

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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: June 14, 2022**

**SUBJECT: Purchase Order Approvals for Sole Source Contractor Automated Building Systems**

**Summary of Agenda Item:**

The Town of Berlin has had energy management systems within the Town and School buildings for over 30 years. The specified and current operating system is Alerton Building Automation, and the sole source provider in New England is Automated Building Systems (ABS), of Glastonbury Connecticut. The Town has greatly benefited from the building management systems in terms of financial and operational efficiencies while maintaining a strong working relationship with this provider to ensure the highest level of service. The annual service agreements and any work outside of the agreements for Department 38 Public Buildings, and Department 61 School Expenses, exceed the current purchasing guidelines. We are requesting to waive the bidding process and authorize purchase order approvals up to \$50,000 cumulatively without exceeding the approved amount within the contractual services account 001.35.3561.0.53814.00000 and approval up to \$25,000 cumulatively without exceeding the approved amount within the contractual services account 001.20.2038.0.53814.00000 during fiscal year 2022 and 2023.

**Action Needed:**

Move to utilize sole source contractor Automated Building Systems of Glastonbury, CT and increase purchase orders as needed up to \$50,000 in Department 61 School Expenses, contractual services, and up to \$25,000 as needed in Department 38 Public Buildings contractual services for fiscal year 2022 and 2023 - of the Town.

**Attachments:**

None

**Prepared By:**

Douglas Solek, Director of Facilities

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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: June 15, 2022**

**SUBJECT: Purchase Order Approvals for Department no. 38 and Department no. 61 Contractual Services**

**Summary of Agenda Item:**

Over the course of Fiscal year 2023, the Facilities Department will utilize contractual services for projects, maintenance, and repairs of building infrastructure. The magnitude of these services exceeds the current purchasing guidelines cumulatively. We are requesting approval to increase purchase orders as needed, up to \$25,000 without exceeding the account balance in Department 38, Public Buildings, contractual services account 001.20.2038.0.53814.00000 and Department 61 School Expenses, contractual services account 001.35.3561.0.53814.00000 for the following vendors utilizing various State, National and Consortium contracts. KONE, Johnson Controls, H.O. Penn, Daikin Applied, Swan Associates, Security 101, Hussey Advantage, Stanley Access Technologies, Brightly Software (Dude Solutions), Carrier, Encore, Calvert Safe and Lock, Trane, Associated Security, Integrated Technical Systems, Clearwater Industries, BELFOR Restoration, Air Balancing Service Company, and Haz-Pros.

**Action Needed:**

Move to utilize various State, National and Consortium purchasing contracts and approve purchase orders up to \$25,000 as needed in Department 38 Public Buildings and 61 School Expenses, contractual services accounts without exceeding the account balances during fiscal year 2023 for the following vendors. KONE, Johnson Controls, H.O. Penn, Daikin applied, Swan Associates, Security 101, Hussey Advantage, Stanley Access Technologies, Brightly Software (Dude Solutions), Carrier, Encore, Calvert Safe and Lock, Trane, Associated Security, Integrated Technical Systems, Clearwater Industries, BELFOR Restoration, Air Balancing Service Company, and Haz-Pros.

**Attachments:**

None

**Prepared By:**

Douglas Solek, Director of Facilities

Agenda Item No. 11  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** June 8, 2022  
**SUBJECT:** Authorization for the Town Manager to enter into Easements with Eversource for the Steele Center Project

**Summary of Agenda Item:**

In July of 2020 the Town Council authorized the Town Manager to grant an easement to Eversource to supply electricity to the Boulevard project and to the Steele Center @ Farmington Ave. transit-oriented development project. Subsequently, Eversource determined that an easement was not needed to supply the power to Steele Boulevard but that an easement would be required to supply power to the Steele Boulevard development. Newport Realty is finalizing the Eversource easement as it prepares for occupancy at the first building in the project in July. Part of the required easement area is on property owned by Newport Realty Group, but part of the final easement area is on property owned by the Town including a crossing of Steele Boulevard and a portion on 55 Steele Boulevard, still owned by the Town. The certification that Eversource requires from the Town must provide requires that the Town Council approve the exact language of the easement. Now that the easement language is final, this matter is being brought back to the Town Council for re-approval.

**Action**

Move to authorize the Town Manager to sign the easement agreement attached hereto to Eversource to enable the supply of electricity to the Steele Center @ Farmington Ave. transit-oriented development project, subject to review and approval of Corporation Counsel.

**Attachments:**

1. Easement agreement.
2. Map showing easement area.

**Prepared By:**

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



## ELECTRIC DISTRIBUTION EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, THE TOWN OF BERLIN hereinafter called Grantor, hereby grants to THE CONNECTICUT LIGHT AND POWER COMPANY d/b/a EVERSOURCE ENERGY, a specially chartered Connecticut corporation with offices in Berlin, Connecticut, its successors and assigns, hereinafter called Grantee, with WARRANTY COVENANTS the perpetual right to construct, operate, maintain, repair, replace, relocate, remove and rebuild on, across, over, through and under the land hereinafter described herein (Easement Area(s)), an electric distribution system consisting of poles, guys, braces, wires, cables, conduits, transformers, transformer pads, pedestals, meters, handholes, structures for street lights and traffic signals, fixtures and other appurtenances useful for providing electric, communication, and street lighting service (including wires, cables and conduits running from the poles, transformers and pedestals to any structures erected on the Grantor's lands); the right to provide electric, communication, by means of the same; and the right to cross and to enter the Grantor's lands to access the Easement Area with necessary materials, vehicle, personnel and equipment for the purpose of inspecting, maintaining, repairing, replacing, relocating or removing same and the right, after consultation with the Grantor when practicable, to trim and keep trim, cut and remove such trees or shrubbery as in the judgment of the Grantee are necessary to maintain its services

Said Easement Area is located on the Grantor's lands on the north side of Berlin Avenue in the Town of Berlin, Connecticut, as more particularly described on a map entitled "**Easement Map Depicting Easement Area to be Granted to The Connecticut Light and Power Company d/b/a Eversource Energy Across the Properties of THE TOWN OF BERLIN and NEWPORT 9039-913 BERLIN AVE, LLC (Connecticut Route 372) Berlin, Connecticut, File No W22017, May 18, 2022 Scale: 1" = 20' Sheet 1 of 1, Prepared by Franklin Surveys,** which map has been filed in the office of the Town Clerk of said Town of Berlin, Connecticut, as Map No.

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The Grantor agrees, except with the written permission of the Grantee, that: (i) no building, structure, or other improvement or obstruction shall be located upon, there shall be no excavation, filling, flooding or grading of, and there shall be no parking of vehicles or planting of trees or shrubbery upon the Easement Area or outside the Easement Area within five (5) feet from any facilities or appurtenance installed to provide services to any structures erected on the Grantor's premises; and (ii) nothing shall be attached, temporarily or permanently, to any property of the Grantee installed by virtue of this easement. The Grantee may, without liability to the Grantor and at the expense of the Grantor, remove and dispose of any of the aforesaid made or installed in violation of the above and restore said land to its prior condition. In the event of damage to or destruction of any of said facilities of the Grantee by the Grantor or agents or employees thereof, all costs of repair or replacement shall be borne by the Grantor.

The Grantee further agrees, by the acceptance of this Easement, that as long as and to the extent that the electric distribution system together with all appurtenances, located on said land pursuant to this easement are used to provide electric, communication, signal or street lighting service, the Grantee will repair, replace and maintain such facilities at its own expense (except as otherwise provided herein) and in connection with any repair, replacement or maintenance of said system the Grantee shall promptly restore the premises to substantially the same condition as existed prior to such repair, replacement or maintenance, provided, however, that such restoration shall not include any structures, other improvements or plantings made by the Grantor contrary to the provisions of this easement.

If any portion of the above described land upon or under which said facilities or appurtenances thereto shall be located, is now or hereafter becomes a public street or highway or a part thereof, permission, as set forth in Section 16-234 of the General Statutes of Connecticut relating to adjoining landowners, is hereby given to the Grantee and to its successors and assigns, to use that portion of the land for the purposes and in the manner above described.

Any right herein described or granted, or any interest therein or part thereof, may be assigned to any communication or signal company or any contractor of the Grantee, by the Grantee, and the Grantor hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used for the purposes described therein for communication or signal purposes.



The words "Grantor" and "Grantee" shall include lessees, heirs, executors, administrators, successors and assigns where the context so requires or permits.

TO HAVE AND TO HOLD the premises unto it, the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto caused (set) \_\_\_\_\_ hand(s) and seal(s) to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Signed, sealed and delivered in the presence of:

TOWN OF BERLIN

\_\_\_\_\_  
Witness Print/Sign

\_\_\_\_\_(L.S.)

By  
It's

\_\_\_\_\_  
Witness Print/Sign

**ACKNOWLEDGMENT**

STATE OF CONNECTICUT

S.S. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022 before me, the undersigned officer, personally appeared \_\_\_\_\_ for THE TOWN OF BERLIN, who acknowledged him/herself to be the person whose name is subscribed to the within instrument and acknowledged that they, being duly authorized to do so, executed the same for the purposes therein contained as their and said Grantor's free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.

\_\_\_\_\_  
Notary Public Seal Required  
My Commission Expires \_\_\_\_\_





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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: June 13, 2022**

**SUBJECT: Tax Abatement Modification for Newport Realty Group LLC and Affiliate Entities (Steele Center @ Farmington Ave)**

**Summary of Agenda Item:**

In January 2021, the Town Council approved a tax abatement for Newport Realty Group LLC and its affiliated entities related to the construction of a mixed-use project at 861, 889, 903 and 913 Farmington Avenue based on a planned 99,400 square foot project that was to include 76 market rate apartments and 19,000 square feet of commercial and medical office space. Based upon the Town's Tax Abatement policy at that time, with a planned investment of over \$17,000,000, Newport 903-913 Farmington Ave LLC was approved for tax abatement of 10 years on the commercial component of the project of 70% for years 1 through 3, 60% for years 4 through 8, and 50% for years 9 and 10. For the residential component, the approved tax abatement was for 5 years at 80% in year 1, 70% in year 2, 60% in year 3, 50% in year 4, and 40% in year 5. A tax abatement agreement was executed that defined the project based on the approved site plan at that time.

In May, Newport was approved for a modification of its site plan for the project, therefore, Newport is requesting a modification to the tax abatement approval to be consistent with the current site plan. As stated in its letter requesting the tax abatement agreement modification, "the proposed building development for 10 Steele Boulevard is being changed from a 13,300 square foot, two-story medical office building to a 11,571 square foot, one and half story mixed-use building." Newport has reduced the size of the building at 10 Steele Boulevard by 1,729 square feet versus the originally approved medical office building. Newport states that "this new building is more marketable to lease, offering approximately 7,600 square feet of ground floor commercial space, and four multifamily units located on the second floor (2 one-bedroom and 2 two-bedroom units)." The Newport Tax Abatement Application Addendum contains information regarding each building component of the Steele Center development with respect to the original site plan approval and the current site plan approval. The updated development plan is comprised of 1 commercial building, 1 residential building and 2 mixed-use buildings totaling approximately 100,000 square feet including 80 market-rate apartments, plus and the renovation of a 2,800 square foot building at 861 Farmington Avenue. The overall project square footage has increased by 3,739 square feet from the original projection because Building B and D/E and 861 Farmington Avenue are all larger than originally estimated, thus more than offsetting the reduced square footage at 10 Steele Boulevard.

The exterior building plans for this property were developed in concert with QA+M, Newport's architects and Brian Humes, the Town's consultant and were approved by the Planning & Zoning Commission.

The Economic Development Commission reviewed the requested tax abatement modification and recommended that the Town Council approve the tax abatement for the Steele Center project if Corporation Counsel reviewed the application and confirmed that the modification did not set a precedent that required the Town to modify future tax abatement modification requests. Corporation Counsel has reviewed this matter and confirmed that any future modifications to tax abatement agreements due to changes in the scope of an approved project will be subject to the discretion of the Town Council.

**Actions Needed:**

Move to approve a modification to the tax abatement agreement for Newport Realty Group LLC related entities Newport 903-913 Farmington Ave, LLC, Newport 55 Steele Blvd LLC and 861 Farmington Avenue LLC for the Steele Center mixed-use development project based on the revised development plan approved by the Berlin Planning and Zoning Commission in May of 2022. The abatement schedule for the project will remain the same. The residential portion will be for 5 years of 80% in year 1, 70% in year 2, 60% in year 3, 50% in year 4, and 40% in year 5. The commercial portion will be for 10 years on the commercial of 70% for years 1 through 3, 60% for years 4 through 8, and 50% for years 9 and 10 per the town's tax abatement policy.

**Attachments:**

- 1) Newport Tax Abatement Application, letter requesting the modification, Tax Abatement Application Addendum
- 2) Elevations 10 Steele Boulevard

**Prepared By:** Christopher Edge, Economic Development Director  
Jim Mahoney, Economic Development Coordinator

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# Town of Berlin

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Department of Economic Development

## Tax Abatement Application

Name of Operating Company: **Newport Realty Group, LLC**

Name of Parent Company (If applicable): **Newport Realty Group, LLC**

Name of Entity that will own the real estate: **861 Farmington Avenue LLC, Newport 903-913 Farmington Ave, LLC, Newport 55 Steele Blvd LLC**

Mailing Address: **710 Main Street, Suite 11, Plantsville, CT 06479**

Project Address (If applicable): **861 Farmington Avenue, 9, 10, 29, 55 Steele Boulevard, Berlin CT**

Phone Number: **(860) 276-8068**

Email: **tony@lovleydevelopment.com**

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Description of the business to be located in the facility including the types of products manufactured or distributed:

**Five buildings located in the mixed-use Transit Oriented Development (TOD) located adjacent to the Berlin Train Station, which shall include commercial / retail, professional services, and multifamily units available for lease.**

Project Description – Please include square footage of building to be constructed or renovated, a general description of machinery and equipment and other personal property expected to be added to the grand list, expected project start and completion dates. Attach an additional sheet if needed.

**Please see addendum**

Visit our Web Site <http://www.town.berlin.ct.us>

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Town of Berlin, Connecticut • Chris Edge, Economic Development Director  
240 Kensington Road • Berlin, CT 06037 • (860) 828-7005 • Fax: (860) 828-7180 • Email: [cedge@town.berlin.ct.us](mailto:cedge@town.berlin.ct.us)

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# Town of Berlin

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Department of Economic Development

Estimated Value of Real Estate Improvements: **Please see addendum**

Estimated Value of Additional Personal Property: **To be determined by personal property owned by commercial tenants**

Number of Jobs to be Retained in Berlin: **N/A**

Number of Jobs to be Created: **Approximately fifty construction related jobs**

Additional Details (If needed): **N/A**

June 6, 2022  
Date

Anthony M. Valente  
Signature of Company Representative

Visit our Web Site <http://www.town.berlin.ct.us>

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Town of Berlin, Connecticut • Chris Edge, Economic Development Director  
240 Kensington Road • Berlin, CT 06037 • (860) 828-7005 • Fax: (860) 828-7180 • Email: [cedge@town.berlin.ct.us](mailto:cedge@town.berlin.ct.us)





June 6, 2022

Mr. Chris Edge, Director Economic Development  
Town of Berlin  
240 Kensington Road  
Berlin, CT 06237

**RE: Revised Tax Abatement Application – Steele Center @ Farmington Ave., Berlin, CT – Transit Oriented Development (TOD).**

Dear Chris:

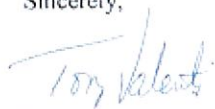
Pursuant to our recent site plan modification approval amending the proposed building development for 10 Steele Boulevard from a 13,300 square foot, two-story medical office building to a 11,571 square foot, one and half story mixed-use building we have been asked to apply for a modification to our tax abatement. As a reminder, we already have an executed Tax Abatement agreement between the parties dated March 3, 2021, but this agreement needs to be modified because our plans for 10 Steele Boulevard have changed. For your convenience, we have attached this agreement.

As it relates to the approved changes made to the building at 10 Steele Boulevard, we have reduced the size of the building by 1,729 square feet versus the originally approved medical office building. This new building is more marketable to lease, offering approximately 7,600 square feet of ground floor commercial space, and four multifamily units located on the second floor (2 one-bedroom and 2 two-bedroom units). The exterior building plans for this property were developed in concert with QA+M, our architects and Brian Humes, the Town's consultant.

As you will find in the new Tax Abatement Application, we have referenced an Addendum we included to provide you a revised and brief recap of each building component of the Steele Center development. This Addendum describes key information necessary for you and your team's evaluation and consideration. Based on our final plans, the overall project square footage has increased by 3,739 square feet from the original projection because Building B (9 Steele Boulevard) and D/E (55 Steele Boulevard) and 861 Farmington Avenue are all larger than originally estimated, thus more than offsetting the reduced square footage at Building A (10 Steele Boulevard).

Please do not hesitate to contact us should you have questions or need any additional information from us. We appreciate your, and the Town's consideration of our amended request.

Sincerely,



Tony Valenti  
Newport Report Group, LLC



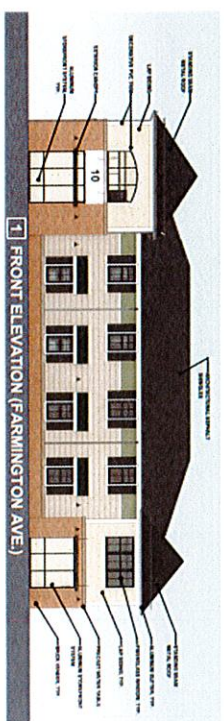
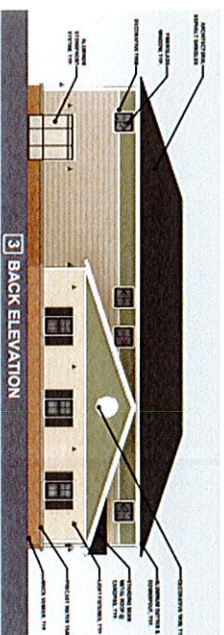
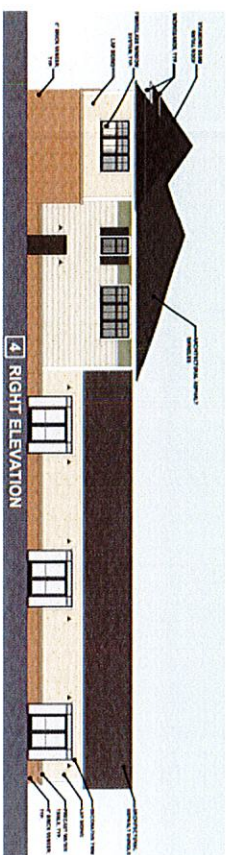
Mark Lovley  
Newport Realty Group, LLC

Enclosure



**Steele Center @ Farmington Avenue**  
**Tax Abatement Application - Addendum**  
**Submission Date: June 6, 2022**

Location and Description	Building Description	New Square Feet	Previous Square Feet	Revised Cost Per Square Foot	Estimated Costs
Building A - New Construction (10 Steele Boulevard) First Floor Commercial Second Floor Multifamily (4 units) Total	Mixed-Use Commercial and Multifamily	7,608			
		3,963			
		11,571			
			13,300	\$175.00	\$2,024,925
Building B - New Construction (9 Steele Boulevard) First Floor Commercial Second and Third Floor Multifamily (16 units) Total	Mixed-Use Commercial and Multifamily	8,472			
		16,310			
		24,782			
			22,000	\$190.00	\$4,708,580
Building C - New Construction (29 Steele Boulevard)	Commercial	1,600	1,600	\$200.00	\$ 320,000
Building D/E - New Construction (55 Steele Boulevard) (60 units)	Multifamily	62,414	60,000	\$160.00	\$ 9,986,240
861 Farmington Avenue - Renovation First Floor Commercial Second Floor Multifamily (1 unit) Total	Mixed-Use Commercial and Multifamily	1,344			
		1,428			
		2,772			
			2,500	\$100.00	\$ 277,200
Grand Total:		103,139	99,400		\$ 17,316,945



Agenda Item No. 13  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** June 14, 2022

**SUBJECT:** Authorization to Appropriate a STEAP Grant for Kensington Sidewalks Project Phase III

**Summary of Agenda Item:**

With Town Council authorization, staff applied for a Small Town Economic Assistance Program Grant for phase III of the Kensington Sidewalks project in 2020. The State of Connecticut approved a STEAP grant of \$128,205 for this project. The Town has now met all the municipal certification requirements for this grant and is preparing to go out to bid for the project in combination with a sidewalks project funded by a Community Connectivity Program grant. Staff requests that the Town Council appropriate the grant to account 504.10.1017.0.53473.00000, STEAP Sidewalks, and to revenue account 504.00.0000.2.44801.00000, State & Federal Grants and to refer this matter to the Board of Finance for its approval. Per the original Town Council action in 2020, this grant requires a local match. The planned source for the match is from the bonded road account #140.20.2037.0.54000.00515. It is proposed that a \$15,000 match and a contingency of up to \$35,000 be allocated from the bonded road account.

**Action:**

Move to appropriate a \$128,205 STEAP grant for Kensington Sidewalks project, phase III to the STEAP Sidewalks account and to revenue account State & Federal Grants and to refer this matter to the Board of Finance and to use up to \$50,000 from the bonded road account for match and contingency for the project.

**Attachments:**

None

**Prepared By:**

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



Agenda Item No. 14  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** June 13, 2022

**SUBJECT:** Authorization for the Town Manager to enter into a Consultant Agreement for Preparation of Plans and Specifications for Steele Boulevard Park and Section 8-24 Referral

**Summary of Agenda Item:**

The State of Connecticut issued a request for applications for the Small Town Economic Assistance Program. Based on the STEAP application guidelines, staff proposes that the Town apply for a grant to construct a park on the 0.29-acre Town parcel on the northeast side of Steele Boulevard. The park is proposed to include a small amphitheater like performance area. The location is ideal for events and activities because a significant amount of public parking is available nearby. The Town previously applied for funding for this park as part of its unsuccessful Community Challenge Grant application.

The STEAP applications are due by August 15 and the program guidelines advise that projects should be "shovel ready". Therefore, staff proposes to retain Yantic River Consultants, LLC to advance the planning and the design for the park by preparing plans and specifications to be completed by the time a grant application is filed. Yantic was the original design consultant for the project, and it has presented a proposal to provide the plans and specifications for a fee not to exceed \$9,600. Funding is proposed to come from the Farmington Avenue Development (non-grant) account # 504.10.1017.0.54000.01624 that was established for the Steele Center/Steele Boulevard project. The project will also be referred to the Planning and Zoning Commission for a review pursuant to section 8-24 of the Connecticut General Statutes.

**Action**

Move to waive the town's bidding requirements and authorize the Town Manager to enter into a consulting contract with Yantic River Consultants, LLC in an amount not to exceed \$9,600 to be paid from the Farmington Avenue Development (non-grant) account, since this is in the best interest of the Town, and to send the project to the Planning and Zoning Commission for a review pursuant to section 8-24 of the Connecticut General Statutes.

**Attachments:**

1. Sufficiency of funds.
2. Concept plan for Steele Boulevard Park.
3. STEAP program guidelines.
4. Proposal from Yantic River Consultants, LLC.

**Prepared By:**

Chris Edge, Economic Development Director

Jim Mahoney, Economic Development Coordinator

CE



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 14-Jun-22

Purchase Item or Contract: Steele Boulevard Park & 8-24 referral		Requested by: Jim Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Steele Boulevard Park & 8-24 referral (NTE \$9,600)	\$9,600.00	\$9,600.00
			-
			-
			-
			-
TOTAL			\$9,600.00

Account No. 504.10.1017.0.54000.01624 Farmington Ave Devel. (non grant)

Budgeted Amount.....	\$174,847.25	Available balance.....	\$27,536.95
Encumbrances to Date.....	\$139,288.30	Amount Needed for This Package.....	\$9,600.00
Expenditures to Date.....	\$8,022.00	Available Balance After Purchase.....	\$17,936.95

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.

  
Finance Director or Assist.Finance Director

or:

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

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



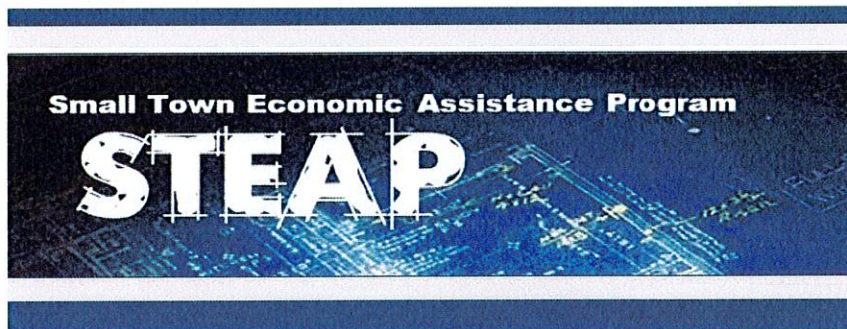


STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

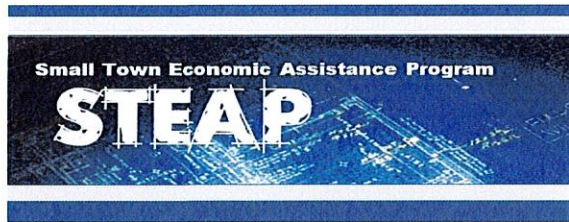
*Intergovernmental Policy and Planning Division*

2022  
SMALL TOWN  
ECONOMIC ASSISTANCE  
PROGRAM  
GUIDELINES



June 2022

The Small Town Economic Assistance Program ([C.G.S. Section 4-66g](#)) funds economic development, community conservation and quality of life projects for localities that are ineligible to receive Urban Action bonds (CGS Section 4-66c). An eligibility list is included in the pages to follow. This program is coordinated by the Office of Policy and Management and grants are administered by appropriate state agencies.



STEAP funds are issued by the [State Bond Commission](#) and **can only be used for capital projects**. A project is considered to be a capital project if it is new construction, expansion, renovation or replacement for an existing facility or facilities. Project costs can include the cost of land, design, engineering, architectural planning, and contract services needed to complete the project.



**ANY STEAP APPLICATION, ITS RECEIPT, AND/OR ANY SUBSEQUENT ANNOUNCEMENT OR NOTIFICATION OF AN AWARD ASSOCIATED WITH AN APPLICATION, DOES NOT CONSTITUTE A CONTRACT. A CONTRACT EXISTS ONLY WHEN YOU HAVE SUBMITTED ALL REQUIRED CONTRACTUAL DOCUMENTS AND SUCH DOCUMENTS ARE APPROVED BY THE ADMINISTERING STATE AGENCY, AND THE TOWN IS NOTIFIED THAT THE CONTRACT IS FULLY EXECUTED. DO NOT INCUR ANY ANTICIPATED STEAP GRANT FUNDED PROJECT EXPENDITURES UNTIL A CONTRACT IS FULLY EXECUTED , AS ONLY THOSE ALLOWABLE EXPENDITURES INCURRED BETWEEN THE START AND END DATES AS ESTABLISHED ON THE FULLY EXECUTED CONTRACT CAN BE REIMBURSED. EXPENDITURES INCURRED BEFORE THE CONTRACT START DATE OR AFTER THE CONTRACT END DATE WILL NOT BE REIMBURSED.**

When a town is selected to receive a STEAP grant, the town will receive a notification letter from OPM indicating which state agency has been assigned to administer their award. **This letter is for notification purposes only and does not constitute a contract. Again, the town MUST execute a contract with the administering state agency in order to be reimbursed for allowable grant-related expenditures incurred between the start and end dates as established on the fully executed contract.**

STEAP is a not an entitlement or formula grant, and as such any funding associated with an award is on a one- time basis only, with no promise or obligation of additional funding from OPM or the State.

[When the program is open for application intake, the application, as well as detailed submittal instructions and timelines can be found by clicking this link.](#)





## IMPORTANT CHANGES TO 2022 STEAP



*It is important that you read all parts of this guideline document, as changes have been made to eligibility requirements, application requirements and STEAP grant term periods.*

- *No individual municipality may receive more than five hundred thousand dollars in any one fiscal year under said program. No group of municipalities may receive an amount exceeding in the aggregate five hundred thousand dollars per municipality in such group in any one fiscal year under said program.*
- *Grants awarded will have a four (4) year term and may be considered for a one (1) year extension to the grant end date. No grant shall have a term longer than five (5) years.*
- *Each STEAP grant shall have its own contract and shall not be combined with any other grant contract. STEAP grants are not intended to be “banked” or “grouped together” over the course of multiple years. Each award is to be used expressly for the purpose and scope of work as outlined in the application it was awarded for.*
- *Only those scope changes germane to the original scope of work may be considered. There will be no wholesale repurposing of a STEAP grant award. For example:*
  - *A STEAP grant is awarded for a sidewalk project. The original scope was to install 1000 feet of sidewalk. A scope change which would increase the sidewalk footage to 1200 feet would be germane, therefore would be allowable and could be approved. A scope change to instead use the funding for a veterans’ memorial and NO sidewalks would not be germane, therefore cannot be allowed or approved.*
- *STEAP funds cannot be used for design, studies, planning and/or engineering.*
- *All funding (other than STEAP funding) for the STEAP project must be secured as of the time of application.*
- *While a municipal match is not required, preference for awards will be given to those that provide at least a 20% municipal match of the total project cost.*
- *Preference for awards will be given to those that are shovel-ready (defined within)*
- *Municipalities should be prepared to enter a grant assistance agreement/contract with the administering agency shortly after being notified of an award, therefore municipalities should only apply for a project which is near-term. This means that the STEAP funded portion of the project should be “shovel ready” or “nearly shovel ready” at time of application. This is necessary to ensure that the grantee will be able to spend down their grant funds within the defined term of the award, as funds not expended before the grant’s end date will be forfeited. Once a grant assistance agreement/contract is in place, the municipality should be prepared to commence project work and incur all STEAP-funded project expenditures between the start and end dates of the agreement/contract.*



- All grant payments will be made on a reimbursement basis only after the municipality has incurred and paid for the allowable STEAP funded project expenditures incurred between the start and end dates of the contract. Final reimbursement payment will be made after the municipal match has been met. The administering agency will provide you with guidance on what information must be submitted to seek reimbursement and required documentation to satisfy any match requirement. Project expenditures incurred before the start date or after the end date of the agreement/contract will not be eligible for STEAP reimbursement.
- Unspent grant funds will not be repurposed for other uses. Such unspent funds will be returned to the STEAP program account and will be used for awards made in future rounds.

## ELIGIBILITY REQUIREMENTS & PROVISIONS

- Timeline:
  - June 1, 2022                      Announcement of 2022 STEAP Grant Program
  - August 15, 2022                STEAP Applications due by 5:00 PM
  - September 15, 2022          Projected Grant Award Notification
- Funding Level:  
The 2022 round of STEAP grants will be funded from an aggregate amount of \$30,000,000. Individual grant award amounts will depend on the number of participating towns, and the number of qualified applications selected to receive an award.
- Municipalities which are eligible to opt into the STEAP program, but are not currently opted in, must submit their opt-in request **prior** to submitting their STEAP application.
- Municipalities with projects more than five years old or which have expired contracts, that have not been closed out with the administering agency are ineligible to apply for new funding. Municipalities should contact the administering agency for previous award information to ensure compliance.
- A 20% municipal match is preferred:
  - While a municipal match is not required, preference for awards will be given to those that provide at least a 20% municipal match of the total project cost
  - Match funds must be municipal funds, not funds from other state or federal grants
  - Municipal salaries and/or expenses cannot be counted toward the municipal match
  - Funds spent on studies, planning, design, engineering are acceptable matches
  - Municipality must spend 100% of its match prior to final reimbursement
  - Match expenditures can be those allowable project-related expenditures which were incurred before or during the grant contract period
- Funding (other than STEAP funding) for the entire project has been secured.
- An authorizing referendum vote and/or resolution by the local legislative body, or, in any town where the legislative body is a town meeting, by a vote of the board of selectmen, which authorizes the Chief Executive Officer to accept such grant if awarded, and enter into and

execute any and all agreements, contracts and documents necessary to obtain said 2022 STEAP Grant with the State of Connecticut. This authorizing vote and/or resolution needs to be submitted to the administering agency within thirty (30) days of grant award notice if such is not available at time of application.

- Only minor changes germane to the original scope from the approved application shall be approved by the administering agency. STEAP grant funds cannot be repurposed (used for a project other than the one for which it was awarded.)
- All grant payments will be made on a reimbursement basis and only after the municipality has:
  - Incurred and paid for the allowable STEAP-related allowable project expenditures incurred between the start and end dates of the contract
  - Final reimbursement requires that municipality has met 100% of its match
- The administering agency will provide you with guidance on what information must be submitted to seek reimbursement. Expenditures incurred before the start date or after the end date of the agreement/contract will not be eligible for reimbursement.
- Consistent with past practices, these grants will be administered by project-relevant agencies other than OPM.
- Once a grant contract is in place, any grant related project questions, reimbursement questions, or requests for extensions should be directed to the agency assigned to administer your grant.

## **ELIGIBLE PROJECTS AND PRIORITY PROJECT AREAS**

### **Projects eligible for STEAP funds include:**

- Economic development projects such as (a) constructing or rehabilitating commercial, industrial, or mixed-use structures and (b) constructing, reconstructing, or repairing roads, access ways, and other site improvements;
- Recreation and solid waste disposal projects;
- Social service-related projects, including day care centers, elderly centers, domestic violence and emergency homeless shelters, multi-purpose human resource centers, and food distribution facilities;
- Housing projects;
- Pilot historic preservation and redevelopment programs that leverage private funds; and
- Other kinds of development projects involving economic and community development, transportation, environmental protection, public safety, children and families and social service programs.

### **Priority Project Areas:**

- Shovel ready projects which are at a stage where project work can begin (see below)
- Promoting economic growth
- Developing our workforce
- Improving the quality of life and fiscal stability of municipality
- Improving the grand list



- Infrastructure
- Making government more effective, efficient and customer friendly
- Economic development projects within transit-oriented areas
- Pollution control (water, waste, energy) in order to reduce costs and environmental impacts
- Public Service Answering Point (PSAP) Consolidation

**Shovel-ready projects are defined as those which have:**

- Legislative body approval (i.e.: referendum, town meeting)
- All funding (other than STEAP funding) for the STEAP project secured
  - Matching funds
  - Additional project funds
- Local permits in place (i.e.: Inland Wetlands, Zoning, Planning)
- State approvals and permits in place
  - State Historical Preservation Office (SHPO) approved
  - Connecticut Environmental Policy Act (CEPA) Evaluation
  - Environmental Impact Evaluation (EIE)
  - Flood Management Certification (FMC)
- Utility coordination plan established
- Municipal Plan of Conservation and Development (POCD) up to date
- Project PS&E (plans, specifications and estimates) ready to be advertised

**All STEAP-funded projects are subject to all federal, state and local laws, ordinances, regulations and municipal bylaws.** Depending on the nature of the project to be funded with a STEAP grant, certain projects may require additional reviews, evaluations, permits, approvals and or certifications, including but not limited to: Connecticut Environmental Policy Act ([CEPA](#)) Evaluation, Environmental Impact Evaluation ([EIE](#)), Flood Management Certification ([FMC](#)); State Historic and Preservation Office ([SHPO](#)) review and determination; and/or Municipal Plan of Conservation and Development ([POCD](#)) provisions with regard to eligibility for discretionary state funding. Such reviews, evaluations, permits and or certifications could significantly impact project costs and timelines. **The grantee should only submit applications for such projects when it is able to continue with the proposed project and spend down the grant within the terms of the contract period despite these added costs and extended project timelines.**

**EXPENDITURES THAT CANNOT BE FUNDED BY STEAP GRANT FUNDS:**

- Programmatic expenditures or recurring budget expenditures are **not** eligible for STEAP or any other state bond program. The Office of Policy and Management reserves the right to not fund or reimburse certain projects or certain project components with State bond funds due to public policy reasons.
- The following expenditures are not eligible for reimbursement: ceremonial or entertainment expenses; publicity; bonus payments; reserves; charges in excess of the lowest responsible bid where competitive bidding is required unless prior approval is obtained; deficits or overdrafts; interest charged; any judgment for damages arising from the project; fines and penalties; meals, municipal salaries or employee expenses.
- Project components **not** allowable for STEAP funded reimbursement: Furniture, fixtures and equipment (FF&E). FF&E includes movable furniture, fixtures or other equipment that have no permanent connection to the structure of a building or utilities. FF&E includes, but is not limited



to desks, chairs, computers, electronic equipment, appliances, tables, bookcases and partitions. (Exceptions: see

- Goods and/or services purchased and/or provided before the contract start date, or after the contract end date will **not** be funded.
- STEAP funds **cannot** be used to represent the required municipal “match” or “share” portion for another state or federal grant.

For the purposes of the application and any subsequent award, “Authorized Signatory” refers to the municipality’s Chief Executive Officer (Town Manager, Mayor, First Selectman, etc.) – the individual who is legally authorized to apply for the grant and who has the authority to enter into any subsequent agreements/contracts per referendum vote or legislative body action.

## 2022 STEAP ELIGIBILITY LIST

### C.G.S. §4-66g SMALL TOWN ECONOMIC ASSISTANCE PROGRAM

Opt-In provisions can be found after the following chart

Municipality	STEAP Eligible	PIC Community	Distressed Municipality	Municipality w/Urban Center Per Adopted Plan
Andover	YES	NO	NO	NO
Ansonia	NO	YES	YES	YES
Ashford	YES	NO	NO	NO
Avon	YES	NO	NO	NO
Barkhamsted	YES	NO	NO	NO
Beacon Falls	OPT-In Eligible	YES	NO	NO
Berlin	YES	NO	NO	NO
Bethany	YES	NO	NO	NO
Bethel	YES	NO	NO	NO
Bethlehem	YES	NO	NO	NO
Bloomfield	OPT-In Eligible	YES	NO	NO
Bolton	YES	NO	NO	NO
Bozrah	YES	NO	NO	NO
Branford	YES	NO	NO	NO
Bridgeport	NO	YES	YES	YES
Bridgewater	YES	NO	NO	NO
Bristol	NO	YES	NO	YES
Brookfield	YES	NO	NO	NO
Brooklyn	OPT-In Eligible	YES	NO	NO
Burlington	YES	NO	NO	NO
Canaan	YES	NO	NO	NO
Canterbury	YES	NO	NO	NO
Canton	YES	NO	NO	NO
Chaplin	OPT-In Eligible	YES	YES	NO
Cheshire	YES	NO	NO	NO
Chester	YES	NO	NO	NO
Clinton	YES	NO	NO	NO
Colchester	YES	NO	NO	NO
Colebrook	OPT-In Eligible	YES	NO	NO
Columbia	YES	NO	NO	NO
Cornwall	YES	NO	NO	NO

## STEAP OPT-IN PROVISIONS

Municipalities deemed eligible for the STEAP Opt-In provision may elect to be eligible for said program individually or as part of a group of municipalities in lieu of being eligible for financial assistance under section 4-66c (Urban Act Grants), by a vote of its legislative body or, in the case of a municipality in which the legislative body is a town meeting, its board of selectmen, and submitting a written notice of such vote to the Secretary of the Office of Policy and Management. Any such election shall be for the four-year period following submission of such notice to the secretary and may be extended for additional four-year periods in accordance with the same procedure for the initial election.

It is important to note that once a municipality opts-in to the STEAP program, the opt in period lasts for four years from the submission date of the opt-in request. There is no provision to opt-out prior to the end of the four-year term.

Municipalities which have already opted in, and the term of the opt-in has not expired as of the due date for this application, do not need to submit an opt-in request to apply for STEAP. However, if an opt-in municipality is awarded a STEAP grant from this current round, the town must renew their opt-in if their current opt-in expires during the term of the grant. **[For complete statute, click this link: C.G.S. §4-66g.](#)**

## STEAP CONTACT INFORMATION

**Programmatic and application questions should be directed to:** [Nikki.Sow@ct.gov](mailto:Nikki.Sow@ct.gov) and [Martin.Heft@ct.gov](mailto:Martin.Heft@ct.gov).

**Questions related to a specific grant that has been awarded (including questions about your grant contract/agreement, payment/reimbursement and a one-time extension),** must be directed to the [state agency assigned](#) to administer your grant. Such information is provided in the STEAP award notification letter.





June 14, 2022

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

RE: Steele Center Community Park  
Steele Boulevard, Berlin, CT

Dear Mr. Mahoney,

Thank you for the opportunity to provide a proposal to the Town of Berlin for consultant engineering and landscape architecture services related to Steele Center Community Park. Following please find a Project Understanding, Scope of Services, and Fee Proposal for your review and consideration.

## **PROJECT UNDERSTANDING**

The Town of Berlin owns a 0.3-acre parcel to the northeast of Steele Boulevard that is part of the Steele Center @ Farmington Ave Transit-Oriented Development and is interested in constructing a small park that will serve as an amenity to the development and the community. Yantic River Consultants, LLC (YRC) completed conceptual layouts for the park per earlier agreements with the Town.

We understand that the Town is pursuing grants to help fund the construction project and in order to qualify, the plans need to be "shovel-ready". YRC will provide additional consultant engineering and landscape architecture services to the Town of Berlin in support of the proposed park per the following Scope of Work. Other professional services not specifically described in the Scope of Work required for this project, such as those listed below, are not included.

- Land Surveying
- Soil and/or Wetland Scientist
- Environmental Engineering
- Architecture
- Structure and/or MEP Engineering
- Traffic Engineering
- Bidding and Construction Services

## **SCOPE OF WORK**

### **TASK 3: SITE DEVELOPMENT PLANS**

YRC will prepare site plans and reports for the proposed development suitable for submission to the Town of Berlin as part of the local regulatory review process in accordance with Section XIII of the Regulations and for inclusion as the construction site plan for inclusion in a contract bid package:

The plans will contain the following information:

Town of Berlin  
June 14, 2022

Steele Center Community Park  
Steele Boulevard, Berlin, CT

Page 2

- Site survey (reference to original survey prepared for previous TOD application only).
- Zoning compliance information and table.
- Proposed pavilion and uses, including footprints with dimensions. Architecture by others.
- Park amenities such as outdoor dining, recreation, bike racks, walking paths, etc.
- Internal driveway layout and parking areas per original TOD design (no changes).
- Proposed sidewalks and pedestrian paths with connection to original TOD design.
- Proposed grading with contours at one-foot intervals (max.) and spot grades.
- Landscape plan including plantings, schedule, details, and notes.
- Hardscape plan including paver layout, type, material, and color(s).
- Lighting plan and details as provided by a lighting design professional or supplier. Work to be performed by YRC includes providing light locations, fixture types and schedules, and isometric data on plans.
- Site signage locations and details (sign design not included).
- Proposed stormwater management plan not included. Reference to original TOD design only.
- Domestic water, fire suppression water, sanitary sewer, and natural gas connections not included.
- Power and telecommunication utility connections to existing utilities in Steele Boulevard.
- Erosion and sedimentation control plan prepared in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control.
- Construction notes and details.

**TASK 4: LOCAL PERMITTING SERVICES (NOT INCLUDED)**

**TASK 5: CONSTRUCTION SERVICES (NOT INCLUDED)**

**PROFESSIONAL FEES**

YRC will perform the services described above for the following fees:

**TASK 3: SITE DEVELOPMENT PLANS .....\$9,600 Lump Sum**

The professional fee estimate provided above include direct costs related to Task 3 services, including mileage to and from the Town Hall and site, and two (2) certified copies of the final site development plan for submission to the Town.

We look forward to this opportunity to contribute to the success of this project! Please don't hesitate to contact me with any questions at (860) 367-7264.

Sincerely,



Brandon Handfield, PE  
Owner, Civil Engineer

Agenda Item No. 15  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** June 9, 2022  
**SUBJECT:** Violation of the Ethics Policy and Code of Ethics

**Summary of Agenda Item:**

At its meeting of February 1, 2022, the Town Council requested to receive copies of the transcripts of the Board of Ethics meetings to understand the violation. The transcripts and the exhibits have been provided to the Town Council.

**Action Needed:**

Update on Complaint 2021-001 the violation of the Ethics Policy and Code of Ethics.

**Attachments:**

None

**Prepared By:** Kate Wall, Town Clerk



Join Zoom Meeting

<https://berlinc-tov.zoom.us/j/89668766923?pwd=cURtOE5LUmZpTDNHTWUrNnR4d1pUUT09>

Meeting ID: 896 6876 6923

Passcode: 575393

+1 929 205 6099 US (New York)

**TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, June 7, 2022  
Town Council Chambers  
Remote Meeting  
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 Jack Fazzino  
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. PRESENTATION OF PROCLAMATION: Recognition of June 19, 2022 as JUNETEENTH**

**PROCLAMATION**

**WHEREAS,** The Town of Berlin recognizes that June 19th is celebrated nationwide as Juneteenth and that it serves to commemorate the emancipation of enslaved African Americans within our nation: and

**WHEREAS,** we further recognize Berlin's role in the abolition movement and its contributions towards obtaining emancipation for those who were enslaved. Physical and historical reminders of this rich history stand within our town to this day. Specifically, the Hotchkiss House located at 289 Main Street in Kensington which housed a local abolitionist and served as a stop on the Underground Railroad: and

**WHEREAS,** the journey north on the Underground Railroad was long, hard and dangerous, but worth it for so many looking to escape slavery in the south. We recognize the courage and sacrifice the Hotchkiss family made by opening their home to shelter the brave souls along their road to freedom: and

**WHEREAS,** the Town of Berlin does hereby proclaim June 19<sup>th</sup> as Juneteenth to honor and celebrate our African-American citizens and all those who aided and supported their emancipation.

**NOW, THEREFORE, BE IT RESOLVED,** that I, Mark H. Kaczynski, Mayor of the Town of Berlin, Connecticut do officially recognize June 19, 2022 as

## **JUNETEENTH**

Dated this 7<sup>th</sup> day of June 2022 at Berlin, Connecticut.

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Mark H. Kaczynski, Mayor

### **E. AUDIENCE OF CITIZENS:**

***Chris Barlow, 15 Overhill Drive*** – Mr. Barlow stated that a Juneteenth event will be held on Saturday June 18<sup>th</sup> at the Berlin-Peck Memorial Library. He asked if Mayor Kaczynski would read the proclamation at that event and the Mayor stated that he would.

***Dave Holland, 41 Angelli Court*** – Mr. Holland stated that his property on Agnelli Court abuts property at 1640 Orchard Road. This past Sunday he believes the residence at that address was rented out as an Airbnb where a party was held with potentially hundreds of guests in attendance with evidence of drinking and drug activity. There was also loud music playing that could be heard inside of neighbors' houses along with a person with a microphone using explicit language. Cars were parked on lawns and packed onto his street as well as neighboring streets. He is hoping that the Town can help those in his neighborhood with this issue.

***Peter Zarabozo, 158 Ellwood Road*** – Mr. Zarabozo thanked Mayor Kaczynski for the Juneteenth Proclamation. He added that regarding Charter Revision he noted that per State Statute a two-thirds vote of the appointing authority is required to open the Charter. He recognizes that there was a unanimous vote by Town Council, but he inquired of Corporation Counsel if the two-thirds vote is required or can it be a simple majority. Corporation Counsel Donofrio confirmed that a two-thirds vote is correct.



Mr. Zarabozo then thanked Town Clerk Kate Wall for discovering that the current Chair of the Charter Revision Commission cannot serve on the Commission as he is a Board of Finance member, and the Charter forbids Board of Finance members from serving on any other Board or Commission. He thanked her for her integrity to catch and call attention to the error.

He added that it is ironic that in working to revise the Charter it was violated by the appointment of a Board of Finance member. When it comes to the process of Charter Revision the Town must work to do it the right way this year.

Town Clerk Kate Wall stated that she was informed of the issue with the placement of the Board of Finance member, but she did not discover the error.

**Chelsea Luddy, 1410 Orchard Road** – Ms. Luddy stated that she is present tonight to speak about the event at 1640 Orchard Road as mentioned earlier by Mr. Holland stating that she shares the same sentiments. She added that the event affected law enforcement resources and she is concerned that with the residence appearing to be rented out for the entire summer on Airbnb safety issues will continue to be a concern. Access to the neighborhood was blocked by the number of cars parked along streets and in front of fire hydrants adding to safety concerns for neighbors. Ms. Luddy is hoping the Town can get involved in the matter.

**David Kimball, 1654 Orchard Road** – Mr. Kimball stated that he is also present to address the party at 1640 Orchard Road. He stated that when he came home from work around 6:00 p.m. on Sunday he noticed cars in the area of Angeli Court that continued along the sides of Orchard Road making it a single lane road where ironically his car met up with a police officer attempting to drive the opposite direction. He added that the sound from the music made it impossible to relax in his own home.

Mr. Kimball added that this was not the first event held at this house with two of them running past midnight. Airbnb, along with a person associated with the home, were contacted last year and the parties seemed to die down but with this being an early summer weekend they may be picking up again. Councilor Fazzino inquired about the response from Airbnb and Mr. Kimball stated that originally the response was it was out of their hands, but with persistence from the neighbors Airbnb stated they would note that the home was in a residential neighborhood.

**Alex Stark, 344 Toll Gate Road** – Ms. Stark stated she is also present to speak about the party at 1640 Orchard Road. It is believed that this party was shared via social media and may have been put on by a large organization that holds parties at various venues. She added that that organization may have been responsible for the Walnut Beach party in Milford about a week ago that turned into a melee. She is concerned that large parties will continue to be held at the house.

Ms. Stark added that her husband did contact Airbnb on Sunday and was told that according to their terms and conditions, no more than 16 people are allowed to be in a home at one time. They stated that they would do an investigation and possibly take down the listing. As there are other avenues for the homeowners to rent the house out, she is hoping that there is something the Town can do



about the situation. She thanked Town Planner Maureen Giusti for her prompt response to the matter, as well as Town Council for allowing her to speak at tonight's meeting.

***Sam Lomaglio, 78 Hickory Hill Road*** – Mr. Lomaglio stated that he attended the Charter Revision Commission Public Hearing and the next day he heard that the former Chair of the Commission made a motion to look at the Board of Education and consider making it partisan. He feels if that was his intention it should have been stated at the Public Hearing to give people an opportunity to talk about it. He realizes it was a non-binding vote and the Town Council will need to look at it anyways, but the item was part of the 2016 Charter Revision and it failed so maybe it is best to leave it as is for now. This will give residents the opportunity to run for the Board of Education by obtaining petition signatures and not having to seek a party endorsement.

**F. MAYOR'S UPDATE:**

Mayor Kaczynski stated that he had heard from many residents regarding the Orchard Road party over the weekend. He asked Deputy Chief Chris Ciuci to speak on the subject.

Deputy Chief Ciuci stated that the police department responded to 1640 Orchard Road after receiving numerous calls from residents. The Police Department shares their concerns regarding the issues of traffic, underage drinking, drug use and public safety and two investigations are underway with potential criminal charges that could apply. They are working with other Town departments, State departments and law enforcement partners as they realize this is a quality-of-life issue for residents. He reminds residents to call early and often when they see or hear anything troubling as early intervention is best.

The Deputy Chief added that if resident in the area were interested in starting a Neighborhood Watch Program, he would put them in touch with an officer. Also, he suggested to those neighbors in attendance at tonight's meeting to provide him with their email and he will try to provide an update prior to this weekend.

Mayor Kaczynski stated that the Town currently does not have an ordinance that would cover an issue like this, but the Ordinance Committee and Corporation Counsel will be looking at other towns' ordinances and the Zoning and Police Departments are researching options.

**G. MEETING AGENDA: – Immediately Following the Mayor's Update**

**H. CONSENT AGENDA:**

1. Topic re: Transfer \$188,000, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts. - Finance
2. Topic re: Accept monetary donations totaling \$961.88 for the Berlin Peck Memorial Library and deposit \$263.95 into the friends of the library credit card account to purchase adult summer reading prizes and deposit \$697.93 into the friends of the library miscellaneous account to purchase children's/teen program supplies and a museum pass renewal. Also accept the donation of a knitted shawl, a puzzle, and a board game with a total approximate value of \$80.00 to be used as adult summer reading prizes. – Berlin-Peck Memorial Library

3. **Topic re: Authorize the Town Manager to accept the \$4,000 Juvenile Review Board Grant on behalf of the Town, and to appropriate the funds to the Part Time Help, Worker's Comp., and Social Security expense accounts, subject to approval by the Board of Finance. – Social Services**
4. **Topic re: Approve CFC North, LLC to charge a registration fee of \$150 for a youth soccer camp which will take place July 11-15, 2022 from 9:00AM – 12:00PM at Sage Auxiliary at Sage Park. The camp will have approximately 35 children. – Parks and Recreation**
5. **Topic re: Approve Metro Swim Shop to sell swimsuits, caps, goggles, bungee cords, etc. on Wednesday, June 22, 2022, at Percival Pool to participants on the Berlin Dolphin Swim Team and to waive the vendor fee of \$200.00. – Parks and Recreation**
6. **Topic re: Approve Berlin Dolphin Swim Team Booster Club to sell food and beverages at Berlin Dolphin Swim Team home meets at Percival Pool this summer 2022. – Parks and Recreation**

Councilor Luddy moved to accept the Consent Agenda as presented.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

#### **I. PUBLIC HEARINGS**

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, Connecticut on Tuesday, June 7, 2022 at 7:00 p.m. to discuss the following topics:

- **Proposals from the Prudence Crandall Center and the Kensington Congregational Church for the 2022 CT NAA Tax Credit Program.**
- **Solicit citizen input and designate Arosha Jayawickrema, Town Manager, the liaison for the Town of Berlin to handle all Neighborhood Assistance matters for 2022.**

Mayor Kaczynski convened the public hearing regarding proposals from the Prudence Crandall Center and the Kensington Congregational Church for the 2022 CT NAA Tax Credit Program and to solicit citizen input and designate Arosha Jayawickrema, Town Manager, the liaison for the Town of Berlin to handle all Neighborhood Assistance matters for 2022.

No public or Town Council comments were made.

Mayor Kaczynski closed the Public Hearing at 7:37 p.m.

#### **J. NEW BUSINESS:**

1. **Topic re: Accept the non-budgeted appropriation of the State of Connecticut Local Prevention Council in the amount of \$2,950 for deposit in the Local Prevention Council revenue account**



**and appropriate those funds to the Local Prevention Council expenditure account, subject to approval by the Board of Finance. – Social Services**

Town Manager Jayawickrema stated that this agenda item was the subject of tonight's Town Meeting. This action is to accept the non-budgeted appropriation.

Councilor Luddy moved to accept the non-budgeted appropriation of the State of Connecticut Local Prevention Council in the amount of \$2,950 for deposit in the Local Prevention Council revenue account and appropriate those funds to the Local Prevention Council expenditure account, subject to approval by the Board of Finance.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**2. Topic re: Update on the Community/Senior Center and forward report to the Board of Finance – Mayor**

Town Manager Jayawickrema stated that two public forums were held to inform the public on the report from the Community/Senior Center Advisory Committee. At this point the report will be forwarded to the Board of Finance.

Mayor Kaczynski stated that it was great to see residents come out for the public forums held at the Berlin Senior Center. People of all ages were present, and their comments were welcomed. It was interesting to hear from residents who live in the proposed location about the flood zone, and the Mayor added that the Town must be certain about the location before placing a \$40 million building there. The Town Council will continue to discuss the entire project.

Councilor Luddy thanked the Mayor for stepping in to cover the first public forum in his absence. Councilor Fazzino stated he was impressed with the turnout at the meetings, and it was a good cross-section of the community adding that a young gentleman spoke at the second meeting regarding the issues facing younger people these days in respect to use of the proposed facility. The Councilor stated that when we have these large projects the Council needs to work on behalf of the Town and make a decision based on what is best for the Town.

Councilor Veach thanked the Community/Senior Center Committee for all their work in putting together their report adding that she attended both public forums and they were very informative. Receiving feedback from the community is very important with these types of projects.

NO ACTION NEEDED

**3. Topic re: Waive the Town's bidding requirement and approve the purchase of three (3) 2022 Ford passenger wagons in the amount of \$31,320.76 each; totaling the amount of \$93,962.28 pursuant to State Contract No: 19PSX0161, pending approval of the funding transfer by the Board of Finance, as this is in the best interest of the Town. Also approve the transfer of funds from Townwide Professional Services (\$12,250), Development Services Mid-Manager's Personnel (\$18,500), Development Services Pension (\$9,000), Building Maintenance & Repair (\$4,000), Animal Control Part-time & Summer Help (\$5,000), Emergency Management Dam EAPs (\$10,000), Health Department Regional Health Services (\$17,250), VNA Department**



**Head (\$13,000) and VNA Pension (\$5,000), all in the General Fund, pending approval by the Board of Finance. – Board of Education**

Berlin Public Schools Director of Operations Jeff Cugno stated the Berlin Public Schools transports students every school day to and from various facilities inside and outside of the District. Each year vans that have logged excessive miles and/or need expensive repairs need to be replaced to continue to provide efficient, economical, and safe transportation for the students. Also, every time there are not the correct number of vans in the fleet it costs the Town more because vans then need to be rented from New Britain Transportation Company.

This fiscal year they plan to purchase three passenger wagons at the State Contract price from Gengras Ford. This will allow the Board of Education to be at the number of vehicles needed as to not have to rent or keep vans on the road that are past their life expectancy.

Councilor Luddy moved to waive the Town's bidding requirement and approve the purchase of three (3) 2022 Ford passenger wagons in the amount of \$31,320.76 each; totaling the amount of \$93,962.28 pursuant to State Contract No: 19PSX0161, pending approval of the funding transfer by the Board of Finance, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

Councilor Luddy moved to approve the transfer of funds from Townwide Professional Services (\$12,250), Development Services Mid-Manager's Personnel (\$18,500), Development Services Pension (\$9,000), Building Maintenance & Repair (\$4,000), Animal Control Part-time & Summer Help (\$5,000), Emergency Management Dam EAPs (\$10,000), Health Department Regional Health Services (\$17,250), VNA Department Head (\$13,000) and VNA Pension (\$5,000), all in the General Fund, pending approval by the Board of Finance.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**4. Topic re: Authorize the Town Manager to acquire of a 40-foot-wide lot of 1 acre along the western boundary of the parcels Map 13-3, Block 13, Lots 2 & 3 and a 0.1-acre easement (Reservoir Road) per the attached map for \$42,000, subject to review and approval of the Corporation Counsel and Town Planner. – Economic Development/Planning and Zoning**

Economic Development Coordinator Jim Mahoney stated that the Town Council previously authorized the Town Manager to enter into a purchase agreement with Roger Svensk for acquisition of a one-acre property and a 0.1-acre easement on Reservoir Road for a price of \$42,000. The acquisition will help improve the connection between Timberlin Park and Ragged Mountain and it would secure a portion of the path for the New England National Scenic Trail (NET)/Metacomet Trail through Timberlin Park to Reservoir Road.

Staff coordinated with Corporation Counsel to conduct additional due diligence related to the property acquisition. A phase 1 environmental site assessment was prepared by Loureiro Engineering and the report recommends no additional investigations but advises that it would be prudent to remove debris from a small shed on the property and to place woodchips on the walking

path to be created at this location. The seller has agreed to remove the debris and the Town will cover the path with woodchips when it creates the trail.

A title search was ordered, and the Town requested the seller resolve a potential title issue related to an incomplete probate court filing. The probate court filing was amended, and this title issue has been resolved.

For the Town to acquire this property and easement the Planning and Zoning Department needs to approve a lot line revision to add this property to Timberlin Park. The Town has obtained a survey of the property that will be reviewed by the Town Planner so that the map can be recorded as part of the transfer of property.

Councilor Luddy moved to authorize the Town Manager to acquire of a 40-foot-wide lot of 1 acre along the western boundary of the parcels Map 13-3, Block 13, Lots 2 & 3 and a 0.1-acre easement (Reservoir Road) per the attached map for \$42,000, subject to review and approval of the Corporation Counsel and Town Planner.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**5. Topic re: Approve the waiving of the town's bidding requirements the repair Detroit Diesel engines utilizing Stewart Stevenson for an amount not to exceed \$25,767, as this is in the best interest of the town. – Municipal Garage**

Fleet Manager Jim Simons stated that during fiscal year 2022, the Fleet Department used Stewart Stevenson for parts and engine repair on multiple occasions. The cumulative cost of these expenditures now totals \$25,767 which exceeds the Town's purchasing limits. Stewart Stevenson is the parent company of Atlantic Detroit Diesel, a factory repair facility in our area for parts and repairs on Detroit Diesel engines and Allison transmissions.

Councilor Luddy moved to approve the waiving of the town's bidding requirements to repair Detroit Diesel engines utilizing Stewart Stevenson for an amount not to exceed \$25,767, as this is in the best interest of the town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**6. Topic re: Award the Fiscal Year 2023 diesel contract to East River Energy of Guilford, CT utilizing a "differential" option in CRCOG Bid # 730, as this is in the best interest of the Town. – Municipal Garage**

Fleet Manager Simons stated that the Town of Berlin's contract for diesel will run out on July 1, 2022. The current contract was a two-year contract that was negotiated during the height of the COVID lock down at \$1.84 per gallon. Current diesel prices have tripled since that time.

Mr. Simons proposes awarding the diesel contract to East River Energy. Although they were not the low bidder, they have provided very good service over the years to both the Fleet Garage and Timberlin Golf Course. He also recommends locking in with a differential as opposed to a fixed mark up in the hopes that down the road there will be some relief and the Town will be able to lock



in and save money. Mr. Simons added that the actual price of the fuel comes from the Nynex stock exchange.

Councilor Luddy moved to Award the Fiscal Year 2023 diesel contract to East River Energy of Guilford, CT utilizing a “differential” option in CRCOG Bid # 730, as this is in the best interest of the Town.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

- 7. Topic re: Utilize the Sourcewell Contract #03211-CAT for the purchase of a new Caterpillar 259D3 HF Compact Track Loader from H.O. Penn of Newington, CT for \$45,481, pending approval of the budget transfers by the Board of Finance. Also approve a transfer from the Waterways Treatment account (\$10,000.37) and the Storm-related overtime account (\$2,889.00), both in the General Fund, and from the Flat Bed Truck account (\$14,846.34), the Wood Chipper account (\$15,281.91), the Bobcat Accessories account (\$511.11), the Excavator account (\$343.75), the Pick Up Truck account (\$150.00), the Timberlin Clubhouse Roof Replacement account (\$400.20), the Lightning Detection account (\$140.00), the Rack Body (\$8.80), the Trailer (\$284.02) and the Storage Unit account (\$625.50), all from the Capital Non-Recurring Fund to the Skid Steer account in the Capital Non-Recurring Fund. – Public Grounds**

Public Grounds Superintendent Steve Wood stated that the Town’s existing skid steer was purchased in 2007 and in the past couple years it has been having electrical and other issues. Fleet Maintenance has attempted to repair it several times but unfortunately it has been down more than it has been running.

Public Grounds solicited quotes for a replacement skid steer. Based on the quotes, this request is to purchase a new Caterpillar 259D3 HF Compact Track Loader and approve the transfer of existing Town funds to complete the purchase. The cost of the new machine is net of a 31.94% State discount and a trade-in credit of \$18,000 offered by H.O. Penn for the Town’s existing skid steer.

Councilor Luddy moved to utilize the Sourcewell Contract #03211-CAT for the purchase of a new Caterpillar 259D3 HF Compact Track Loader from H.O. Penn of Newington, CT for \$45,481, pending approval of the budget transfers by the Board of Finance.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

Councilor Luddy moved to approve a transfer from the Waterways Treatment account (\$10,000.37) and the Storm-related overtime account (\$2,889.00), both in the General Fund, and from the Flat Bed Truck account (\$14,846.34), the Wood Chipper account (\$15,281.91), the Bobcat Accessories account (\$511.11), the Excavator account (\$343.75), the Pick Up Truck account (\$150.00), the Timberlin Clubhouse Roof Replacement account (\$400.20), the Lightning Detection account (\$140.00), the Rack Body (\$8.80), the Trailer (\$284.02) and the Storage Unit account (\$625.50), all from the Capital Non-Recurring Fund to the Skid Steer account in the Capital Non-Recurring Fund

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)



Councilor Veach added that the grounds around Town look beautiful and others have also complimented the Public Grounds work. Mr. Wood stated he would pass the compliment on to his crew.

**8. Topic re: Approve a transfer of \$60,000 from the School Worker's Compensation account and \$65,000 from the School Contractual Services account to the Hubbard Playground account, all in the General Fund, pending approval of the Board of Finance. – Finance/Public Grounds**

Public Grounds Superintendent Wood stated that the Director of Facilities and Berlin Public Schools Director of Operations Jeff Cugno looked at items that needed to be repaired and the current playground at Hubbard School is the only playground that has not been repaired or updated recently.

The repairs would be to replace the stairs at the front of the school and two sets of fire egress stairs at the back of the school, and to reclaim and repave the back playground, add basketball hoops along with the painting of interactive games on the blacktop. The project would begin around July 23<sup>rd</sup> with the pavement slated to be completed around the 16<sup>th</sup> of August. The paving will be done by Galasso Paving and the concrete stairs will be done by William Laydon Construction.

Mayor Kaczynski inquired about the project going out to bid and Mr. Wood stated that the Public Works Department goes out to bid for paving and sidewalks that covers multiple Town departments.

Councilor Luddy moved to approve a transfer of \$60,000 from the School Worker's Compensation account and \$65,000 from the School Contractual Services account to the Hubbard Playground account, all in the General Fund, pending approval of the Board of Finance.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**9. Topic re: Call a Town Meeting at 6:45 p.m. on June 21, 2022, to approve a non-budgeted appropriation of \$288,000 from the Outside Police Services account to the Extra Duty Police Officer account, both in the General Fund. – Finance**

Finance Director Kevin Delaney stated that every year in the budget the Town estimates the amount of revenue it will receive from outside organizations for public safety support on private projects and events. During fiscal year 2022 the amount of outside police service requests exceeded what was anticipated leading to \$288,000 in additional revenue.

This motion is to call a Town Meeting to appropriate the additional revenue to the related expenditure account.

Councilor Luddy moved to call a Town Meeting at 6:45 p.m. on June 21, 2022, to approve a non-budgeted appropriation of \$288,000 from the Outside Police Services account to the Extra Duty Police Officer account, both in the General Fund.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**10. Topic re: Appropriate \$5,048,046.16 of America Rescue Plan (ARPA) grant funds to the HVAC Upgrades account in the American Rescue Plan fund, pending approval by the Board of Finance. – Finance**

Finance Director Delaney stated that the Town was awarded \$6,048,046.16 in America Rescue Plan Act grant funds. The distribution of these funds was scheduled to occur in two installments – June 2021 and June 2022. The Town received the first installment (\$3,024,023.08) on 6/22/2021. The second installment is scheduled for approximately twelve months after the first installment.

To date the Town appropriated \$1 million to the State & Federal Grants revenue account between fiscal years 2022 & 2023. As a result, the Town has \$5,048,046.16 remaining and this motion is to appropriate those funds to the HVAC Upgrade account where the funds may be used to purchase equipment, pay construction contractors, and pay a construction manager for HVAC upgrades at the Town's elementary schools. The first school HVAC project is expected to be bid in 2022, and construction is projected to start at the first school during the summer of 2023.

Councilor Paonessa inquired if the price tag of this project requires it go to referendum. Town Clerk Kate Wall stated that is only for bonding of projects. These are grant funds that only require the Town follow the ARPA guidelines and this project does qualify.

Councilor Luddy moved to appropriate \$5,048,046.16 of America Rescue Plan (ARPA) grant funds to the HVAC Upgrades account in the American Rescue Plan fund, pending approval by the Board of Finance.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**11. Topic re: Discussion of FY23 Capital and Major Capital Projects/Purchases – Finance**

Town Manager Jayawickrema introduced this item by explaining that during the fiscal year 2023 General Fund budget development, the Board of Finance removed all capital requested by the Town Manager and directed that fiscal year 2022 General Fund operating surplus funds be used to make the requested purchases and complete the requested projects.

Finance Director Delaney stated that typically capital requests fall into urgent, important, or desirable categories. Over the last couple of years, he has come back to the Town Council to request the use of surplus funds for urgent need items. Although urgent items continue to have a need we are now moving closer to funding items that fall into the important category.

Based on the projected fiscal year 2022 surplus Mr. Delaney presented the Town Council with a list of capital items that could potentially be funded with that surplus, particularly mentioning the replacement of town hall servers and fire alarm upgrades at Willard School, along with the school vans and Hubbard School playground paving and stairs approved on tonight's agenda.

The total capital requests total about \$3.7 million, the items that could potentially be funded with surplus total approximately \$1.25 million, leaving about \$2.5 million in capital requests shifted out to future years.



In addition to the fiscal year 2023 budget items, major capital projects and proposed funding were discussed. These items include the Police Station renovation, HVAC projects at the elementary schools, Percival Soccer Field renovation, Highway Department wash bay, fire vehicle number four of four in the Fire Department Strategic Plan, and the Willard School parking lot.

Councilor Fazzino inquired if there were any updates on the increased costs in construction for the Police Department renovation. Corporation Counsel stated there was a line in the budget for escalation, but he did not have the information available, and he is not sure that number accurately reflects current inflation.

Mayor Kaczynski inquired about the cost of the Highway Department wash bay project. Public Works Director Mike Ahern stated that the project originally came in with a projected \$1 million price tag. The project was rebid with the automatic system as an alternate and that saved \$200,000. What they want to do now is bid the building and infrastructure so at least the staff can be enclosed in a climate-controlled building using pressure wands for washing the trucks, and when funds are available an automatic system can be installed. Mr. Ahern added that building the bay would also give them storage for another two trucks as they are currently short of storage space. FEMA funds received from Storm Isaias can potentially be used to fund some costs of this project.

Town Manager Jayawickrema stated that with the Police Department renovation the current Town storage area needs to be relocated therefore decisions must be made about the project or else it could be delayed.

NO ACTION NEEDED

**12. Topic re: Authorize the Town Manager to approve Task Amendment No. 4 for the LOTCIP Road Project involving Christian Lane, Deming Road, and Porters Pass, and to increase Contract #2021-01 with Fuss and O'Neill of Manchester, CT to an amount not to exceed \$148,500.00. - Public Works**

Public Works Director Mike Ahern stated that the Town received an initial Commitment to Fund from the Connecticut Department of Transportation (DOT) for \$3.558 million for road improvements through the Local Transportation Capital Improvement Program (LOTICIP) for three Town roadways: Christian Lane, Deming Road, and Porters Pass. LOTICIP funds provide for most of the overall construction costs, but the program requires towns to fund the required design, permitting, and bidding prior to construction. Town Council awarded the design/bidding portion of the project to Fuss and O'Neill, of Manchester, CT in the fall of 2020 for an amount not to exceed \$111,240.

Subsequent adjustments approved by the Town Council increased the contract to \$144,000 for non-scope work. Fuss & O'Neill submitted task Amendment No. 4 for \$8,500, to deal with unanticipated comments from CRCOG and potentially from DOT before the Town gets permission to bid the project. Based upon the additional work that must be performed, Staff recommend increasing the value of Contract #2021-01 to \$148,500, an increase of \$4,500.

Councilor Luddy moved to authorize the Town Manager to approve Task Amendment No. 4 for the LOTCIP Road Project involving Christian Lane, Deming Road, and Porters Pass, and to increase



Contract #2021-01 with Fuss and O'Neill of Manchester, CT to an amount not to exceed \$148,500.00.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**13. Topic re: Affirm prior support proposals from the Prudence Crandall Center and for the Kensington Congregational Church for the 2022 Connecticut Neighborhood Assistance Act (NAA) Tax Credit Program. – Town Manager**

Town Manager Jayawickrema stated that this item is from tonight's Public Hearing. Two proposals were received from the Prudence Crandall Center one which would be used for energy efficiency items which would be used to benefit the Center's Rose Hill Energy Conservation Program, the other is for programs serving low-income people. The proposal from the Kensington Congregational Church is for the first phase of the restoration of 12 large double hung windows on the first floor which will improve energy conservation for the 1774 historic meeting house.

Councilor Luddy moved to affirm prior support proposals from the Prudence Crandall Center and for the Kensington Congregational Church for the 2022 Connecticut Neighborhood Assistance Act (NAA) Tax Credit Program and reaffirm the Town Manager as liaison.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**14. Topic re: Charter Revision appointment – Mayor**

Mayor Kaczynski stated that the Town Charter states that Board of Finance members shall hold no other elective or appointed office. This was missed when appointing members to the current Charter Revision Commission members.

Corporation Counsel Donofrio stated that Section 4-4-1 of the Charter states that Board of Finance members shall hold no other elective or appointed office or be an employee of the Town. There is also a Connecticut General Statute that is referred to as incompatibility of town offices which deals with a variety of office holders. The only incompatibility of office that is identified in State Statute for Board of Finance members refers to having a salaried town position. He stated that his interpretation is that the Charter Revision Commission does fall under an appointed office and therefore Mr. Bordonaro would need to be replaced on that Commission.

Atty. Donofrio stated that he had been contacted by a couple people that were concerned about the fact that Mr. Bordonaro and the Charter Revision Commission (the Commission) had held meetings already. Upon discussion with the Commission's attorney, Atty. Steven Mednick, they agreed that until the Commission votes on the Draft Report to send to the Public Hearing scheduled for June 14<sup>th</sup> there is nothing binding or of consequence that has been done yet by the Commission. Also, knowing that the Town Council would be meeting this evening and could appoint a replacement, the decision was to precede so that the Commission could continue to adhere to the short time frame they have for discharging their duties.

Councilor Urrunaga stated that he feels that there is a bit of a consequence from things that came out of this situation saying that Mr. Bordonaro knew he was not supposed to be on the Commission, yet



he went to a meeting and brought up the issue of a partisan Board of Education that was not brought up during the Public Hearing and not brought up as a topic of review amongst the Town Council. At the end of the day the Draft Report will be brought to the Town Council and brought to vote by the residents of Berlin, however Councilor Urrunaga feels that the issue questions the integrity of the process. He added that all involved in the process need to be transparent.

Mayor Kaczynski stated that once the Charter is opened for review anything within it is open for discussion. Whether Mr. Bordonaro was there or not, nothing has been done or voted on. His placement on the Commission was simply an oversight and now that it has been brought to the Council's attention it will be corrected. Mayor Kaczynski added that the elimination of the Board of Finance through Charter Revision was never discussed by the Town Council, but that topic was also brought up at a Commission meeting. He reminded everyone that ultimately it will be the voters who decide on any changes to the Charter.

Councilor Rosso stated that the Democrats vetted their Commission members asking them to stick to the topics they wished to review in the Charter, and he asked if the Republicans did the same. Mayor Kaczynski stated that there were priorities from the Council but once again, the Commission has the right to look at anything within the Charter once it is opened.

Councilor Fazzino stated that he is bothered by the integrity of the process being called into question thereby calling the integrity of the Council into question. He has been frustrated by the process from the beginning due to the extremely tight deadline and then the issue with Mr. Bordonaro's appointment, he believes that the process should start over again.

Mayor Kaczynski inquired about the attendance of the Commission members at the meetings. Town Clerk Kate Wall stated that that information is in the meeting minutes. Councilor Veach stated that she is aware of accommodations made for members that could not attend or had to leave early. She added that Corporation Counsel stated that it was okay for Mr. Bordonaro to remain on the Commission until a new member was appointed.

Councilor Fazzino stated that his only concern is the semblance of impropriety, but he believes this discussion has been helpful to get the concerns on the public record and hopes that it can be rectified this evening.

Mayor Kaczynski reiterated that attorneys for both sides gave their opinions that as no votes had been taken during the meetings the Commission could continue to meet until a replacement member could be appointed. He added that it was a good thing the discrepancy was discovered early so it could be rectified.

Mayor Kaczynski stated that Councilor Paonessa will be nominated to replace Mr. Bordonaro on the Commission this evening adding that it was difficult to find another person willing to commit their time to it. Councilor Paonessa brings a lot of experience and knowledge having been a Town Council member for many years.

Councilor Luddy stated that the Commission needs to move forward especially regarding the VNA finances.

Councilor Fazzino inquired how it will work having Councilor Paonessa on the Commission when the Town Council reviews the Charter Review Commission's draft. Corporation Counsel Donofrio stated that it may depend on the item in question in the Charter and what comes to the Council in the draft. The Town Charter only prohibits Town Council members from holding another elected position, and there is no State Statute preventing Councilor Paonessa from being a member of the Commission.

Atty. Donofrio further explained that if there were a vote on a Charter item that Councilor Paonessa voted against and then that item comes before the Town Council as part of the draft, it will have to be considered at that point if Councilor Paonessa has a conflict in respect to that item. It is an issue that will need to be dealt with when it occurs.

Councilor Paonessa stated that Mayor Kaczynski asked him to step in due to the situation that occurred, and he believes that the appointment of Mr. Bordonaro was not intentional. The Councilor added that he sees the Town Council's requests regarding Charter Revision to be guidance on items that need to be reviewed but he will bring up any issues he deems relevant.

Town Clerk Kate Wall inquired if Councilor Paonessa will be appointed Chair of the Charter Review Commission. Mayor Kaczynski stated that he will be. Ms. Wall inquired of Atty. Donofrio if one or two motions should be made. Atty. Donofrio stated that two motions should be made: one for the appointment to the Commission and one for the appointment of Councilor Paonessa as Chair.

Councilor Luddy moved to nominate Charles Paonessa to the Charter Review Commission.

Seconded by Councilor Veach.

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

Those abstaining: Councilor Fazzino, Councilor Paonessa, Councilor Rosso

Vote being 4-0-3 (MOTION CARRIED)

Councilor Luddy moved to nominate Charles Paonessa as Chair of the Charter Review Commission.

Seconded by Councilor Veach.

Those voting in favor: Councilor Luddy, Councilor Veach, Mayor Kaczynski.

Those voting against: Councilor Urrunaga

Those abstaining: Councilor Fazzino, Councilor Paonessa, Councilor Rosso

Vote being 3-1-3 (MOTION CARRIED)

**15. Topic re: Update on Complaint 2021-001 the violation of the Ethics Policy and Code of Ethics.  
– Mayor**



Town Manager Jayawickrema asked Corporation Counsel Donofrio to speak on this item.

Atty. Donofrio stated that there was a finding in December 2021 of a violation of the Ethics Policy and Code of Ethics. The last time the matter was discussed with the Town Council they were informed that the decision of the Board of Ethics had been appealed and the Appellate had filed a motion to stay enforcement of the decision by the Board of Ethics. The Town Council had instructed Corporation Counsel that they were okay with forbearing from acting on the penalty phase but wanted the ability to discuss the matter. Atty. Donofrio conveyed that to the Court and the Court denied the motion to stay.

Atty. Donofrio believes that the position the Town Council took in respect to taking action on the penalty phase was a reasonable position and one of the reasons the Court denied the Appellate's motion to stay is because as the Town Council is not a party to the appeal the Court has no jurisdiction. He added that the primary reason for denying the motion to stay is that the Court did not meet the burden of proof under the Statute.

The transcripts were sent to the Town Clerk which were circulated to the Town Council. Atty. Donofrio's office will be filing their record this week. Arguments will be held in the Fall.

Mayor Kaczynski stated there are exhibits that are mentioned in the transcripts, but the Town Council has not received those items. He added that those items should be open to the public for full transparency. The Mayor requested that the transcripts and exhibits be added to the next Town Council agenda.

Town Clerk Kate Wall stated she would put the information together and get it to the Council members. Upon further discussion it was decided that the transcripts and exhibits would be placed on the Town website along with the Town Council packet information for the June 21, 2022 meeting.

NO ACTION NEEDED

#### **APPOINTMENTS:**

1. **Board of Ethics - Alternate – Vacancy** - Term would be until January 31, 2025. Can only be filled with a D or U.
2. **Cemetery Committee – Alternate – Vacancy** - Term would be until January 31, 2027. Can be filled with a D, R or U.
3. **Central Connecticut Health District** - Lecia Paonessa's (R) term expires on June 30, 2022. Reappointment or replacement term would be until June 30, 2025. Can be filled with a D, R, or U.

Councilor Luddy placed in nomination the name of Lecia Paonessa (R) of 1906 Chamberlain Highway for appointment to the Central Connecticut Health District.

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

Vote being 7-0 in favor of Lecia Paonessa (R) to serve on the Central Connecticut Health District. Term ending June 30, 2025.

4. **Commission for Persons with Disabilities – Vacancy** - Term would be until January 31, 2025. Can be filled with a D, R or U.
5. **Conservation Commission – Vacancy** - Term would be until January 31, 2025. Can be filled with a D, R or U.

Councilor Urrunaga placed in nomination the name of Karen Pagliaro (D) of 221 Stillmeadow Lane for appointment to the Conservation Commission.

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

Vote being 7-0 in favor of Karen Pagliaro (D) to serve on the Conservation Commission. Term ending January 31, 2025.

6. **Conservation Commission - Alternate – Vacancy** - Term would be until January 31, 2026. Can be filled with an R or U.

Councilor Urrunaga placed in nomination the name of Peter Zarabozo (U) of 158 Ellwood Road for appointment as an Alternate to the Conservation Commission.

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

Vote being 7-0 in favor of Peter Zarabozo (U) to serve as an Alternate to the Conservation Commission. Term ending January 31, 2026.

7. **Constables – Vacancy** - Term would be until December 2023. Can only be filled with D or U (with no more than a bare majority to be from one political party (Section 8-6)).
8. **Constables – Vacancy** - Term would be until December 2023. Can only be filled with D or U (with no more than a bare majority to be from one political party (Section 8-6)).
9. **Constables – Vacancy** - Term would be until December 2023. Can only be filled with D or U (with no more than a bare majority to be from one political party (Section 8-6)).
10. **Historic District Commission – Vacancy** - New term would be until January 31, 2027. Can be filled with a D, R or U.



- 11. Inland Wetlands & Water Courses Commission – Vacancy** – Term will be until January 31, 2024. Can be filled with a D or U.
- 12. Parks and Recreation Commission – Vacancy** - New term would be until January 31, 2025. Can be filled with a D, R, or U.
- 13. Plainville Area Cable Television Advisory Council (PACTAC) – 2 Vacancies** – New terms would expire on June 30, 2023. Can be filled with a D, R or U. There are only two members from Berlin for this board.
- 14. VNA – Vacancy** - New term would be until January 31, 2025. Can be filled with a D, R or U.
- 15. Water Control Commission –Alternate - Vacancy** -New term would be until January 31, 2023. Can be filled with a D, R or U
- 16. Water Control Commission –Alternate - Vacancy** -New term would be until January 31, 2023. Can be filled with a D, R or U
- 17. Water Control Commission – Alternate - Vacancy** - New term would be until January 31, 2024. Can only be filled with a D or U if both of the above are R.
- 18. Zoning Board of Appeals - Alternate – Vacancy** – Term would be until January 31, 2024. Can be filled with D, R, or U.

**K. TOWN MANAGER’S REPORT:**

- As a follow up to the topic of the house party discussed during the Audience of Citizens, the Town Manager stated that after discussion with Corporation Counsel Jennifer Coppola there are a couple items that the Town is going to try to prevent a situation like that from occurring again in the near future. He could not elaborate on those items but stated that creating a new ordinance would take time and these would be things that could be done in the meantime. The Town Manager added that the Town does not want to create an ordinance that penalizes residents who do things the right way.

Mayor Kaczynski suggested that Corporation Counsel look at the Danbury ordinance that Chief McNally is familiar with from his time in that city.

The Town Council decided to hold the Ordinance Committee meeting on Monday June 20, 2022 at 6 p.m.

- Paula Carabetta has been hired as the new Town of Berlin Human Resources Director. Ms. Carabetta was previously employed as the Human Resources Manager for the Town of Madison, has 12 years’ experience in the private sector, and is President of the Connecticut Public Employers Labor Relations Association.
- The Town is in the process of interviewing a new Labor Counsel as Atty. Kevin Roy has left Shipman and Goodwin. Corporation Counsel Donofrio has been involved in helping create the RFP. The Board of Education will remain with Shipman and Goodwin, and the Town



will have its own Labor Counsel as Atty. Donofrio advised having two separate labor counsels.

- The Registrar of Voters and Town Clerk will be holding two informational sessions on Thursday June 9<sup>th</sup> to discuss the Town's new redistricting plan. Sessions will be held at 9:00 a.m. at the Senior Center and 6:00 p.m. at Library. Town Clerk Wall added that a link has been added to the Registrar of Voters page on the Town website for residents to look up their voting location by address.

**L. SPECIAL COMMITTEE REPORTS:**

None

**M. COUNCILORS' COMMUNICATION:**

Councilor Fazzino stated that Berlin High School graduation will be held on Friday June 10<sup>th</sup>. He added that he has met with students over the past year, and he is very proud of them. He is also impressed with what the students are accomplishing in our public school system.

**N. ACCEPTANCE OF MINUTES:**

**May 12, 2022 Special**

Councilor Luddy moved to accept the Special Town Council Meeting Minutes of May 12, 2022.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**May 17, 2022**

Councilor Paonessa moved to accept the Town Council Meeting Minutes of May 17, 2022.

Seconded by Councilor Veach.

Vote being 6-0-1 with Councilor Luddy abstaining. (MOTION CARRIED)

**April 19, 2022 (Minutes amended)**

Councilor Luddy moved to accept the Town Council Meeting Minutes of April 19, 2022 as amended.

Seconded by Councilor Paonessa.

Vote being 7-0 (MOTION CARRIED)

**O. ADJOURNMENT:**

Councilor Luddy moved to adjourn at 9:59 p.m.

Seconded by Councilor Rosso.

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall  
Clerk of the Meeting