenue. This would allow the project to continue to move forward.

The Town Manager requested Town Council input. Councilor Paonessa stated that he feels it is extremely important to move forward as soon as possible with the project not only for credibility but also due to materials becoming difficult to obtain. If the deal happened to fall apart the Town would at least have a completed road.

There was a positive consensus from Town Council members to add this item to the next agenda.

- When the FY 2021 budget was approved all the Capital projects were removed. It had been discussed that the Town Manager would bring to the Council any Capital projects that could be funded with FY 2020 surplus. The Board of Finance has requested that the Town Manager hold off until it is determined how revenue collections are going. Therefore, any requests will be brought to Council at the next meeting and the Board of Finance will review them at their August 4, 2020 meeting.
- Town Hall is still open by appointment only, but one door has been opened for the Revenue Collector with social distancing markers in place.
- The Library lobby has opened with limited services.
- Percival pool has reopened with the number of guests allowed in reduced to 35 at a time.
- Trash is being left on the basketball courts at Berlin High School. There was discussion about who could monitor the courts to prevent both large crowds from gathering and the trash situation.

J. SPECIAL COMMITTEE REPORTS:

None

Councilor Rosso left the meeting at 8:21 p.m.

K. COUNCILORS' COMMUNICATION:

Councilor Angelico-Stetson suggested the possibility of the Town acknowledging the LGBTQ+ community next June during Gay Pride Month. She suggested a ceremony and raising of the gay pride flag at Town Hall.

Mayor Kaczynski had some inquiries from residents regarding the number of fireworks being set off in Town and he was curious if there had been any overriding issues. The Town Manager had not heard of any major problems.

L. ACCEPTANCE OF MINUTES:

June 16, 2020

Councilor Luddy moved to accept the Minutes of the June 16, 2020 meeting.

Seconded by Councilor Paonessa.

Those voting in favor: Councilor Angelico-Stetson, Councilor Luddy, Councilor Paonessa, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski.

Vote being 6-0. (MOTION CARRIED)

M. ADJOURNMENT

Councilor Luddy moved to adjourn at 8:29 p.m.

Seconded by Councilor Paonessa.

Those voting in favor: Councilor Angelico-Stetson, Councilor Luddy, Councilor Paonessa, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski.

Vote being 6-0. (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting