

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

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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: September 20, 2021**

**SUBJECT: 8-24 Review – Engineered Control at 889 Farmington Avenue**

**Summary of Agenda Item:**

The Town owns 889 Farmington Avenue, a property that was acquired through foreclosure in 2008. After the acquisition of the property, the Town conducted environmental investigations and a remedial action plan was prepared to address soil and groundwater contamination at the site. With the assistance of the Town's Licensed Environmental Professional (LEP), Loureiro Engineering, the Town applied to the Connecticut Department of Energy and Environmental Protection and was approved for an Engineered Control Variance (ECV) for the placement of an Engineered Control (consisting of a low permeability liner system and clean backfill) to serve as the final remedy for soil. The engineered control will prevent infiltration of water and physically isolate the contaminated soils to prevent direct contact. The Town has an agreement to sell 889 Farmington Avenue to Newport Realty Group LLC and that agreement provides that Newport will construct its necessary site improvements below the engineered control before it is installed. It is planned that the Town will coordinate its work to install the engineered control with Newport's work to install its improvements below the engineered control. Newport has developed plans for its site improvements that will occur below the engineered control, therefore, Loureiro Engineering can now finalize the specifications for the engineered control installation and coordination with Newport's improvements so that bids for the project can be solicited. Prior to undertaking this project, a section 8-24 referral to the Planning and Zoning Commission is needed.

**Action Needed:**

Move to refer the matter of constructing an engineered control on 889 Farmington Avenue as shown on engineering drawings entitled "Addendum to Approved Part 1 and 2 Applications for Engineered Control Variance , Dated January 24, 2020, prepared by Loureiro Engineering", to the Planning and Zoning Commission for an 8-24 Review as per the Connecticut General Statutes.

**Attachments:**

Engineering Drawings entitled "Addendum to Approved Part 1 and 2 Applications for Engineered Control Variance Dated January 24, 2020, prepared by Loureiro Engineering.

**Prepared By:**

Jim Mahoney, Economic Development Coordinator  
Chris Edge, Economic Development Director *CE*  
Mike Ahern, P.E., Director of Public Works/Town Engineer





Agenda Item No. 7  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** September 23, 2021  
**SUBJECT:** 8-24 Review - Berlin Sidewalk Improvements

**Summary of Agenda Item:**

The Town of Berlin was awarded a State of Connecticut Small Town Economic Assistance Program grant and a Community Connectivity Grant to fund construction of sidewalks to fill in missing sections of the sidewalk network and allow residents to walk to more areas in a safe manner. The concept is to connect more parts of Town by way of continuous sidewalk routes. After Town Council approval, the engineering firm of WMC Consulting Engineers was hired to provide the survey and design. WMC prepared designs for the project and updated designs previously prepared by Milone and MacBroom. The project involves sidewalk improvements on Farmington Avenue, Four Rod Road, Norton Road, Newton Street, Langdon Court as shown on the concept plan attached hereto. A public meeting was held to share the plans with the community and to gather comments. In general, public comments were positive and staff is following up on a couple property owners regarding specific questions or concerns. An Inland Wetlands Commission permit and a State Flood Management General Certification have been granted for the project.


**Action Needed:**

Move to refer the matter of constructing sidewalks within the Town's Right-of-Way as shown on Sidewalk Projects Town of Berlin map, to the Planning and Zoning Commission for a section 8-24 review as per the Connecticut General Statutes.

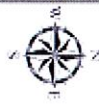
**Attachments:**

Sidewalk Projects Town of Berlin map.

**Prepared By:**

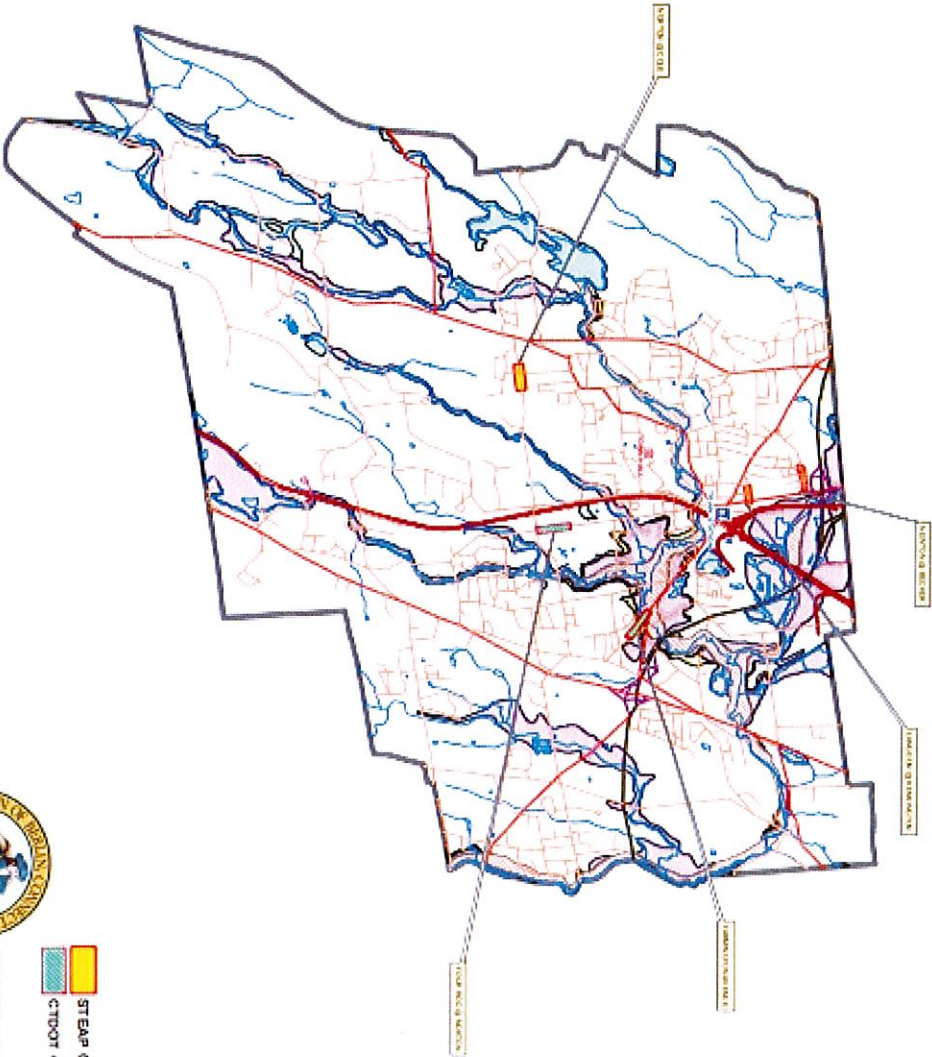
Jim Mahoney, Economic Development Coordinator  
Mike Ahern, P.E., Director of Public Works/Town Engineer  
Chris Edge, Economic Development Director 





**LEGEND**

- Interstate
- Major Highway
- Local Road
- Thoroughfare
- Highway
- 100 Year Flood
- 500 Year Flood
- 100 Year Flood
- 500 Year Flood



**SIDEWALK PROJECTS  
TOWN OF BERLIN**

- STEAP GRANT 2020
- CTDOT CONNECTIVITY GRANT

Agenda Item No. 8  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** September 20, 2021

**SUBJECT:** Authorization for the Town Manager to Submit Brownfields Grant Applications to the Connecticut Department of Economic and Community Development, the Capitol Region Council of Governments, and the Naugatuck Valley Council of Governments

**Summary of Agenda Item:**

The Connecticut Department of Economic and Community Development has issued an invitation for applications for Brownfields grants. Brownfields assessment grants are also available from the Capitol Region Council of Governments and the Naugatuck Valley Council of Governments. Staff requests that the Town Council authorize an application for a brownfield assessment grant for the property at 0 Christian Lane from any of the potential funding sources. This property is tax delinquent, and a brownfield assessment grant application was previously submitted but not funded for this property.

There is also a tax delinquent property at 1 Main Street. This property was formerly in industrial use, but the industrial building has been demolished and the property is vacant. 1 Main Street was approved for condominium units as part of the Sherwood Tool redevelopment project. Better information on the environmental condition of the property may assist in its redevelopment. This project may also benefit from a cooperative effort with the Connecticut Brownfield Land Bank.

A third project that may benefit from brownfields grant funding is the CONRAIL spur between the Berlin Train Station and Old Brickyard Lane. The Town previously secured a grant to help acquire the spur but negotiations with CONRAIL were not successful. Staff suggests re-applying for funding to acquire and remediate the rail spur in cooperation with the Connecticut Brownfield Land Bank.

**Action Needed:**

Move to authorize the Town Manager to apply for brownfields program grants directly or jointly with the Connecticut Brownfields Land Bank from the Connecticut Department of Economic and Community Development, the Capitol Region Council of Governments and/or or the Naugatuck Valley Council of Governments for properties at 0 Christian Lane, 1 Main Street and for the CONRAIL spur between the Berlin Train Station and Old Brickyard Lane.

**Attachments:**

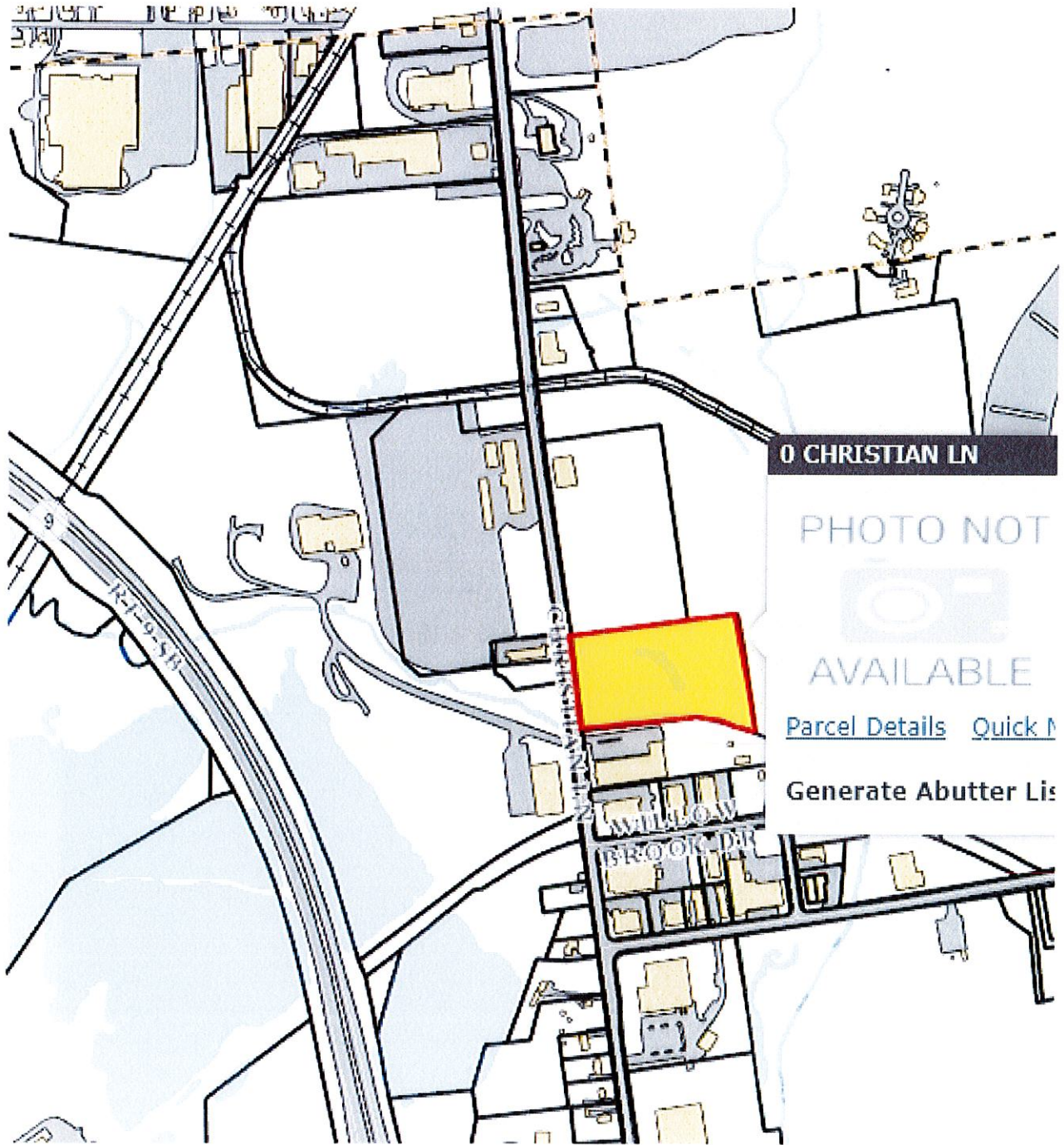
1. Maps of property locations
2. Tax delinquency reports for 0 Christian Lane and 1 Main Street.

**Prepared By:**

Jim Mahoney, Economic Development Coordinator

Chris Edge, Economic Development Director 





0 CHRISTIAN LN

PHOTO NOT

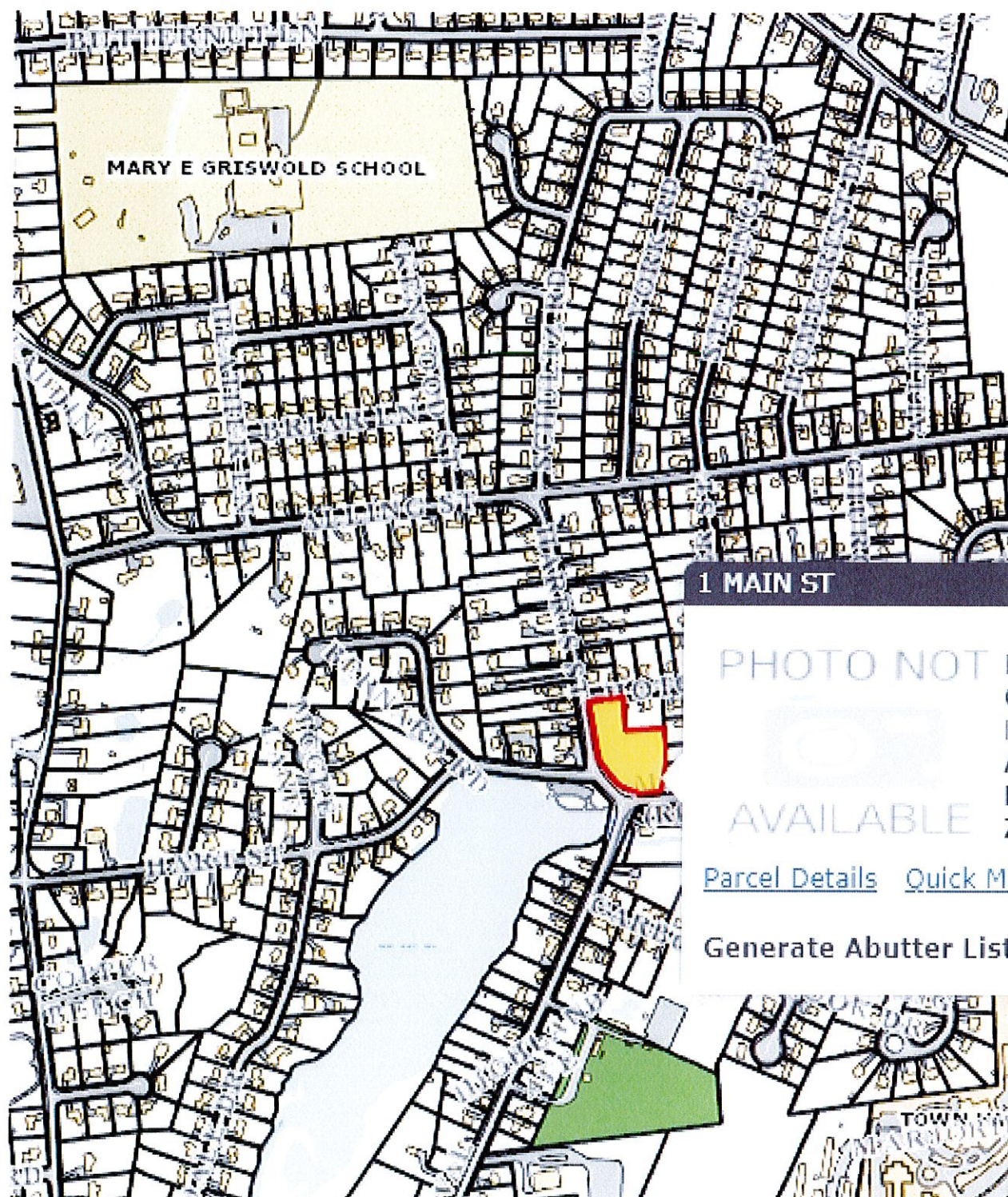


AVAILABLE

[Parcel Details](#) [Quick Map](#)

[Generate Abutter List](#)





MARY E GRISWOLD SCHOOL

1 MAIN ST

PHOTO NOT

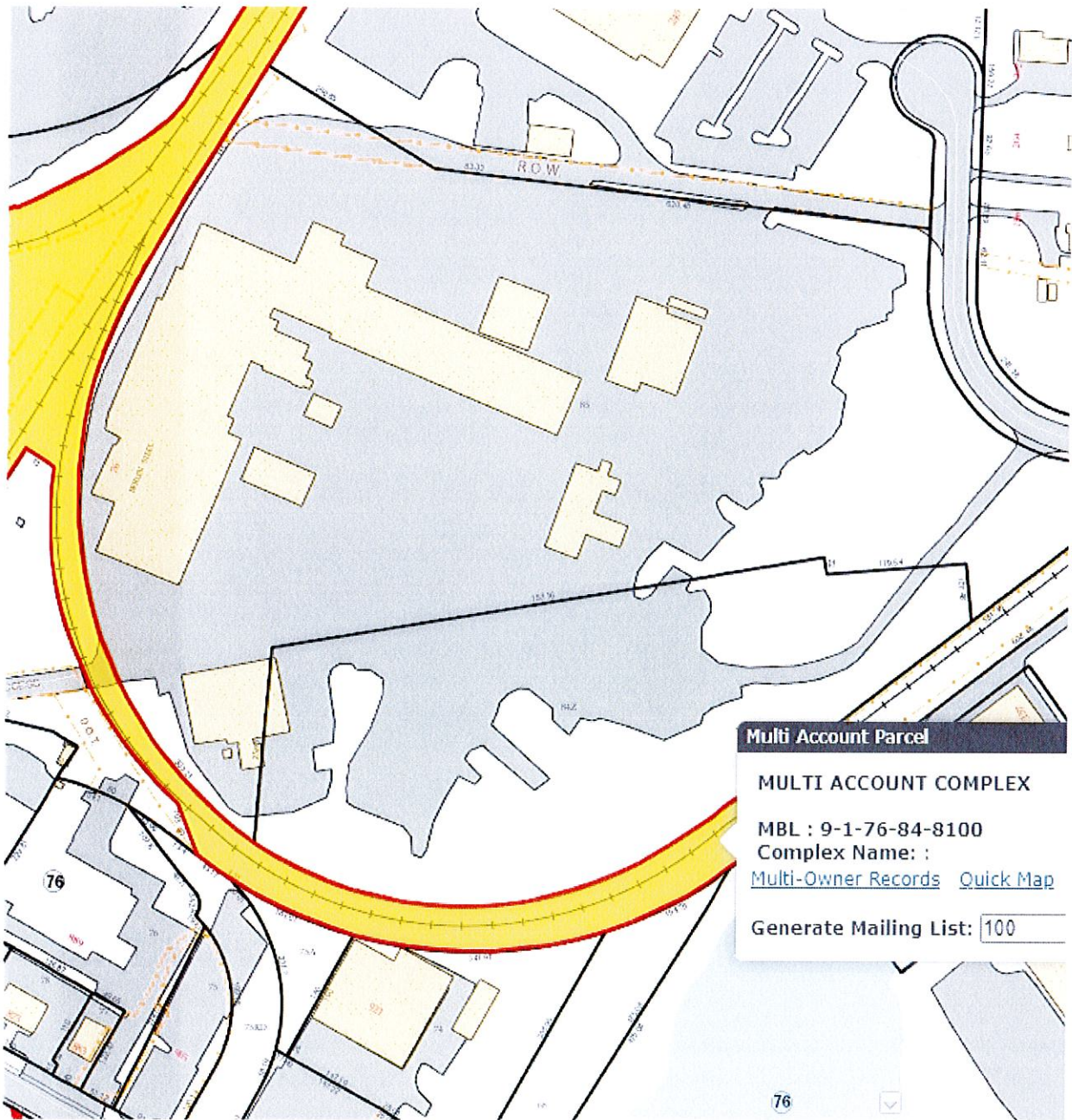
AVAILABLE

[Parcel Details](#) [Quick Map](#)

[Generate Abutter List](#)

TOWN







# **Inquiry Report**

TOWN OF BERLIN

Interest Date : 09/23/2021

At: If

Name

Prop Loc/Veh. Info./P'an-Spu

TOT Test

Tax Due

Balance

Un-gug Id

Address

Mtl/TIME #

TOT Adj

Tot Due

Due Now

Dist

City/Estate/Zip

Flags

TOT Paid

I/F/Birt Due

Discount

2018-01-0103570-00	CIT DEVELOPMENT OF KENSINGTON INC	1 MAIN ST	11,760.14	11,760.14	16,017.79	
1058263	157 CHARTER OAK AVE	B-4 40 1	0.00	4,233.65	16,017.79	
1	HARTFORD CT 06106	Lien	0.00	24.00	0.00	
2019-01-0103546-00	CIT DEVELOPMENT OF KENSINGTON INC	1 MAIN ST	11,760.14	11,760.14	13,900.97	
1058263	157 CHARTER OAK AVE	B-4 40 1	0.00	2,116.93	13,900.97	
1	HARTFORD CT 06106	Back Taxes/Lien	0.00	24.00	0.00	
2020-01-0101610-00	CIT DEVELOPMENT OF KENSINGTON INC	1 MAIN ST	11,760.14	5,880.07	12,024.79	
1058263	157 CHARTER OAK AVE	B-4 40 1	0.00	264.63	6,145.63	
1	HARTFORD CT 06106	Back Taxes	0.00	0.00	0.00	

\* Of Acct (s) : 3

35,280.42 29,400.35 41,943.50  
0.00 6,625.08 36,063.43  
0.00 49.00 0.00



Agenda Item No. 9  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** September 20, 2021

**SUBJECT:** Authorization for the Town Manager to Submit a Recreational Trails Grant Application to the Connecticut Department of Energy and Environmental Protection for Pistol Creek Trails Repaving

**Summary of Agenda Item:**

The Connecticut Department of Energy and Environmental Protection has issued an invitation for applications for Recreational Trails Program grants. The Town previously received a Recreational Trails Program grant to repave some sections of the former cart paths at the Pistol Creek property. These cart paths are the Town's only paved trails and are popular with walkers, birders and others. The original grant included the construction of handicap accessible parking on the north side of Spruce Brook Road and the modification to a portion of the trail to make it wheelchair accessible.

Most of the Town's open space and trails are located in the western area of Berlin, so Pistol Creek is an important open space resource because it is located in the southeast section thus providing a convenient trails option for residents living in East Berlin and the eastern area of Berlin. Staff requests that the Town Council authorize the Town Manager to apply for recreational trails grant of \$100,000 to improve additional areas of the Pistol Creek trail system. This grant program requires a 20% match. If the grant is approved, staff will recommend using fee in lieu of open space account funds as the local match.


**Action Needed:**

Move to authorize the Town Manager to apply for recreational trails grant of \$100,000 to improve additional areas of the Pistol Creek trail system.

**Attachments:**

Map of Pistol Creek Trails areas proposed to be repaved.

**Prepared By:**

Jim Mahoney, Economic Development Coordinator  
Chris Edge, Economic Development Director   
Mike Ahern, P.E., Director of Public Works/Town Engineer



# Pistol Creek Area Map (Proposed)



**Trail Ratings**

- Easy
- Moderate
- Difficult

**Pistol Creek Trails**

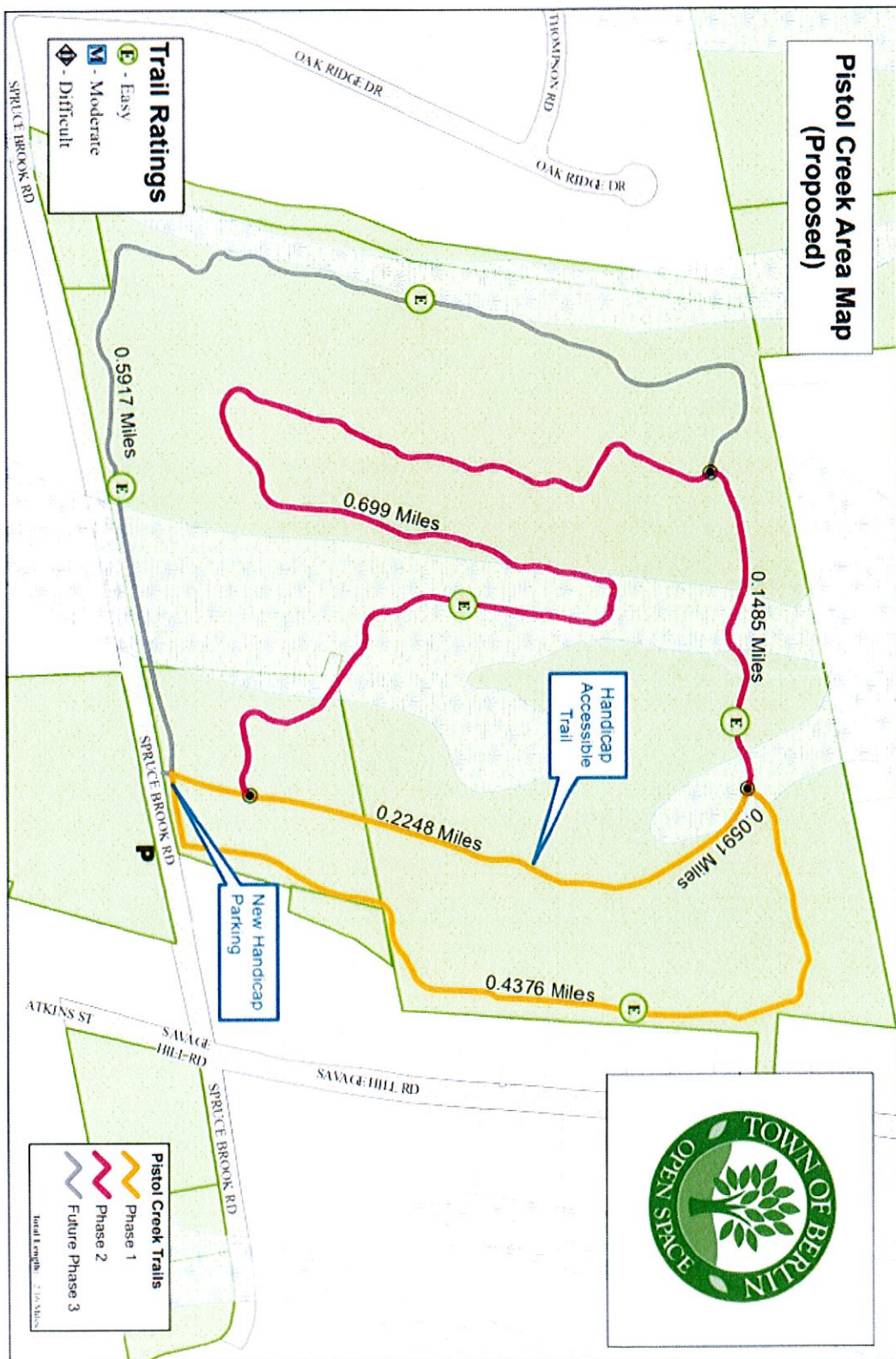
- Phase 1
- Phase 2
- Future Phase 3

Total Length: 2.76 Miles



- Roads
- Open Space
- Water
- Parcels
- Parking
- Wetlands

This Map is for illustrative purposes only.



TOWN OF BERLIN  
JOINT TOWN COUNCIL/BOARD OF FINANCE MEETING

Thursday, September 16, 2021

Large Board of Education Meeting Room

Virtual Meeting

6:00 PM

<https://berlinct-gov.zoom.us/j/88417735902?pwd=cE5tR0NQWWFkd1FkUlBvdEhpeWJ6QT09>

**Call-In #: 929 205 6099**

**Meeting ID: 884 1773 5902**

**Passcode: 619427**

A. CALL TO ORDER - Mayor Mark Kaczynski

Mayor Kaczynski called the meeting to order at 6:00 PM

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

ATTENDANCE:

Sal Bordonaro, Board of Finance Member

Raul Fernandes, Board of Finance Member

Tim Grady, Board of Finance Member

Mark Kaczynski, Mayor

Sam Lomaglio, Board of Finance Member

Brenden Luddy, Deputy Mayor

Charles Paonessa, Town Councilor

Gerald Paradis, Board of Finance Member

Peter Rosso, Town Councilor

Mike Urrunaga, Town Councilor

OTHERS PRESENT:

Kevin Delaney, Finance Director

Jeff Donofrio, Attorney Corporate Council

Arosha Jayawickrema, Town Manager

Kate Wall, Town Clerk



#### D. AUDIENCE OF CITIZENS

None.

#### E. DISCUSS AMERICAN RESCUE PLAN AND POTENTIAL USES OF GRANT FUNDS - Finance Director, Kevin Delaney

- Finance Director Delaney summarized the over 100 page American Rescue Plan as follows:

##### **Overview of the law:**

- Half of the dollars coming to Berlin have already arrived, the rest arrive next June. It is not something that we had to apply for, we receive the grant money and then report on how we spent the money. The purpose of the meeting is to make sure everyone is on the same page regarding what we are receiving and what we can or can't use the money for.
- Section 603 of the law establishes funds for metropolitan cities, non-entitlement units of local government, and counties. Berlin is a non-entitlement unit (NEU) based on our population. Hartford and some of the larger communities must file a full report on what they plan to do with that money, but we don't fall under that. We will submit by October 31, 2021 what we have done and then submit again each year by October 31.

The funds may be used (per Section 603(c)(1)):

- 1) To respond to the public health emergency or its negative economic impacts;
- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- 3) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent fiscal year prior to the emergency;
- 4) To make necessary investments in water, sewer, or broadband infrastructure.

Funds **may not be used for:**

- 1) Depositing into any pension fund;
- 2) Directly or indirectly offsetting a reduction in the net tax revenue of the State or territory resulting from a change in law, regulation, or administrative interpretation.

**Dollars Allocated to Berlin:**

- Berlin will receive funds from two pools of money – Non- entitlement units & counties
- Non-entitlement unit amount: \$3,969,453.42
- County amount: \$2,078,592.74
- TOTAL: \$6,048,046.16
- Paid in two equal installments – June 2021 & 2022
- Town received \$3,024,023.08 on June 22, 2021... expect to receive the second installment approximately 12 months later.
- Any appropriation of grant funds requires approval of both the Town Council and the Board of Finance...\$700,000 of the total grant was appropriated in the adopted FY22 General Fund budget.

**Timeline:**

- Costs incurred by December 31, 2024.
- “Treasury is interpreting the requirement in section 603 that costs be incurred by December 31, 2024, to require only that recipients have obligated the Fiscal Recovery Funds by such date.” (Interim Final Rule, p. 98)
- Period of performance will run until December 31, 2026, which provides a reasonable amount of time to complete projects funded with payments from the Fiscal Recovery Funds. (Interim Final Rule, p. 99)
- We have to spend it by December 31, 2026 and get to keep any interest earned which is unusual for a federal grant. It only requires that we’ve obligated the money by December 31, 2024. We decide where it’s going and appropriate the money.

### **Recoupment Process:**

- Failure to comply with the restrictions on use contained in sections 602(c) and 603(c) of the Act may result in recoupment of funds.
- Process for recoupment:
  - Identification and Notice of Violations: Treasury will provide written notice to recipients if it identifies a violation.
  - Request for reconsideration: a recipient may submit a request for reconsideration of any amounts identified in the notice.
    - Written request must be submitted to the Treasury Secretary within 60 calendar days of receipt of such notice.
    - Within 60 days of receipt of the recipient's request for reconsideration, the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment.
  - Repayment: any amounts subject to recoupment must be repaid within 120 calendar days of receipt of any final notice of recoupment or, if recipient has not requested reconsideration, within 120 calendar days of the initial notice provided by the Secretary. (Interim Final Rule, p.100-101)

### **Considerations for use of Berlin's ARPA Funds:**

- 1) Help fund HVAC upgrades at all three elementary schools:
  - a) Aligns with first identified use of the funds, "ventilation improvements in congregate settings, health care settings, or other key locations."
  - b) Estimated project cost is \$6-10+ million, so funds would pay for a substantial portion...avoid bonding \$5 million means over \$500k annual savings in the mill rate
- 2) Investments in water and/or sewer system
  - a) East Berlin water infrastructure
  - b) Berlin Turnpike pipe enlargement...economic development impact
- 3) Direct assistance to individuals and/or businesses impacted by the pandemic



Town Council and Board of Finance might consider soliciting input from the public for other investment ideas that would improve Berlin's infrastructure or assist individuals and/or businesses impacted by COVID

There is an active HVAC upgrade project for the 3 elementary schools, currently with the Public Building Commission and they are updating the Willard Study that was done. The estimate without going out to bid is \$3-5 million per school, if we use that number your looking at \$5 million plus to be used against that. I believe this does align with responding to the pandemic. There is a high degree of confidence that ventilation would qualify and it also goes with air quality, air system related to Covid and mitigating if there is a future Covid or anything like that.

There are two water or sewer system options. East Berlin Water infrastructure should be replaced over time, Second, on the Berlin Turnpike where the audio intended development is, the pipe in front of that is narrower than before and after and that pipe has to be replaced or bent around from where it is. Those are directly related to water and sewer.

Also, there is an option to provide direct assistance to individuals in businesses impacted. If you decide to go down that path, we would need to establish criteria, and a method of auditing.

#### **Deeper Dive into Allowable Uses of ARPA Funds:**

- Section 603 describes several types of uses under this heading:
  - Assistance to households, small businesses and nonprofits
  - Aid to impacted industries such as tourism, travel and hospitality
- Key question to ask in assessing whether a program or service is included in the category: **whether and how the use would respond to the COVID-19 public health emergency?**

#### **To respond to the public health emergency or its negative economic impacts:**

- Measuring uses under this category:

- Must be designed to address an economic harm resulting from or exacerbated by the public health emergency
  - Assistance of aid to individuals or businesses that did not experience a negative impact from the public health emergency **would not be an eligible use** under this category
  - Eligible use must “respond to” the identified negative economic impact. Responses must be **related** and **reasonably proportional** to the extent and type of harm experienced; **uses that bear not relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.**
- Assessments requires the Town of Berlin to:
- 1) Identify a need or negative impact of the COVID-19 public health emergency
  - 2) Identify how the program, service, or other intervention addresses the identified need or impact

**“While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.”**  
(Interim Final Rule, p. 10)

### **1) To respond to the public health emergency or its negative economic impacts**

- Examples of uses under this category:
- Capital investments in public facilities to meet pandemic operational needs, such a physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics
  - Support for prevention, mitigation, or other services in congregate living facilities or **other key settings like schools, ventilation improvements in congregate settings, health care settings, or other key locations**
  - Medical expenses
  - Behavioral Health Care expenses
  - Public Health and Safety Staff (payroll and covered benefits for the time dedicated to responding to the COVID-19 public health emergency.)



- Expenses to improve the Design and Execution of Health and Public Health Programs
- To address disparities in public health outcomes
- Address exacerbation of pre-existing disparities
- Assistance to unemployed workers (including job training)

### **1) To respond to the public health emergency or its negative economic impacts**

- Assistance to households, including:
  - Food assistance,
  - Rent
  - Mortgage or utility assistance
  - Counseling and legal aid
  - Emergency assistance for burials
  - Home repairs, internet access
  - **Town of Berlin must consider whether, and the extent to which, the household has experienced a negative economic impact from the pandemic**
  - **Cash transfers must be reasonably proportional to the negative impact they are intended to address**
- Small businesses & non-profits:
  - Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure
  - Loans, grants or in-kind assistance to implement COVID-19 prevention or mitigation tactics
  - Technical assistance, counseling, or other services to assist with business planning needs

### **1) To respond to the public health emergency or its negative economic impacts**

- Building Stronger Communities through Investments in Housing & Neighborhoods
  - Services to address homelessness
  - Affordable housing development to increase to supply
  - Housing vouchers, residential counseling, or housing navigation assistance

- Addressing educational disparities
  - New, expanded, or enhanced early learning services
  - Aiding high poverty school districts
  - Evidence-based educational services and practices to address academic needs
  - Evidence-based practices to address social, emotional and mental health needs of students
- Promoting Healthy Childhood Environments

**2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers**

- Examples of eligible workers include:
  - Staff at nursing homes, hospitals, and home care settings
  - Workers at farms, food production facilities, grocery stores, and restaurants
  - Janitors and sanitation workers
  - Truck drivers, transit staff, and warehouse workers
  - Public health and safety staff, Childcare workers, educators, and other school staff
  - Social service and human services staff
- **The Interim Final Rule defines essential work as work involving regular in-person interactions, or regular physical handling of items that were also handled by others**

The Chief Executive of the Town of Berlin has discretion to add additional sectors to this list, so long as additional sectors to this list, so long as additional sectors are deemed critical to protect the health and well-being of residents.

**2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers**



- ARPA defines premium pay to mean an amount up to \$13 per hour in addition to wages or remuneration the worker otherwise receives and in an aggregate amount not to exceed \$25,000 per eligible worker.
- Should prioritize compensation of those lower income eligible workers that perform essential work.
- If premium pay would increase a worker's total pay above 150% of their residing state's average annual wage for all occupations, as defined by BLS Occupational Employment and Wage Statistics the **Town of Berlin must provide Treasury and make publicly available, whether for themselves or on behalf of a grantee, a written justification of how the premium pay or grant is responsive to worker performing essential work during the public health emergency.** (As of 5/2020, 150% for CT was \$98,175)

### **3) For the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency.**

- A recipient's reductions in revenue is measured relative to the revenue collected in the most recent **full fiscal year** prior to the emergency.
- Recipients should calculate the extent of the reduction in revenue as of 12/31/2020, 12/31/2021, 12/31/2022 and 12/31/2023
- Based on the established methodology, Berlin experienced a loss of \$892,449 at 12/31/2020. \$700,000 of this amount was assumed in the FY22 budget, so an additional \$192,449 is available for the provision of government services.
- Note: if the actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date. (Interim Final Rule, p. 59)

### **3) For the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency.**

Government services can include, but not limited to:

- Maintenance or pay-go funded building of infrastructure, including roads
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure



- Health services
- Environmental remediation
- School or educational services
- The provision of police, fire, and other public service

Government services would **not include**:

- Interest or principal on any outstanding debt
- Fees or issuance costs associated with the issuance of new debt
- Replenishing financial reserves (e.g., rainy day or other reserve funds)

#### **4) Water & Sewer Infrastructure & Broadband**

“By permitting funds to be used for water and sewer infrastructure, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health.”  
(Interim Final Rule, .p 63)

- May be used for projects that improve drinking water infrastructure**  
(building or upgrading facilities and transmission, distribution and storage systems, including replacement of lead service lines)
- May be used to support the consolidation or establishment of drinking water systems
- May be used to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface, drainage water,**  
facilitate water reuse and secure publicly owned treatment works, among other uses. (Interim Final Rule, p. 67)
- May be used for cybersecurity needs to protect water and sewer infrastructure**

“Eligible uses are those that are designed to provide services meeting adequate speeds and are provided to unserved and underserved households and businesses.”  
(Interim Final Rule, p. 71)

- Eligible projects are expected to be designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps.
- Unserved and underserved means they lack access to wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps

download and 3 Mbps upload. This threshold is consistent with the FCCs benchmark for an “advanced telecommunications capability.”

F. ADJOURNMENT

The meeting adjourned at 6:41 p.m.

Submitted by,

Alina Brown

Received on 9/23/2021  
at 1:17:55 PM by Town Clerk  
Kathryn J Wall

Join Zoom Meeting

<https://berlinc-t-gov.zoom.us/j/89811715033?pwd=c3ExN25pbGZUQTJ2bEI0d1dGRzRjUT09>

Meeting ID: 898 1171 5033

Passcode: 872603

Phone: +1 929 205 6099 US (New York)

**TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, September 21, 2021  
Remote Meeting and  
Town Council Chambers  
7:00 P.M.**

**A. CALL TO ORDER**

Mayor Kaczynski called the meeting to order at 7:00 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  
Councilor Mike Urrunaga  
Councilor Donna Veach

Also in attendance:

Town Manager Arosha Jayawickrema  
Corporation Counsel Jeffrey Donofrio

**D. AUDIENCE OF CITIZENS**

None

**E. MAYOR'S UPDATE**

- Mayor Kaczynski informed the Council that former Mayor Bob Peters' wife passed away and offered condolences to Mr. Peters and his family.



- The Mayor also stated that following the recent incident where a woman was carjacked in Marlborough, assaulted, and left in Berlin where her car was burned has led the mayors of Cromwell, Rocky Hill, Wethersfield, Newington, and Berlin to join together with signed petitions to be sent to Governor Lamont to request assistance and reform regarding the increase in crime in the area.
- He added that Lorraine Stub from the Berlin Historical Society spoke to him about the Meeting House renovation project and requested his assistance in reminding residents about the ongoing project. The Historical Society is still in need of donations to preserve this historic town building.
- A joint meeting of Town Council and the Board of Finance was held last week to discuss the American Rescue Plan funding. The Town has received \$3 million to date, with another \$3 million expected by the end of the year. Finance Director Kevin Delaney gave a great presentation on how the Town can spend the funds.

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

**G. CONSENT AGENDA:**

1. **Topic re: Accept monetary donations totaling \$1,680.89 for the Berlin Peck Memorial Library and deposit \$510.00 into the library agency account and deposit \$1,134.37 into the friends of the library miscellaneous account for the purchase of two programs, program supplies and a museum pass renewal and deposit \$36.52 into the friends of the library credit card account for the purchase of children's/teen program supplies and move to accept the donation of books with an estimated value of \$62.00 to be added to the appropriate collection. – Berlin-Peck Memorial Library**
2. **Topic re: Approve the request by Mary Corrigan on behalf of Saint Paul Church to waive the Planning and Zoning Application Special Event fee of \$150.00 for the "Prayer Garden Green Annual Picnic" event. – Planning and Zoning**
3. **Topic re: Approve the fee waiver in the amount of \$385.00 allowing one Police Officer to patrol the Berlin Fire Departments Jeep show. – Fire Administrator**
4. **Topic re: Accept the donation of flower boxes built by Eagle Scout Tyler Barber to support projects by our Elementary School Blast Program students located at Willard. – Board of Education**

Councilor Luddy moved to approve the Consent Agenda as presented.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**H. NEW BUSINESS:**

- 1. Topic re: Approve accepting a 5" X 7" plaque celebrating Rotary's 100 years of service to the community valued at \$220 and a 10' Pink Dogwood valued at \$400 to be planted in-front of Willard School by the Parks and Grounds Department. – Public Grounds**

Superintendent of Parks and Grounds Steve Wood stated that years ago Berlin had a Rotary Club that has since merged with New Britain. This year the Rotary Club is celebrating 100 years of service by donating trees to Club towns. Since they provide a large number of scholarships to students this request is to place the donated plaque and tree at Willard School, and the principal of Willard is very excited to accept this donation.

Councilor Luddy moved to approve accepting a 5" X 7" plaque celebrating Rotary's 100 years of service to the community valued at \$220 and a 10' Pink Dogwood valued at \$400 to be planted in-front of Willard School by the Parks and Grounds Department.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

- 2. Topic re: Approve the issuing of a Purchase Order in the amount not to exceed \$18,000.00 utilizing the Department of Administrative Service Contract #19PSX0182AA in FY 2021-2022 for United Site Services Northeast Inc. for the weekly cleaning and maintenance of 13 portable restrooms. – Public Grounds**

Superintendent of Parks and Grounds Wood stated that this company has supplied wonderful service for the past several years with the weekly cleaning and maintenance of thirteen portable restrooms.

Councilor Luddy moved to approve the issuing of a Purchase Order in the amount not to exceed \$18,000.00 utilizing the Department of Administrative Service Contract #19PSX0182AA in FY 2021-2022 for United Site Services Northeast Inc. for the weekly cleaning and maintenance of 13 portable restrooms.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

- 3. Topic re: Approve the donation from the Kensington Fire Department of a Drone Valued at \$4,623. – Fire Administrator**

Kensington Fire Department Chief Jeff Pajor stated that his department has made several attempts over the past year to obtain donations to purchase a public safety drone specifically designed for public safety needs. A DJI Mavic 2 Enterprise was purchased and will be assigned to Kensington Fire-Rescue but will be available to all public safety departments.

Councilor Luddy moved to approve the donation from the Kensington Fire Department of a Drone Valued at \$4,623.

Seconded by Councilor Paonessa.



Vote being 7-0 (MOTION CARRIED)

Mayor Kaczynski asked Mr. Pajor to provide background on the Kensington Fire Department (KFD) parking lot situation. Mr. Pajor stated that in approximately 2017 he had approached former State Representative Joe Aresimowicz regarding issues with the KFD parking lot. As the lot is very large, and repairs would be too much for KFD to handle on their own, he was hoping Rep. Aresimowicz would be able to assist with obtaining grants or donations for the project. Unfortunately, State funds have not been available. Mr. Pajor has now approached recently elected State Representative Donna Veach for her assistance with the matter and she has brought the situation to the Town Council's attention.

The Town has done some patching of the lot but as the driveway dates from the early 1970s and the fire equipment is extremely heavy, the lot is no longer serviceable. Quotes obtained over the years average about \$120,000 for the repair.

Mayor Kaczynski stated as the Town moves forward with the budget, and as other funding possibly becomes available, this discussion can be revisited. Mr. Pajor added that the KFD did receive \$10,000 from the Marjorie Moore Foundation that has been set aside for this project.

**4. Topic re: Approve the purchase of one generator from H.O. Penn utilizing a Sourcewell Contract # 120617-CAT, for an amount not to exceed \$28,111. – Municipal Garage**

Kensington Fire Department Chief Pajor stated that the purchase of this diesel generator is the final piece in the radio communications project for the fire department.

One of the Town's main communication sites is located at the top of Ellwood Road. This site contains the repeater and transmitters for various town departments, both emergency and routine services. In order to protect the site against loss of power and continue to ensure public safety, a standby generator is required.

Councilor Luddy moved to approve the purchase of one generator from H.O. Penn utilizing a Sourcewell Contract # 120617-CAT, for an amount not to exceed \$28,111.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**5. Topic re: Approve the purchase of tires and related components, using the above State of Connecticut, Department of Administrative Services Contract # 18PSX00022 for Goodyear Tires and Bridgestone tires and off "Brand" tires utilizing Government pricing provided by the manufactures from, CT Tire, Sullivan Tire and DiPietro Tire in an amount not to exceed \$35,000. – Municipal Garage**

Fleet Manager Jim Simons stated that over the course of fiscal year 2021/2022, the Fleet Garage is anticipating spending approximately \$35,000 on tires, wheels and related items. Tire manufacturers set the tire pricing/discounts for government agencies through purchasing agreements that can be statewide or national. The actual distribution of tires is through local vendors. The Town of Berlin has filed the necessary paperwork with 3 local vendors to utilize CT DAS Contract # 18PSX00022 in



the purchase of Good Year and Bridgestone tires and those vendors are Connecticut Tire of Berlin, Sullivan Tire of Meriden, and DiPietro Tire of New Britain. The selection of which vendor is used comes down to who can supply the tires or service the quickest.

Councilor Luddy moved to approve the purchase of tires and related components, using the above State of Connecticut, Department of Administrative Services Contract # 18PSX00022 for Goodyear Tires and Bridgestone tires and off “Brand” tires utilizing Government pricing provided by the manufactures from, CT Tire, Sullivan Tire and DiPietro Tire in an amount not to exceed \$35,000 as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**6. Topic re: Waive the bidding process and award Jacunski Humes Architects, LLC of Berlin, CT the contract to provide architectural design and cost estimating services for the Police Department Locker Room Renovation project in an amount not to exceed \$25,000, as this is in the best interest of the Town. – Public Building Commission**

Public Works Director Mike Ahern stated that he is representing the Public Building Commission (PBC) on this matter.

The Town Council referred the Police Department’s Locker Room Renovation project to the Public Building Commission in May 2021, along with the associated Statement of Need. The intent of this referral was for the PBC to determine the cost and feasibility of expansion and renovation of the Police locker room facilities.

After meeting with Police Department and Police Commission representatives, and reviewing the initial information provided, the PBC directed Staff to obtain a proposal from Jacunski Humes Architects, LLC (JHA) for related architectural and cost estimating services. JHA has provided design services to the Police Department in the past and is very familiar with the existing space in the lower level of the Town Hall.

The proposal from JHA totals \$25,000 and includes updating existing space needs, a site needs assessment, schematic design for the space with focus on locker room expansion/renovations, professional cost estimate, and a final report all of which can be approved in a phased manner by the PBC.

Councilor Luddy moved to waive the bidding process and award Jacunski Humes Architects, LLC of Berlin, CT the contract to provide architectural design and cost estimating services for the Police Department Locker Room Renovation project in an amount not to exceed \$25,000, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**7. Topic re: Waive the bidding process and approve issuing a Purchase Order in an amount not to exceed \$30,000.00 to Crafc0, Inc of Millbury, MA from the Highway Equipment and Paving Box accounts for the purchase of an Asphalt Hot Box Trailer for the Highway Department, as this is in the best interest of the Town. – Public Works**

Public Works Director Ahern stated that the Highway Department would like to purchase an Asphalt Hot Box Trailer for pothole and road repairs.

This purchase will allow the department to use hot mix asphalt from a heated and insulated hopper that will produce longer lasting repairs and reduce asphalt waste, particularly in colder weather and during the winter season. The hot box will also allow the department to maintain heated asphalt for longer working times and for storage overnight should a crew need several days to make roadway repairs. He added that the trailer can hold up to three tons of asphalt.

The Highway Department obtained quotes from three suppliers and Staff field-tested the KM 6000 and the Falcon MI10259. Based on the submitted quotes and feedback from the field testing, staff recommends purchasing the KM 6000TEDD from Crafc0, Inc. for a total price of \$27,979.50.

Councilor Luddy moved to waive the bidding process and approve issuing a Purchase Order in an amount not to exceed \$30,000.00 to Crafc0, Inc of Millbury, MA from the Highway Equipment and Paving Box accounts for the purchase of an Asphalt Hot Box Trailer for the Highway Department, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**8. Topic re: Discussion of mask mandate – Town Manager**

Town Manager Jayawickrema on August 5<sup>th</sup>, Governor Ned Lamont signed executive order 13A that provides municipal leaders the option of requiring masks in indoor public places for their respective towns and cities. If implemented, the requirement would apply to all people and businesses, regardless of vaccination status. Discussion of the suitability of exercising the option of universal masking is appropriate at this time.

He added that currently Town employees are required to wear masks indoors if they are unable to remain six feet apart, unvaccinated employees are required to wear masks regardless of distance. Guests to Town Hall are encouraged to wear masks indoors.

Infection rates average about three new infections per day. Mayor Kaczynski stated that he has noticed that many businesses and restaurants in Berlin suggest mask wearing. He asked the Council for their opinions on the subject.

Councilor Angelico-Stetson stated that she is a proponent of masking indoors. During this time and with the Delta variant she feels there is no harm in it.

Councilor Urrunaga stated that he likes the Town Manager's Town Hall procedures.



Councilor Veach and Councilor Luddy both stated they don't believe that masking should be mandated by the Town for individual businesses.

Councilor Paonessa stated that he believes that it's a free country and whether you want to wear a mask is your business.

Mayor Kaczynski suggested reiterating to the public suggestions such as maintaining six-foot distance depending on type of business or for indoor areas. He added that infection rates don't seem to be out of control at this time and he does not see any urgency for a mask mandate. Whatever people have been doing seems to be working and people appear to be following the instructions individual businesses have been posting.

His suggestion is for the Town to continue monitoring infection rates closely, obtain updated vaccination rates, and keep an eye on things before making any decision on the matter.

NO ACTION NEEDED

#### **I. APPOINTMENTS:**

1. **Board of Ethics – Alternate – Vacancy** - New term would be until January 31, 2023. Can only be filled with an R or U.
2. **Cemetery Committee – Alternate – Vacancy** -Term would be until January 31, 2027. Can be filled with a D, R or U.
3. **Commission for Persons with Disabilities – Vacancy** -Term would be until January 31, 2022. Can be filled with a D, R or U.
4. **Conservation Commission – Vacancy** -Term would be until January 31, 2024. Can be filled with a D, R or U.
5. **Constables – 5 Vacancies** -Terms would be until December 2021. Can be filled with D, R, or U.
6. **Inland Wetlands & Water Courses Commission – Alternate – Vacancy** – New term would be until January 31, 2023. Can be filled with a D, R or U.
7. **Plainville Area Cable Television Advisory Council (PACTAC) – Vacancy** – New term would expire on June 30, 2021. Can be filled with a D, R or U.
8. **Plainville Area Cable Television Advisory Council (PACTAC) – Vacancy** – New term would expire on June 30, 2021. Can be filled with depends on the above appointment. There are only two members from Berlin for this board.
9. **Public Building – Vacancy** -Term would be until January 31, 2023. Can be filled with a D, R or U.



10. **VNA – Vacancy** - Replacement term would be until January 31, 2024. Can be filled with a D, R or U.
11. **Water Control Commission – Alternate – Vacancy** -New term would be until January 31, 2026. Can only be filled with a D or U.
12. **Youth Services Advisory Board – Service Consumer- Vacancy** – New term would be until January 31, 2024.

**J. TOWN MANAGER’S REPORT:**

- Town Farm Lane Town Complex – The complex was flooded in early September and photos of the damage were sent to Town Council members. The Town Complex was built in a flood plain approximately 75 years ago and this recent flooding brought raw sewage along with water into the buildings. Currently a plan is being devised to get into the walls of the effected buildings to access the damage, they will also be looking at a solution for a substitute for sheet rock moving forward as flooding may continue to be an issue in that area.

The Town Manager added that the Town Garage, the salt shed, and the Facilities building did not sustain any flood damage. The damage was limited to Parks and Grounds, Highway, and other buildings in the complex. The Town Manager will come back to the Council with additional information on the repairs at a future meeting.

Fleet Manager Jim Simons added that funding is still available for a remote fuel station that had previously been discussed being placed at the Timberlin Golf Course. He stated that he believes having a second fuel location would be beneficial not only in case of flooding at the Town Farm Complex but also for plow drivers, South Kensington Fire and the Police.

Mr. Simons added that equipment had been moved from the Town Farm complex the by Grounds and Highway departments prior to this flooding. Town employees also made sure that fuel was available for emergency vehicles at the golf course.

- Attorney Jennifer Coppola will be speaking with the Town Council regarding the Affordable Housing Plan in Connecticut. An Affordable Housing Committee will need to be established. Information was distributed to Council members at tonight’s meeting.
- Mayor Kaczynski was approached by the owner of New Britain Transportation regarding the difficulty they have been having finding bus drivers. He asked the Mayor if New Britain Transportation could park a bus in front of Sage Park on the Berlin Turnpike that would advertise the need for drivers.

The Mayor believes this request would be for the interest of the Town as school bus routes have needed to be combined this year due to lack of drivers.

Town Manager Jayawickrema reminded the Council that a bus had previously been parked there to advertise for drivers and there was concern that there could be leakage from the bus

onto the property. He also mentioned allowing New Britain Transportation to advertise there may lead to other businesses wanting the same opportunity as there is no established process.

Corporation Counsel Donofrio stated that he recommends creating a limited license with indemnity insurance requirements that can be terminated after a determined period. There was discussion about including language requiring the bus company to place something under the bus to prevent ground contamination from any possible leakage.

Town Manager Jayawickrema stated he would be in touch with Attorney Donofrio to discuss the details.

**K. SPECIAL COMMITTEE REPORTS:**

None

**L. COUNCILORS' COMMUNICATION:**

Councilor Angelico-Stetson stated that the Berlin Fair was outstanding this year.

Councilor Veach thanked the Lions Club for their hard work in putting the fair together, and for all they do for the community.

**M. ACCEPTANCE OF MINUTES:                      September 7, 2021**

Councilor Luddy moved to accept the Minutes of the September 7, 2021 Town Council Meeting.

Seconded by Councilor Paonessa.

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

Those abstaining: Councilor Angelico-Stetson and Councilor Veach.

Councilor Rosso stepped away from the meeting momentarily and did not vote.

Vote being 4-0-2 (MOTION CARRIED)

**N. EXECUTIVE SESSION:**

**1. Pending Claims – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims -**

**Mediation with Worthington Fire District**

**Mediation with Kensington Fire District**

**Mattabassett Billing**

**Settlement of Key Equipment Finance Tax Appeal**

Councilor Luddy moved to go into Executive Session: Pending Claims – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims -

Mediation with Worthington Fire District  
Mediation with Kensington Fire District  
Mattabassett Billing  
Settlement of Key Equipment Finance Tax Appeal

at 8:07 p.m. Invited in: Town Manager Jayawickrema, Corporation Counsel Donofrio, Water Control Manager Ray Jarema, Public Works Director Mike Ahern, Deputy Director of Public Works Jim Horbal, Bruce Laroche.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

Executive Session ended at 9:28 p.m.

**O. ADJOURNMENT:**

Councilor Luddy moved to adjourn at 9:33 p.m.

Seconded by Councilor Paonessa

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall  
Clerk of the Meeting