

Town Council Members will meet in person or use the Free Conference phone number previously given to you for Executive Session

TOWN OF BERLIN  
SPECIAL TOWN COUNCIL MEETING  
Tuesday, September 1, 2020  
Board of Education  
6:30 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. EXECUTIVE SESSION:

1. Pending Litigations – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims or pending litigation – Rocky River (Eversource)

E. ADJOURNMENT

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:

Join meeting

Meeting Number: 132 421 7683  
Password: Council (2686245 from phones and video systems)

Join by video system  
Dial 1324217683@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: 132 421 7683  
Password: Council (2686245 from phones and video systems)

REVISED  
TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, September 1, 2020  
Board of Education  
7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. AUDIENCE OF CITIZENS

E. MEETING AGENDA – Immediately Following the Audience of Citizens

F. NEW BUSINESS:

1. Topic re: Accept monetary donations totaling \$319.63 for the Berlin Peck Memorial Library and deposit \$125.00 into the library agency account for the purchase of teen books in memory of Noah Paul Bourdon and deposit \$194.63 into the friends of the library miscellaneous account for programs and program supplies and move to accept the donation of a Berlin High School yearbook with a value of \$65.00 to be added to the adult department collection. – Berlin Peck Memorial Library
2. Topic re: Senior/Community Center Update – Public Works

3. Topic re: Approve the transfer of \$12,250.00 from the Highway Health Insurance account, \$12,750 from the Highway Blue Collar account and \$12,400 from the Stormwater Drainage Analysis account and \$37,600 from the School Electricity account, all in the General Fund, to the Woodchipper account in the General Fund, pending approval of the Board of Finance. This transfer replaces the transfer approved by the Town Council on July 21, 2020. – Public Works
4. Topic re: Utilize the Connecticut DAS Contract #17PSX0009 to purchase the necessary concrete catch basin materials from Cromwell Concrete Products of Cromwell, CT or United Concrete Products of Yalesville, CT through December 31, 2020. – Public Works
5. Topic re: Authorize the Town Attorney and Town Assessor to prepare, execute and file a stipulated judgment on the foregoing terms on behalf of the Town of Berlin in New Britain Superior Court as this is in the best interest of the Town and approve the transfer of \$385,000 from the Issue of June 2020 account to the Tax Refunds account, both in the General Fund, effective April 1, 2021, pending approval by the Board of Finance.- Finance
6. Topic re: Waive the bidding process and authorize the Town Manager to enter into a contract with Loureiro Engineering to work on an ELUR for 861 Farmington Avenue for a fee of \$5,000 that will be paid from the Demolition & Envir. Remed. Account as this is in the best interest of the Town. – Economic Development

G. TOWN MANAGER'S REPORT:

H. SPECIAL COMMITTEE REPORTS:

I. COUNCILORS' COMMUNICATION:

J. ACCEPTANCE OF MINUTES:                      July 21, 2020  
                                                                                 August 25, 2020

K. ADJOURNMENT

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** August 24, 2020  
**SUBJECT:** Accept Library Donations

**SUMMARY:**

Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	125.00	Lib. Agency Acct.	teen books in memory of Noah Paul Bourdon	Marie T. Bogdanski
	194.63	FOL Misc.	programs and program supplies	Friends of the Library
	319.63			
Equip/Merch	65.00	BHS Yearbook	add to collection	Berlin High School
	65.00			

\*Unless a name is mentioned, donors have requested anonymity.

**ACTION NEEDED:**

Move to accept monetary donations totaling \$319.63 for the Berlin Peck Memorial Library and deposit \$125.00 into the library agency account for the purchase of teen books in memory of Noah Paul Bourdon and deposit \$194.63 into the friends of the library miscellaneous account for programs and program supplies and move to accept the donation of a Berlin High School yearbook with a value of \$65.00 to be added to the adult department collection.

**ATTACHMENTS:**

None

**PREPARED BY:**

Helen Malinka, Library Director

CT

Agenda Item No. 2  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** August 24, 2020  
**SUBJECT:** Senior/Community Center Update

**SUMMARY:**

As you are aware, the Town received a \$750,000.00 grant for the planning and design of a senior/community center from the State of Connecticut Department of Mental Health and Addiction Services (DMHAS). As per the Town Charter Section 8-11-3, the Commission of Aging and the Parks and Recreation Commission submitted Statements of Need to request that the planning process for a new Senior/Community Center address the needs of the residents of Berlin.

The Public Building Commission (PBC) was subsequently requested to advance the project, and retained the architectural services of Quisenberry Arcari Malik, LLC (QA+M) to conduct community out-reach and prepare a schematic design. Due to Covid-19, the public outreach was delayed, but is now moving forward using smaller presentations and other methods. QA+M evaluated four, recommended, Town-owned sites and the PBC selected the Patterson Way location for schematic design. Conceptual plans were then created for community leader input and feedback.

QA+M will present their findings on the site selection and present their conceptual plan and program for Town Council and community feedback.

**ACTION NEEDED:** No action needed.

**PREPARED BY:**

Michael S. Ahern, P.E.  
Public Works Director

*MSA*

**TO: The Honorable Mayor and Town Council**

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: July 27, 2020**

**SUBJECT: \$75,000 Budget Transfer to Fund a Woodchipper**

**SUMMARY:**

The Highway Department's woodchipper is 15 years old and has required increasing maintenance and repairs over the past few years. Failures have been to the main drive, clutch assembly, and the chipper discs. This chipper is a "disc-type" machine that is sized for smaller diameter branches and brush; in the past, the Town did not do as much tree work and only chipped brush. Due in part to Emerald Ash Borer activity and Dutch Elm disease, both the Highway and Parks and Grounds Departments have been dealing with increased tree removals and cleanups along roadways and on Town properties. This activity has put further stress on the only chipper used by multiple departments. This request is to purchase a new "drum" chipper sized to handle larger diameter tree branches and logs. The drum chipper that staff is recommending can handle up to a minimum of 15-inch diameter wood through its infeed system, which exceeds the size that Town crews can safely process with the existing chipper (about 6-inch diameter). The request for \$75,000 is based on research by the Highway Department and the Municipal Garage as well as the attached quote for a Brush Bandit Intimidator 18XP (which can handle wood up to 18 inches in diameter). The brands that staff has evaluated include Brush Bandit and Morbark. The existing chipper would be retained as a second line unit as long as it can be maintained without major expense and would be useful for pruned limbs and brush processing.

Funding for the woodchipper is proposed to come from four accounts, all in the General Fund, as detailed below:

- \$37,600 from the Schools Electricity account (001.35.3561.0.53102.00000)
- \$12,250 from the Highway Health Insurance account (001.20.2037.0.52235.00000)
- \$12,750 from the Highway Blue Collar account (001.25.2545.0.51135.00000), and
- \$12,400 from the Stormwater Drainage Analysis account (001.20.2036.0.53971.00000).

These funds will be transferred into the Woodchipper account in the General Fund (001.20.2037.0.54000.00138).

**ACTION NEEDED:**

Move to approve the transfer of \$12,250.00 from the Highway Health Insurance account, \$12,750 from the Highway Blue Collar account and \$12,400 from the Stormwater Drainage Analysis account and \$37,600 from the School Electricity account, all in the General Fund, to the Woodchipper account in the

General Fund, pending approval of the Board of Finance. This transfer replaces the transfer approved by the Town Council on July 21, 2020.

**ATTACHMENTS:**

Budget Transfer Form

**PREPARED BY:**

Michael S. Ahem, P.E., Director of Public Works  
Steven Karp, Highway Superintendent




**TOWN OF BERLIN**  
BUDGET CHANGE FORM

**Section 1: To be completed by Department:**

Department:	<b>Highway</b>	Fiscal Year:	<b>FY2020</b>	Date:	<b>6/29/20</b>
To Acct #:	Description:	Amount:	Requested by:		
<b>001.20.2037.0.54000.00138</b>	<b>Wood Chipper</b>	<b>\$75,000.00</b>	<b>S. Karp</b>		

Are there funds from another account which can be requested: Yes ☒ No ☐ Partially ☐ Don't Know ☐

From Acct #:	Description:	Amount:	Approved by:
<b>001.20.2037.0.52235.00000</b>	<b>Health Insurance</b>	<b>\$12,250</b>	
<b>001.20.2037.0.51135.00000</b>	<b>Blue Collar</b>	<b>\$12,750</b>	
<b>001.20.2036.0.53971.00000</b>	<b>Stormwater Drainage Analysis</b>	<b>\$12,400</b>	
<b>001.35.3561.0.53102.00000</b>	<b>Electricity</b>	<b>\$37,600</b>	

Contingency Balance (If applicable):

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

This request is to fund the purchase of a new wood chipper in the Highway Department. This will provide the department (and Grounds & Timberlin) with the proper size wood chipper for storm and other larger jobs. Funds are available in due to vacancies, fewer stormwater issues and the school closure since March.

**Section 2: To be completed by Town Manager:**

Request approved ☒ Disapproved ☐ Partially Approved ☐ Date: **7/27/2020**

Comments:



**Section 3a: Town Council action:**

Request approved ☐ Disapproved ☐ Partially Approved ☐ Referred to Town Mtg. ☐ N/A ☐

Comments:

**Section 3b: Board of Finance action:**

Request approved ☐ Disapproved ☐ Partially Approved ☐ Referred to Town Mtg. ☐ N/A ☐

Comments:


**Section 4: To be completed by Finance Department:**

Budget Change # :	JE#	Approved by Town Meeting	Date approved:
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Agenda Item No. 4  
**Request for Town Council Action**

**TO:** The Honorable Mayor and Town Council

**FROM:** Arosha Jayawickrema, Town Manager 

**DATE:** August 17, 2020

**SUBJECT:** Request for Catch Basin Materials Related to Roadway  
Re-paving Projects

**SUMMARY:**

As part of our on-going street reconstruction program, the Highway Department will be rehabilitating various types of drainage structures including catch basins, manholes and outlet structures in advance of placing pavement on existing roadways. This office has typically coordinated the purchase of materials to perform the above work with your approval through the use of the State of Connecticut Department of Administrative Services Contract. This most recent contract (#17PSX0009) was awarded June 8, 2017. The contract, originally running through December 31, 2019 was *extended through December 31, 2020*. The contract was awarded to Cromwell Concrete Products of Cromwell, CT and United Concrete Products of Yalesville, CT. This Department has typically purchased materials under this contract from the vendors dependent upon pricing, delivery schedules, fuel and transportation costs. We anticipate spending approximately \$20,000.00 through December 31, 2020. Funds for these materials are utilized from the Road and Bridge Account (140.20.2037.0.54000.00510).

**ACTION NEEDED:**

Move to utilize the Connecticut DAS Contract #17PSX0009 to purchase the necessary concrete catch basin materials from Cromwell Concrete Products of Cromwell, CT or United Concrete Products of Yalesville, CT through December 31, 2020.

**ATTACHMENT:**

Sufficiency of Funds

**PREPARED BY:**

James P. Horbal, Deputy Director of Public Works 



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 17-Aug-20

Purchase Item or Contract: Purchase of catch basin materials		Requested by: J. Horbal	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Purchase catch basin materials	\$20,000.00	\$20,000.00
			-
			-
			-
			-
TOTAL			\$20,000.00

Account No. 140.20.2037.0.54000.00510 Road & Bridge Improv.

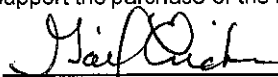
Budgeted Amount.....	\$338,266.04	Available balance.....	\$288,466.04
Encumbrances to Date.....	\$40,667.75	Amount Needed for This Package.....	\$20,000.00
Expenditures to Date.....	\$9,132.25	Available Balance After Purchase.....	\$268,466.04

Is a budget change needed? ☐ Yes ☒ No

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

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

or:

  
Finance Director or Assist. Finance Director

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

\_\_\_\_\_  
Finance Director or Assist. Finance Director



**Method to Refund Rocky River:**

To execute the settlement, the Town will adjust the January 2021 property tax bill for Selden Street to \$0. This will refund \$1,454,304.27 of the overpayment of taxes on the 2017, 2018 and 2019 (first half) resulting from the settlement. The balance of the overpayment due as part of the settlement will be paid in a check to Rocky River during the first calendar quarter of 2021.

The cash refund amount of \$384,792.55 (\$1,839,096.82 - \$1,454,304.27) will be funded by a transfer from the Issue of June 2020 account (001.40.4063.0.59500.02052) to the Tax Refund account (001.05.0504.0.53924.00000), both in the General Fund. The Issue of June 2020 account has funds available because the first principal payment on the bonds issued in June 2020 is scheduled for December 2021 instead of December 2020.

**ACTION NEEDED:**


Move to authorize the Town Attorney and Town Assessor to prepare, execute and file a stipulated judgment on the foregoing terms on behalf of the Town of Berlin in New Britain Superior Court as this is in the best interest of the Town.

Move to approve the transfer of \$385,000 from the Issue of June 2020 account to the Tax Refunds account, both in the General Fund, effective April 1, 2021, pending approval by the Board of Finance.

**ATTACHMENTS:**

Budget Transfer Form


**PREPARED BY:**

Kevin Delaney, Finance Director   
Joe Ferraro, Assessor



**TOWN OF BERLIN**  
**BUDGET CHANGE FORM**

**Section 1: To be completed by Department:**

Department:	<b>Finance</b>	Fiscal Year:	<b>FY2021</b>	Date:	<b>4/1/21</b>
To Acct #:	Description:	Amount:	Requested by:		
001.05.0504.0.53924.00000	Tax Refunds	\$385,000.00	K. Delaney		
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:		
001.40.4063.0.59500.02052	Issue of June 2020	\$385,000.00			

Contingency Balance (If applicable):

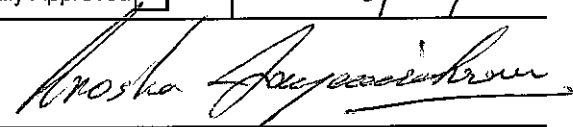
Explanation of request, include reason why funds are available for transfer if applicable (use additional pages if necessary):

In response to the 2017 revaluation of the property at 107 Selden Street, Rocky River Realty (Real Estate Holding Company owned by Eversource) appealed the assessed value of the property. Their appeal was denied by the Board of Assessment Appeals. As available under Connecticut General Statutes, Rocky River Realty filed a lawsuit against the Town asking the Court to modify the assessed value of the Selden Street property.

After several attempts to negotiate a settlement, the Town and Rocky River (Eversource) settled on a revised assessment schedule. As a result of this settlement, the Town will forego taxes in January 2021 and pay the remaining refund amount in a check to Rocky River. The value of this cash payment is \$384,792.55.

Funds are available in the Issue of June 2020 account because the first principal payment for the June bonds was scheduled for December 2021 instead of December 2020.

**Section 2: To be completed by Town Manager:**

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date: 8/21/2020
Comments: 			

**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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Agenda Item No. 6  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** August 14, 2020

**SUBJECT:** Authorization for the Town Manager a Contract Amendment with Loureiro Engineering Regarding Preparation of an Environmental Land Use Restriction Filing for 861 Farmington Avenue

**Summary of Agenda Item:**

The Town sold 861 Farmington Avenue to 861 Farmington Avenue LLC an entity related to Newport Realty Group LLC. 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 861 Farmington Avenue. As part of the sales agreement related to 861 Farmington Avenue, the Town has the right to file an Environmental Land Use Restriction (ELUR) on the property at 861 Farmington Avenue. The filing of the ELUR on 861 Farmington Avenue will 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'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. This work will be done in concert with Loureiro's preparation of an ELUR for the adjacent property at 873 Farmington Avenue as approved by the Town Council in July. Loureiro has submitted a proposal to provide these services for a fee of \$5,000 that will be paid from the Demolition & Envir. Remed. account number, 540.10.1017.0.53957.00000.

**Action**

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 861 Farmington Avenue for a fee of \$5,000 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. Sufficiency of funds.

**Prepared By:**

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

CE



August 12, 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, 861 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) for 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 ELUR application will be presented in draft form for review by the Town of Berlin. 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 on a time and materials basis for a fee not to exceed \$5,000 without prior authorization from the Town of Berlin.

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

Sincerely,

**LOUREIRO ENGINEERING ASSOCIATES, INC.**

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

**Loureiro Engineering Associates, Inc.**

100 Northwest Drive • Plainville, CT 06062 • 860.747.6181 • Fax 860.747.8822 • [www.Loureiro.com](http://www.Loureiro.com)  
AN EMPLOYEE-OWNED COMPANY



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 19-Aug-20

Purchase Item or Contract: 861 Farmington Ave. Envir. Land Use Restr.		Requested by: Jim Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	861 Farmington Ave.-preparation of Environmental Land Use Restriction (ELUR)	\$5,000.00	\$5,000.00
			-
			-
			-
			-
TOTAL			\$5,000.00

Account No. 540.10.1017.0.53957.00000 Demolition & Envir. Remed.

Budgeted Amount.....	\$229,826.02	Available balance.....	\$171,452.48
Encumbrances to Date.....	\$53,942.29	Amount Needed for This Package.....	\$5,000.00
Expenditures to Date.....	\$4,431.25	Available Balance After Purchase.....	\$166,452.48

Is a budget change needed? ☐ Yes ☒ No

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

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

or:

  
Finance Director or Assist.Finance Director

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

\_\_\_\_\_  
Finance Director or Assist.Finance Director



*2020-07-21 Town Council Meeting Minutes*

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:

[Join meeting](#)

Meeting Number: 132 273 4173

Password: Council (2686245 from phones and video systems)

Join by video system

Dial 1322734173@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: 132 273 4173

Password: Council (2686245 from phones and video systems)

**TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, July 21, 2020  
7:00 P.M.**

**A. CALL TO ORDER**

Mayor Kaczynski called the meeting to order at 7:04 p.m.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

Those in attendance were:

Councilor JoAnn Angelico-Stetson  
Mayor Mark Kaczynski  
Councilor Charles Paonessa  
Councilor Peter Rosso  
Councilor Mike Urrunaga  
Councilor Donna Veach

Absent:

Councilor Brenden Luddy

Also in attendance:

Town Manager Aroscha Jayawickrema  
Corporation Counsel Jeffrey Donofrio

**D. AUDIENCE OF CITIZENS**

***Tina Doyle, Senior Center Director*** – Ms. Doyle provided an update on services the Senior Center has been providing to residents during the pandemic. Those services included grocery shopping, prescription pickup, food pantry delivery, providing masks, meal delivery, checking in via phone calls, mailing birthday cards, and weekly robocalls with updates and positive thoughts. She also commended her staff for all the assistance they have provided.

***Peter DeFazio, 92 Wildermere Road*** – Mr. DeFazio is Chairman of the Public Golf Commission. On June 19<sup>th</sup> a letter was sent from the Golf Commission to the Timberlin Maintenance staff, Golf Shop staff, and Restaurant staff commending them on their hard work to keep the golf course running during the pandemic. Many compliments were received from customers.

He stated that the Golf Course is currently in the black financially and he thanked Jonathan Zuk and his staff. Also, as there is an agenda item tonight regarding recommendations on cost reduction options for the golf course, Mr. DeFazio wanted to make it clear that those are merely options as requested by the Town Council and the Golf Course Commission does not recommend those cost reductions.

Mayor Kaczynski thanked all the employees of the Town for working together to keep Town services running during the pandemic. He has received only compliments from residents regarding the situation.

At this point the Webex recording had to be stopped momentarily and restarted due to technical difficulties. Those who had joined via phone or video were asked to rejoin.

Councilor Rosso recommended moving the items from the New Business agenda to the Consent Agenda and voting on all items as one. Upon consult with Corporation Counsel it was determined that was an option.

Mayor Kaczynski suggested voting on the current Consent Agenda as one item and voting on the New Business items all together as a separate Consent Agenda.

**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. – Berlin-Peck Memorial Library**

2. **Topic re: Approve Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2020 – 2021 school year. – Parks and Recreation**
3. **Topic re: Approve acceptance of a donation in an estimated amount not to exceed \$2600.00 from the Kensington Garden Club to be used to beautify Volunteer Park. – Parks and Recreation**
4. **Topic re: Accept the donations of \$230.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**
5. **Topic re: Accept the donations of \$50.00 and appropriate the funds to the Police Peer Support Program Expenditure Account. – Police Department**
6. **Topic re: Authorize Berlin Social & Youth Services to apply to CYSA for a DCF funded Juvenile Review Board grant in the amount of \$4,220, and to authorize the Town Manager to accept the grant on behalf of the Town, and to sign any contracts and agreements pertaining to this grant. Upon receipt funds will be deposited in the State Grants revenue account.**

**Appropriate the \$4,220 grant to the Part Time Help, Worker's Comp., and Social Security expense accounts, subject to approval by the Board of Finance. – Social Services**

7. **Topic re: Accept donation of an Office Desk from the Newington Social Services to the Berlin Senior Center. – Senior Center**

Councilor Paonessa moved to approve the Consent Agenda as presented.

Seconded by Councilor Veach.

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

Vote being 6-0. (MOTION CARRIED)

**G. NEW BUSINESS/CONSENT AGENDA:**

1. **Topic re: Approve the contract between the Town of Berlin and CALU, Local #2 (White Collar Employees) for the period of July 1, 2020 through June 30, 2023. – Human Resources**

Tabled as Human Resources Director unavailable. See 6a below.

2. **Topic re: Create a professional position of Deputy Fire Marshal to serve in that capacity and provide department coverage in the absence of full-time staff. – Fire Marshal**

Tabled as Fire Marshal unavailable. See 6b below.

3. **Topic re: Waive the Town's bidding procedures to allow the Parks and Recreation Department to continue to use Vermont Systems for its Recreation Management software in**

**an amount not to exceed \$12,419.82, since this is in the best interest of the town. – Parks and Recreation**

Town Clerk Kate Wall, speaking on behalf of Jen Ochoa, Director of Community, Recreation and Parks Services, stated that the Parks and Recreation Department has used Vermont Systems for almost 20-years, and they are very happy with the software product. The bid waiver is being requested because the cost has increased due to moving to cloud-based software to stay in line with the Business Continuity Plan and the IT Department recommendation.

4. **Topic re: Authorize Town Manager, Arosha Jayawickrema, to enter into contract with US Pitchcare LLC for the renovation of Sage Park, Softball Field 1 in an amount not to exceed \$500,000 which includes contingency. – Parks and Recreation**

Superintendent of Parks and Grounds Steve Wood stated that he, Director Jen Ochoa and Kaestle Boos Associates examined the bids received for the Sage Park Softball Field 1 renovation. The lowest bidder, Aqua-Turf Irrigation, was eliminated because their bid was incomplete. Scope review meetings were then held with the next two lowest bidders DeRita and Sons Construction and US Pitchcare LLC. It was determined that DeRita and Sons would subcontract out the field and sod work while US Pitchcare would perform the work themselves. When Alternate #3 for the new storage shed and Alternate #4 for the new scoreboard were added, it was determined that US Pitchcare was the lowest responsible bidder. US Pitchcare has also completed projects of similar scope recently.

5. **Topic re: Transfer \$3,855, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts. – Finance**

Finance Director Kevin Delaney stated that these items include two accounts that were slightly overbudgeted. The transfers include expenses for Extra Duty Police Officers and Water & Sewer usage at the town-owned mobile home park.

6. **Topic re: Waive the bidding process and renew the employee benefits contract with USI Insurance Services in the amount of \$55,000 through June 30, 2021, as this is in the best interest of the town. – Finance**

Finance Director Delaney explained that USI Insurance Services (USI) is the employee benefits consulting service for the Town. The original five-year contract expired on June 30, 2020. USI has been beneficial to the Town in many ways over these five years and as the Town is preparing to negotiate a new contract with Anthem in FY 21, and possibly go out to bid for health insurance administration, it is in the Town's best interest to maintain the expertise and experience of USI.

- 6a. **Topic re: Approve the contract between the Town of Berlin and CALU, Local #2 (White Collar Employees) for the period of July 1, 2020 through June 30, 2023. – Human Resources (originally #1)**

Human Resources Director Denise Parsons stated that a meeting was held between herself, the Finance Director, and the Town Manager to review the current contract language to identify any significant changes the Town would need to achieve in a successor agreement. The Director of

Human Resources and the Finance Director then met with the President of the White Collar Union and the parties agreed to language changes to reflect current practice and mirror other Town contract language.

Changes included removing language preventing the Library from staffing on Sundays, adding language to stop leave accruals during extended absences, adding language regarding new hire vacation, pro-rated personal time for new hires, adjusted family sick leave and stated a wage increase of 2.25% each year for three years. The Union membership voted to approve the new three-year contract.

**6b. Topic re: Create a professional position of Deputy Fire Marshal to serve in that capacity and provide department coverage in the absence of full-time staff. – Fire Marshal**

Fire Marshal Steve Waznia stated that the current Deputy Fire Marshal exists as a contractual service and he is looking to include the position in regular payroll. With the position as it stands now, with a 1099 format, it is not in compliance with applicable labor laws and insurance regulations.

**7. Topic re: Approve the purchase of ammunition from Jurek Brothers Inc. utilizing State of CT Contract # 19PSX0220 for an amount not to exceed \$13,025.24. – Police Department**

Deputy Police Chief Chris Ciuci stated that this is for the yearly purchase of ammunition for firearms training.

**8. Topic re: Waive the Town's bidding procedures and approve issuing purchase orders in excess of \$10,000, but all together not to exceed the budgeted amount of \$51,104 for the following uniform vendors: Security Uniforms Inc., New England Uniform, Connecticut Police Supply, Galls, and Mickey Finns, as this is in the best interest of the Town. – Police Department**

Deputy Police Chief Ciuci stated that uniforms are purchased from various vendors throughout the year and purchases orders exceed \$10,000.

**9. Topic re: Approve the transfer of \$18,500.00 from the In Lieu of Sick (retiree) account in the General Fund to the Transfer to Other Funds account in the General Fund and appropriate the funds to the Building & Renovations account in the Police Construction Fund, pending approval of the Board of Finance. – Police**

Deputy Police Chief Ciuci stated that air conditioning in the Police Department training room and detective bureau does not adequately meet demand. Portable units will be purchased, similar to units purchased for the locker rooms which are working out well.

**10. Topic re: Approve the transfer of \$120,000.00 from the Police Personnel account, \$35,000.00 from the Police Social Security account and \$45,000 from the Police Pension account, all in the General Fund, to the Police Vehicles account in the General Fund, pending approval of the Board of Finance. – Police Department**

Deputy Police Chief Ciuci explained that there was no funding in the FY 21 Capital budget for police vehicles. This request is for the purchase of four vehicles using the three FY 20 unexpended

account balances noted. The cost of each patrol vehicle is estimated at \$40,000 with the cost to outfit and equip each estimated at \$10,000.

11. **Topic re: Waive the Town's Bidding Procedure and approve issuing a Purchase Order in the amount not to exceed \$20,000 in FY 20-21 for Atlantic Golf and Turf as this is in the best interest of the town. – Public Grounds**

Superintendent of Parks and Grounds Steve Wood stated that the department prefers to use one vendor for the purchase of seed, fertilizer and granular pesticides. Also, Atlantic Golf and Turf uses an organic fertilizer line which is safer for those using the fields.

12. **Topic re: Waive the Town's Bidding Procedures and approve issuing a Purchase Order in the amount not to exceed \$25,000 in FY 20-21 for Central CT Lawn Services of Berlin. This is in the best interest of the Town. – Public Grounds**

Superintendent of Parks and Grounds Wood stated that the Town of Berlin has been using Central CT Lawn Services of Berlin for 15 years. Currently there is an issue with a bug infesting the blue grass infield of Sage 3. Central CT Lawn Services has been out numerous times to help combat the problem and Parks and Grounds knows they will exceed the \$10,000 purchase order limit.

13. **Topic re: Approve the transfer of \$4,500 from the Public Grounds Overtime account, \$2,000 from the Public Grounds Storm Related Overtime account, \$2,000 from the Highway Storm Related Overtime account, \$10,000 from the Public Grounds PT & Summer Help account, \$19,500 from the Public Grounds Electricity account, \$5,000 from the Public Grounds Labor Serv., Pool & Cemeteries account, \$2,000 from the Public Grounds Maintenance & Repair account, \$2,000 from the Public Grounds Fertilizer, Seed, Chem. Account and \$3,000 from the Public Grounds Sanitation account, all in the General Fund, to the Rack Body account in the General Fund, pending approval of the Board of Finance. – Public Grounds**

Superintendent of Parks and Grounds Wood is requesting to use FY 20 funds that were unexpended due to COVID-19 in order to purchase an additional vehicle for Parks and Grounds staff who currently must borrow a vehicle from another department. The new vehicle would be used for the transport of various items and could provide an additional plow for snow removal.

Mayor Kaczynski stated that the Board of Finance has requested that the Town Council hold off on approving any capital purchases until it is determined how the COVID-19 situation and the collection of tax revenues plays out. He suggests this item be approved to allow the process of estimates, etc to continue but the purchase may be held off until at least the fall.

14. **Topic re: Approve the transfer of \$25,000.00 from the Highway Health Insurance account, \$25,000 from the Highway Blue Collar account, \$25,000 from the Stormwater Drainage Analysis account and \$35,000 from the Planning & Zoning Mid-Manager account, all in the General Fund, to the Excavator account in the General Fund, pending approval of the Board of Finance. – Public Works**

Public Works Director Mike Ahern stated that the purchase of this excavator would use the FY 20 unexpended funds listed. Currently the Highway Department only front-line machine is a 2011 John Deere backhoe which has recently been experiencing increased repairs and is showing its' age. It

also does not possess the maximum lift capacity for many drainage structures. The new excavator that is being requested would have a higher lift capacity and could also be used to perform heavier work in other projects.

Mayor Kaczynski reiterated the Board of Finance's request to hold off on capital purchases but suggested that Public Works continue to keep the process moving until a decision for purchase can be made later this year.

- 15. Topic re: Approve the transfer of \$40,000.00 from the Highway Storm Related Overtime account in the General Fund and \$20,000 from the Public Grounds Storm Related Overtime account in the General Fund to the Highway Front Loader account in the General Fund, pending approval of the Board of Finance. – Public Works**

Public Works Director Ahern explained that the Fleet Manager and W.I. Clarke evaluated the Town's current 2006 loader to determine what systems and components need replacement to extend its service life. The overhaul items and associated costs are estimated at \$50,750. The requested amount of \$60,000 includes a contingency.

Mayor Kaczynski reiterated the Board of Finance's request to hold off on capital purchases but suggested that Public Works continue to keep the process moving until a decision for purchase can be made later this year.

- 16. Topic re: Approve the transfer of \$25,000.00 from the Highway Health Insurance account, \$25,000 from the Highway Blue Collar account and \$25,000 from the Stormwater Drainage Analysis account, all in the General Fund, to the Woodchipper account in the General Fund, pending approval of the Board of Finance. – Public Works**

Public Works Director Ahern explained that the Town's existing woodchipper is 15 years old and sized to chip brush and smaller diameter branches. It has also required increasing maintenance and repairs. This request is for the purchase of a new "drum" type chipper sized to handle larger diameter trees and logs which would save trucking and disposal costs. The older chipper would be kept for lighter work.

Mayor Kaczynski reiterated the Board of Finance's request to hold off on capital purchases but suggested that Public Works continue to keep the process moving until a decision for purchase can be made later this year.

- 17. Topic re: Award a bid and authorize the Town Manager to enter into a unit price contract to purchase street line painting services (utilizing CRCOG Contract #695) with the most cost-effective and qualified Contractor. – Public Works**

Public Works Director Ahern is requesting to utilize the CRCOG Contract #695. Due to variations in the type of markings and unit prices between vendors, the most cost effective and responsible contractors can be chosen to perform the particular task needed.

- 18. Topic re: Approve the transfer of \$25,000.00 from the Non-Taxable Election Worker's account in the General Fund to the Golf Course Backhoe account in the General Fund, pending approval of the Board of Finance. – Golf Course**

Director of Golf Jon Zuk stated that the current backhoe used by the Golf Course is now 28 years old and is failing. They are currently using a frontend loader on loan from Public Grounds that is close to 35 years old. The backhoe is a primary piece of equipment and is used daily.

Mayor Kaczynski reiterated the Board of Finance's (BOF) request to hold off on capital purchases. The BOF will be meeting on Thursday July 23<sup>rd</sup> to discuss these capital purchases.

- 19. Topic re: Send the Timberlin Golf Course Statement of Need to the Public Building Commission. – Golf Course**

Director of Golf Jon Zuk stated that the Golf Commission has developed a Statement of Need for the Club House and surrounding areas. Commission member Gail Lemieux explained that the Commission is asking what the Town Council's long-term vision is for Timberlin as that will drive the decisions that are made.

Mayor Kaczynski stated that the Public Building Commission will provide Town Council with a more specific plan.

- 20. Topic re: 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. – Golf Course**

Director of Golf Jon Zuk stated that due to COVID-19 regulations that were put into place regarding golf cart use, and many golfers still electing to use one cart person, the golf course has run short on the number of carts needed to supply the demand. In order 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. The idea is to encourage golfers to share carts which will open more carts for others, but also save on wear and tear on the carts and the course itself. Other area golf courses have also increased their rates.

- 21. Topic re: Discussion regarding recommendations on cost reduction options from the Golf Commission. – Golf Course**

Director of Golf Jon Zuk introduced the item regarding the Golf Commission's development of some cost reducing options. Golf Commission Chairman Peter DeFazio went over the list of items which include passing along the cost of credit card fees to the customer, changing contract language regarding the payment of overtime on weekends, reduction of labor costs, and outsourcing the entire golf course operation.

Finance Director Kevin Delaney stated that there is a State Statute that prevents municipalities from passing along credit card fees to customers. Due to the high transactional nature of the Golf Course, the Finance department has not been able to find a third-party company that is willing to work with the Town and therefore State Statute prevents passing along those fees directly to consumers.



Councilor Rosso recommended a small committee be formed to look at options. Mayor Kaczynski agreed that there does need to be further discussion regarding the Golf Course. It was decided to put this on a September agenda.

NO ACTION NEEDED

**22. Topic re: Adopt the Timberlin Golf Course Season Pass Refund & Credit policy. - Golf Course**

Director of Golf Jon Zuk stated that there hadn't been a written policy regarding Season Pass Refunds and Credits, and they were handled on a case by case basis. This policy has now been put into writing and approved by the Golf Commission. Any exceptions to this refund policy will be made at the sole discretion of the Golf Commission to the Town Council.

**23. Topic re: Grant Mr. Gonzales a prorated refund of his 2020 Timberlin Golf Course season in the amount of \$437.00. – Golf Course**

Director of Golf Jon Zuk explained that due to a medical condition that left Mr. Gonzales more susceptible to the COVID-19 virus, he was issued a prorated credit toward the purchase of his 2021 Timberlin season golf pass. Upon further consultation with his physician and considering the continued COVID-19 concern, Mr. Gonzales has chosen to no longer play golf. He is now requesting a refund of his prorated 2020 season pass in lieu of the 2021 season pass credit.

**24. Topic re: Refer the elementary schools HVAC upgrades design and construction Statement of Need to the Public Building Commission. – Facilities**

Facilities Director Doug Solek stated that when this was previously brought before Town Council it did not contain the Statement of Need from the Board of Education. Tonight's submission contains that Statement.

**25. Topic re: 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. – Economic Development**

Economic Development Director Chris Edge explained that the State of Connecticut has opened up the Small Town Economic Assistance Program (STEAP) Grants program again. He is requesting authorization for the Town Manager to apply for a grant of \$500,000 to be used for the Kensington Sidewalks Project Phase III. In addition, staff requests authorization for the Town Manager to apply for a \$300,000 grant for roofing and related work at the Municipal Complex at 27 Town Farm Lane.

**26. Topic re: 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. - Economic Development**

Economic Development Director Edge stated that the additional level would apply to a firm or developer who spends a minimum of \$12,500,000 on an eligible project. This would be a 10-year abatement on commercial and 5-year abatement on residential. With the new mixed-use zoning on the Berlin Turnpike there has been additional interest in this idea. Towns are also competing to provide more attractive incentives for development. The Economic Development Commission supports this added abatement level.

- 27. Topic re: 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. – Economic Development**

Economic Development Director Edge stated that the project at 196 Berlin Turnpike ("Turnpike Ridge") is for 72 high-end market rate apartments and 18,000 square feet of retail space. This abatement request is about half of what the developer originally asked for. Mr. Edge feels there is the possibility for the developer to continue to invest in Berlin as this will be his second project on the Turnpike.

- 28. Topic re: 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. – Economic Development**

Economic Development Director Edge stated that the Town Council previously referred the matter of obtaining the easement or license from the Connecticut Department of Transportation to the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes. The Planning and Zoning Commission has reviewed the matter and it is now back to Town Council for approval.

- 29. Topic re: 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. – Economic Development**

Economic Development Director Edge stated that the Town Council previously referred the matter of providing an easement to Eversource to the Planning and Zoning Commission pursuant to section 8-24 of the Connecticut General Statutes. The Planning and Zoning Commission has reviewed the matter and it is now back to Town Council for approval.

- 30. Topic re: 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 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.**

**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.**

**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.**  
**– Economic Development**

Economic Development Coordinator Jim Mahoney stated that as part of its environmental settlement agreement with the owners of 873 Farmington Avenue, the Town secured the right to file an Environmental Land Use Restriction (ELUR) on the property. This ELUR will support the Town's effort to avoid the need to implement an active groundwater remediation system related to 889 Farmington Avenue.

The Town is assembling a consultant team to prepare and file the ELUR application to the Connecticut Department of Energy and Environmental Protection. Halloran and Sage will be assisting to coordinate with the owners of 873 Farmington Avenue to secure subordination agreements with any lien holders and to assist with legal matters related to the ELUR.

Loureiro Engineering will prepare the technical information for the ELUR. Franklin Survey will provide survey work for the ELUR filing as well as prepare additional easement maps related to the Boulevard Project.

- 31. Topic re: 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 Guerrera 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.

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. – Economic Development

Town Manager Aroscha Jayawickrema introduced the agenda item by stating that this is for the modification of the contract with Newport Realty and modification for funding.

Economic Development Coordinator Jim Mahoney added that the Town wants to get the project moving as STEAP grant funds expire at the end of the year.

32. **Topic re: Authorize the Town Manger 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. – Economic Development**

Economic Development Director Edge explained that the Italian Independent Political Club is in the process of refinancing their property at 16 Harding Street. There is currently a mortgage on the property in favor of the Town of Berlin as a condition of the Town's façade grant program. This request is to subordinate the Town's mortgage in order for the property owner to refinance.

Councilor Paonessa moved to approve Items #1-20 & 22-32 as presented.

Seconded by Councilor Veach.

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

Vote being 6-0. (MOTION CARRIED)

**H. TOWN MANAGER'S REPORT:**

- Tax Collection is on schedule.
- Signs were posted at the High School basketball courts as people were leaving trash on the courts. There has been drastic improvement in the amount of trash left behind.
- The opening of the swimming pool is going well. Swim lessons are being offered with the first week at half capacity with the hope for increased capacity in the coming weeks.
- News from Economic Development - Two leases have been signed for spaces in Newport Center. Complete Sheetmetal has poured a 1000 square foot foundation. Superior Heating and Cooling is expanding their building on Four Rod Road. The façade program has several applicants.
- The Boulevard Project will be going to the Board of Finance and hopefully awarding the contract by the end of the month.

**I. SPECIAL COMMITTEE REPORTS:**

None

**J. COUNCILORS' COMMUNICATION:**

Councilor Paonessa stated that Dollar General has started to park trailers in front of Sage Park. Town Manager Jayawickrema said he will address the issue.

Mayor Kaczynski stated that as a Town we should be extremely concerned about the Police Accountability Bill that is before the Legislature. To take a bill of that magnitude and discuss it for one day and vote on it is a terrible decision and precedent to set. Councilor Veach agreed the Mayor's statements. Councilor Rosso stated that he has faith in the State House and Senate to make the right decision. Councilor Angelico-Stetson agreed and hopes the legislators give it the attention it deserves.

**K. ACCEPTANCE OF MINUTES:**

**July 7, 2020**

Councilor Paonessa moved to accept the Minutes of the July 7, 2020 Town Council meeting.

Seconded by Councilor Veach.

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

Vote being 6-0. (MOTION CARRIED)

**L. EXECUTIVE SESSION:**

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

Councilor Paonessa moved to go into Executive Session: Personnel Matters – Conn. General State Statute Sec. 1-200 (6) (A) concerning the appointment, employment, performance, evaluation of a public employee. – Town Manager at 8:49 p.m. Invited in: Town Manager Jayawickrema and Corporation Counsel Donofrio.

Seconded by Councilor Veach.

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

Vote being 6-0. (MOTION CARRIED)

Executive Session ended at 9:16 p.m.

#### **M. ADJOURNMENT**

Councilor Paonessa moved to adjourn at 9:16 p.m.

Seconded by Councilor Veach.

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

Vote being 6-0. (MOTION CARRIED)

Submitted by,

Kathryn J. Wall  
Clerk of the Meeting

If you would like to listen in on the meeting of the Town Council please call 1-563-999-2090 at 6:00 p.m., you will be asked to punch in the access code followed by the pound sign – 269573#.

**TOWN OF BERLIN  
SPECIAL TOWN COUNCIL MEETING  
Tuesday, August 25, 2020  
Remote  
6:00 P.M.**

**A. CALL TO ORDER**

Mayor Kaczynski called the meeting to order at 6:01 p.m.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

Those in attendance were:

Mayor Mark Kaczynski  
Councilor Brendan Luddy  
Councilor Charles Paonessa  
Councilor Peter Rosso  
Councilor Mike Urrunaga  
Councilor Donna Veach

Absent:

Councilor JoAnn Angelico-Stetson

Also in attendance:

Town Manager Arosha Jayawickrema  
Corporation Counsel Jeffrey Donofrio

**D. NEW BUSINESS:**

1. **Topic re: Award the contract for the Kensington Streetscape Improvements Phase 2 to Clover Construction as the lowest responsible and qualified bidder for a bid amount of \$527,385 and to authorize the Town Manager to enter into a contract with Clover Construction in the amount of \$527,385 and to enter into change orders up to 10% of the bid amount not to exceed a total contract amount with change orders of \$580,123.50 to be funded \$424,805 from the STEAP Main St. Streetscape Impr. Phase II account and \$155,318.50 from the Grant Road Improvement GRI account and authorize the Town Manager to enter into a contract amendment with Cardinal Engineering Associates to add \$7,500 to the construction administration line item to increase the total construction administration services fee to \$30,000 with the added \$7,500 to be paid from the GRI account. – Economic Development**

Town Manager Arosha Jayawickrema introduced item #1 by stating that Corporation Counsel Jeff Donofrio and Public Works Director Mike Ahern will be providing information on this item.

Corporation Counsel explained that the Kensington Streetscape Improvements Phase 2 went out to bid and five bids were received. The apparent low bidder was B&W Paving and part of the bid package requested references. According to DECD (the Connecticut Department of Economic and Community Development) guidelines and under State law the contract is to be awarded to the lowest responsible and qualified bidder. Seven references of other towns that had direct experience with the vendor were checked. Five out of the seven references were negative and reported dissatisfaction with performance, specifically failure to perform in a timely matter. The Town of Berlin also had a negative experience with the vendor on the Pistol Creek Cart Paths repaving project because B&W Paving failed to perform the work in a timely manner.

Upon discussion with the Director of Public Works, the Economic Development Coordinator and the Town Manager, Corporation Counsel gave the opinion that B&W Paving was not the lowest bidder based on direct experience, references, and considering that time is of the essence for this project due to the STEAP grant expiring at the end of the year.

The second lowest bidder had problems with the bid which deemed them non-responsive. The third lowest bidder, Clover Construction checked out in terms of their references and the responsiveness of the bid.

Corporation Counsel received approval from the DECD to reject the apparent low bid, so the recommendation is to award the bid to the lowest responsible bidder which is Clover Construction.

Director of Public Works Mike Ahern stated there are four work areas. The first is revising the first phase of the previous STEAP grant project which involves the islands and crosswalks installed on Main Street. This contract will remove the islands and trees based on complaints from numerous sources including area businesses and the Fire Department. Textured concrete surfaces will replace the islands and will be installed flush to existing grade. The existing three crosswalks, which currently include granite curbs and brick pavers, will be removed and replaced with an asphalt-based material with an inlaid pavement marking. Two pedestrian beacons will be placed in the middle of Main Street. Sidewalks will be repaired, and Main Street will be milled and repaved from Farmington Avenue to the Webster Bank area.

The second work area will be across from Webster Bank on Kensington Road where a new sidewalk, curbing and paving will be installed between the curb and sidewalk.

The third work area will be on New Britain Road, from Bank of America to Farmington Avenue, where a new sidewalk, curbing, pavers and streetlights will be installed.

The fourth work area is the area behind of Dairy Queen, essentially across from Harding Street, where curbing and pavers will be installed.

The Fire and Police Departments have stated they approve of these changes. Business owners in the area have been made aware of the work that is going to be done and are supportive of it.

Councilor Luddy moved to award the contract for the Kensington Streetscape Improvements Phase 2 to Clover Construction as the lowest responsible and qualified bidder for a bid amount of \$527,385 and to authorize the Town Manager to enter into a contract with Clover Construction in the amount of \$527,385 and to enter into change orders up to 10% of the bid amount not to exceed a total



contract amount with change orders of \$580,123.50 to be funded \$424,805 from the STEAP Main St. Streetscape Impr. Phase II account and \$155,318.50 from the Grant Road Improvement GRI account.

Seconded by Councilor Paonessa.

Those voting in favor: Councilor Luddy, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski

Vote being 6-0. (MOTION CARRIED)

Councilor Luddy moved to authorize the Town Manager to enter into a contract amendment with Cardinal Engineering Associates to add \$7,500 to the construction administration line item to increase the total construction administration services fee to \$30,000 with the added \$7,500 to be paid from the GRI account.

Seconded by Councilor Paonessa.

Those voting in favor: Councilor Luddy, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski

Vote being 6-0. (MOTION CARRIED)

2. **Topic re: Authorize the Town Manager to apply for and accept, on behalf of the Town, a grant of \$2,000 from the Neglected Cemetery Account, and to authorize the Town Manager to enter into and execute any and all agreements, contracts and documents necessary to obtain said grant. If awarded grant funds are to be deposited into the Cemetery account. – Economic Development**

Economic Development Coordinator Jim Mahoney stated that the Connecticut Office of Policy and Management offers a small grant program to assist with neglected cemeteries. The Cemetery Committee has requested the Town apply for this grant with funds being used to repair pillars at the entrance of Ledge Cemetery.

Councilor Luddy moved to authorize the Town Manager to apply for and accept, on behalf of the Town, a grant of \$2,000 from the Neglected Cemetery Account, and to authorize the Town Manager to enter into and execute any and all agreements, contracts and documents necessary to obtain said grant. If awarded grant funds are to be deposited into the Cemetery account.

Seconded by Councilor Paonessa.

Those voting in favor: Councilor Luddy, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski

Vote being 6-0. (MOTION CARRIED)

## **E. ADJOURNMENT**

Councilor Luddy moved to adjourn at 6:32 p.m.

Seconded by Councilor Rosso.

Those voting in favor: Councilor Luddy, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski

Vote being 6-0. (MOTION CARRIED)

Submitted by,

Kathryn J. Wall  
Clerk of the Meeting