

Join Zoom Meeting

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Meeting ID: 867 7098 0621

Passcode: 819248

+1-929-205-6099, US (New York)

### **6:45 PM Town Meeting**

A special meeting of the electors and citizens qualified to vote in town meetings of the Town of Berlin, will be held at the Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Wednesday, November 2, 2022 at 6:45 p.m. for the following purposes:

1. To approve a non-budgeted appropriation of \$1,000,000 from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13. – Town Manager

TOWN OF BERLIN  
TOWN COUNCIL MEETING  
SPECIAL MEETING  
Wednesday, November 2, 2022  
Town Council Chambers  
Remote Meeting  
7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. AUDIENCE OF CITIZENS

E. MAYOR'S UPDATE

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

G. CONSENT AGENDA:

1. Topic re: Approve waiving the fees associated with hiring two Police officers with cruisers to cover the Town of Berlin Fire Department Tree Lighting in an amount of \$912.60 and approve waiving the

fees associated with hiring two Public Ground employees to cover the clean-up after the Tree Lighting, in an approximate amount of \$600.00. – Fire Administrator

2. Topic re: Transfer \$77,220, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts, pending approval by the Board of Finance. - Finance
3. Topic re: Accept monetary donations totaling \$388.68 and deposit \$388.68 into the Friends of the Library Credit Card Account to pay for the annual Getresponse database renewal and accept the donation of books with an approximate value of \$86.98 to be added to the appropriate collection and cake pans with an approximate value of \$30.00 to be added to the collection. – Berlin-Peck Memorial Library
4. Topic re: Accept the donations of \$100.00 and appropriate the funds to the Supplies Expenditure Account. – Police

#### H. PUBLIC HEARINGS

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Wednesday, November 2, 2022, at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Following the public hearing, the Town Council may consider and act upon the bond ordinance.

#### I. NEW BUSINESS:

1. Topic re: Approve the appointment of a new Democratic Town Council member to fill the unexpired term of Mike Urrunaga effective immediately through November 2023. – Town Clerk
2. Topic re: Approve, subject to the approval of the Board of Finance, a non-budgeted appropriation of one million dollars (\$1,000,000) from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13, subject to the completion of §8-24 report from the Berlin Planning & Zoning Commission. – Town Manager
3. Topic re: Waive Rule Seven of the Town Council's Rules and Procedures and move that "AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND

AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE” be adopted. – Town Clerk

4. Topic re: Authorize the Town Manager to execute the attached subordination agreement with respect to the lien through the Town’s Matching Façade and Landscaping Grant recorded in Volume 796 at Page 108 in the Berlin Land Records, subject to the review and approval of Corporation Counsel. – Economic Development
5. Topic re: Authorize the Town Manager to award Contract No. 2023-03, the LOTCIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, to Tilcon Connecticut, Inc of New Britain, CT in the amount of \$4,864,900.00 and to authorize the Town Manager to approve change orders to an amount not to exceed \$5,507,880.00 subject to: Approval of supplemental funding by the Connecticut Department of Transportation and Board of Finance approvals to appropriate the LOTCIP and Town funds, as needed. – Public Works
6. Topic re: Authorize the Town Manager to award the Construction Administration and Engineering Inspection Contract for the LOTCIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, to SLR International Corporation of Glastonbury, CT in the amount of \$218,000.00 and to authorize the Town Manager to approve change orders up to an amount not to exceed \$330,000.00 subject to: Approval of supplemental funding by the Connecticut Department of Transportation and Board of Finance approvals to appropriate the LOTCIP and Town funds, as needed. – Public Works
7. Topic re: Utilize State of Connecticut contract no. 13PSX0280-MNWNC-108 and approve the quote from Winslow Technology Group of Waltham, MA in the amount of \$16,736.00 which includes a 20 percent order contingency for technology components related to the Sage Park DEEP Grant Scoreboard Project. – Facilities/Information Technology
8. Topic re: Approve purchase orders up to \$25,000 as needed without exceeding the account balances in Department No. 38 and No. 61 operating materials and department No. 38 Custodial Supplies for the following vendors utilizing State and National Purchasing Contracts along with bid waivers, when necessary, as this is in the best interest of the Town. - Facilities
9. Topic re: Approve an increase to Purchase Order 230354 for Daikin Applied up to \$40,000 for additional maintenance, testing, cleaning, and repairs of the Berlin High School Chillers utilizing OMNIA partners contract R150505. - Facilities
10. Topic re: Approve the purchase of one (1) 2023 Ford F-550 cab and chassis for Berlin Water Control from Tasca Ford, utilizing the State of Connecticut, Department of Administrative Services Contract #19PSX0161 for an amount not to exceed \$75,000. – Municipal Garage
11. Topic re: Approve the purchase of one (1) 2023 Ford F-350 truck for use in the Parks Department., utilizing the State of Connecticut, Department of Administrative Services Contract #19PSX0161 for an amount not to exceed \$110,000. – Municipal Garage
12. Topic re: Set a public hearing on November 13, 2022, at 6:45 PM at the Town Council Chamber for the purpose of receiving both written and oral comments concerning the text amendments to Chapter III – Animals, in Berlin Code Book. – Town Manager

J. APPOINTMENTS:

1. Board of Ethics - Alternate – Vacancy - Term would be until January 31, 2025. Can only be filled with a D or U.
2. Commission for Persons with Disabilities – Vacancy - Term would be until January 31, 2023. Can be filled with a D, R or U.
3. Conservation Commission - Alternate – Vacancy - Term would be until January 31, 2026. Can be filled with a D, R or U.
4. 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)).
5. 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)).
6. 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)).
7. Historic District Commission – Vacancy - New term would be until January 31, 2027. Can be filled with a D, R or U.
8. Inland Wetlands & Water Courses Commission – Vacancy – Term will be until January 31, 2024. Can be filled with a D or U.
9. Parks and Recreation Commission – Vacancy - New term would be until January 31, 2025. Can be filled with a D, R, or U.
10. 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.
11. Planning and Zoning Commission – Vacancy – Term will be until January 31, 2027. Can be filled with D, R, or U.
12. VNA – Vacancy - New term would be until January 31, 2025. Can be filled with a D, R or U.
13. Water Control Commission – Alternate - Vacancy - New term would be until January 31, 2023. Can be filled with a D, R or U



14. Water Control Commission – Alternate - Vacancy - New term would be until January 31, 2023.  
Can be filled with a D, R or U

15. 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.

16. 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:

L. SPECIAL COMMITTEE REPORTS:

M. COUNCILORS’ COMMUNICATION:

N. ACCEPTANCE OF MINUTES:                      October 18, 2022

O. EXECUTIVE SESSION:

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

P. ADJOURNMENT

Special Town Meeting  
Wednesday, November 2, 2022  
Town Council Chambers  
Berlin Town Hall  
6:45 PM

A special meeting of the electors and citizens qualified to vote in town meetings of the Town of Berlin, will be held at the Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Wednesday, November 2, 2022 at 6:45 p.m. for the following purposes:

1. To approve a non-budgeted appropriation of \$1,000,000 from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13. – Town Manager

Kathryn J. Wall  
Berlin Town Clerk

Consent  
1

**Agenda Item No. \_\_\_\_\_**  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 18, 2022

**SUBJECT:** Waive the fees associated with hiring two police officers, to cover the Town of Berlin Fire Department Tree Lighting, as well as two Public Grounds employees for clean-up.

**Summary of Agenda Item:**

The Town of Berlin Fire Department has been hosting the Annual Tree Lighting for the past 8 years. Each year the event gets bigger and bigger, hopefully this year will be no exception to that.

We are requesting the Town Council to waive the cost of hiring two Police officers with cruisers. This expense to the town if waived is \$912.60, for their minimum charge of 4 hours.

We are also requesting the Town Council to waive the cost of hiring two Public Grounds employees. This expense to the town if waived is \$600.00.

The Fire Department makes no money off of this event as all proceeds are donated to local veterans and to the Town Food bank.

**Action Needed:**

Move to approve waiving the fees associated with hiring two Police officers with cruisers to cover the Town of Berlin Fire Department Tree Lighting in an amount of \$912.60.

Move to approve waiving the fees associated with hiring two Public Ground employees to cover the clean-up after the Tree Lighting, in an approximate amount of \$600.00.

**Attachments:**

**Prepared By:**   
James C. Simons, Fire Administrator, Town of Berlin

Consent

Agenda Item No. 2  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 21, 2022

**SUBJECT:** Budget Transfers to Clear Overbudget Accounts

**Summary of Agenda Item:**

Over the course of the fiscal year some accounts exceed budget for different reasons. All the higher than budgeted costs are offset in other parts of the budget or contingency. No new money is being appropriated with this request. These items are summarized on the Budget Adjustments spreadsheet submitted with this action item.

**Action Needed:**

Move to transfer \$77,220, as detailed on the accompanying spreadsheet, to cover higher than budgeted expenditures in identified accounts, pending approval by the Board of Finance.

**Attachments:**

Budget Adjustments spreadsheet  
Budget Change forms

**Prepared By:**

Kevin Delaney, Finance Director


# Budget Adjustments November 2, 2022

<u>Department</u>	<u>GL Account #</u>	<u>From</u>	<u>To</u>	<u>Explanation</u>
Golf Course			\$8,220.00	As part of the Timberlin reorganization, the Golf Professional role was put out to bid. Based on guidance from the PGA of America, the expected annual cost for the golf professional was \$45-\$50k. The Town received one bid for \$90k annually. As a result, the Golf Pro Contractual Services account is underfunded.
	001.25.2543.0.53510.00000			
		\$8,220.00		Funding is available in the Blue Collar Personnel account due to the retirement of a tenured employee and less than full staffing of the 9-month Blue Collar positions. Efforts were made to fill all positions, but the golf course did not receive enough qualified applicants to fill all of the vacancies.
Police			\$69,000.00	About five years ago the Town worked with Lloyds of London to develop a unique disability insurance plan for police officers in the defined contribution retirement plan. This plan provides enhanced coverage when compared with the traditional Town of Berlin disability insurance plan. The plan renews November 1st each year. In spite of repeated efforts to control the 11/1/2022 renewal rate change, the policy premium increased 197% as of 11/1/2022 (going from \$3,654 per month to \$11,440 per month, at the current roster). This increase was not anticipated when the FY23 budget was developed, so the Police disability account is underfunded.
	001.15.1532.0.52220.00000			
		\$39,000.00		
Water Control			\$30,000.00	There is funding in the Police health insurance account because the final FY23 health insurance increase was less than budgeted. Funding for the shortfall is also coming from the in lieu of sick pay (retiree) account based on the expectation that the number of actual retirements in the Police Department will be less than budgeted.
	001.15.1532.0.51811.00000			
GENERAL FUND TOTAL		<u>\$77,220.00</u>	<u>\$77,220.00</u>	
WATER CONTROL TOTAL		<u>\$0.00</u>	<u>\$0.00</u>	
GRAND TOTAL		<u>\$77,220.00</u>	<u>\$77,220.00</u>	



**TOWN OF BERLIN**  
BUDGET CHANGE FORM

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

Department:	<b>Golf Course</b>	Fiscal Year:	<b>FY2023</b>	Date:	<b>10/22/22</b>
To Acct #:	Description:	Amount:	Requested by:		
001.25.2543.0.53510.00000	Golf Pro Cont Serv	\$8,220.00	A. Jayawickrema		
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>					
From Acct #:	Description:	Amount:	Approved by:		
001.25.2543.0.51135.00000	Blue Collar Personnel	\$8,220.00			

**Contingency Balance (If applicable):**

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

As part of the Timberlin reorganization, the Golf Professional role was put out to bid. Based on guidance from the PGA of America, the expected annual cost for the golf professional was \$45-\$50k. The Town received one bid for \$90k annually. As a result, the Golf Pro Contractual Services account is underfunded.

Funding is available in the Blue Collar Personnel account due to the retirement of a tenured employee and less than full staffing of the 9-month Blue Collar positions. Efforts were made to fill all positions, but the golf course did not receive enough qualified applicants to fill all of the vacancies.

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

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date:	<b>10/21/22</b>
Comments:				

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

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

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

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

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

Budget Change # :	JE#	Approved by Town Meeting	Date approved:
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# TOWN OF BERLIN

## BUDGET CHANGE FORM

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

Department:	<b>Police</b>	Fiscal Year:	<b>FY2023</b>	Date:	<b>10/22/22</b>
To Acct #:	Description:	Amount:	Requested by:		
001.15.1532.0.52220.00000	Insurance, Life, Disability	\$69,000.00	M. McNally		
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>					
From Acct #:	Description:	Amount:	Approved by:		
001.15.1532.0.52235.00000	Health Insurance	\$39,000.00			
001.15.1532.0.51811.00000	In lieu of sick pay (retiree)	\$30,000.00			


### Contingency Balance (If applicable):

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

About five years ago the Town worked with Lloyds of London to develop a unique disability insurance plan for police officers in the defined contribution retirement plan. This plan provides enhanced coverage when compared with the traditional Town of Berlin disability insurance plan. The plan renews November 1st each year. In spite of repeated efforts to control the 11/1/2022 renewal rate change, the policy premium increased 197% as of 11/1/2022 (going from \$3,854 per month to \$11,440 per month, at the current roster). This increase was not anticipated when the FY23 budget was developed, so the Police disability account is underfunded.

There is funding in the Police health insurance account because the final FY23 health insurance increase was less than budgeted. Funding for the shortfall is also coming from the in lieu of sick pay (retiree) account based on the expectation that the number of actual retirements in the Police Department will be less than budgeted.

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

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date:
			 10/21/22

Comments:

### Section 3a: Town Council action:

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

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

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

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

Budget Change # :	JE#	Approved by Town Meeting	Date approved:

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 20, 2022

**SUBJECT:** Accept Library Donations

**SUMMARY:**

Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	388.68	FOL Credit Card Acct.	to pay for Getresponse database annual renewal	Friends of the Library
	388.68			
Equip/Merch	86.98	Books	add to collection	Various patrons
	30.00	Cake pans	add to collection	Lisa Brown
	116.98			

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

**ACTION NEEDED:**

Move to accept monetary donations totaling \$388.68 and deposit \$388.68 into the Friends of the Library Credit Card Account to pay for the annual Getresponse database renewal.

Move to accept the donation of books with an approximate value of \$86.98 to be added to the appropriate collection and cake pans with an approximate value of \$30.00 to be added to the collection.

**ATTACHMENTS:**

None

**PREPARED BY:**

Kimberly McNally, Director



Consent

Agenda Item No. 4  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 24, 2022

**SUBJECT:** Donation for supplies.

**Summary of Agenda Item:**

The Police Department has received \$100.00 in donations for supplies.

These funds will be deposited into the Donations Fund Revenue Account # 100.05.0505.2.45100.00000 and appropriated to the Supplies Expenditure Account # 100.15.1532.0.53201.00000.

**Action Needed:**

Move to accept the donations of \$100.00 and appropriate the funds to the Supplies Expenditure Account.

**Attachments:**

None

**Prepared By:**

Deputy Chief Chris Ciuci

NOTICE OF PUBLIC HEARING  
THE TOWN OF BERLIN

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Wednesday, November 2, 2022, at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Following the public hearing, the Town Council may consider and act upon the bond ordinance.

Dated at Berlin, Connecticut this 20th day of October 2022.

Kathryn J. Wall  
Town Clerk

**FIRST PERSON VERSION**

**PUBLIC HEARING**

I hereby convene the public hearing for the \$4,900,000 School HVAC Upgrades Project appropriation and bond ordinance. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

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

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_.

Those in favor?

Those opposed?

The motion passes.


AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Are there any comments from the public?

[Public Comments]

I call the public hearing on the \$4,900,000 School HVAC Upgrades Project bond ordinance closed.

Agenda Item No. 1  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager   
**DATE:** October 21, 2022  
**SUBJECT:** Resignation of Town Council Member Mike Urrunaga

**SUMMARY:**

Town Clerk Kate Wall has received the resignation letter of Town Council member Mike Urrunaga effective November 2, 2022.

Per the Town Charter Section 2-13 vacancy of an elective town office shall be replaced by an electorate of the town, from the same political party and by the appointment by the Council for the unexpired portion of the term.

Town Council shall appoint a new Democratic Town Council member.

**ACTION NEEDED:**

Move to approve the appointment of a new Democratic Town Council member to fill the unexpired term of Mike Urrunaga effective immediately through November 2023.

**ATTACHMENTS:**

Resignation Letter

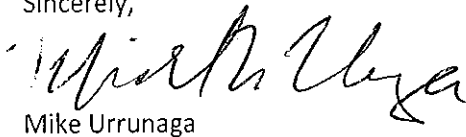
**PREPARED BY:** Kate Wall, Town Clerk 

10/20/2022

Madam Town Clerk,

I hereby resign my seat of the Berlin Town Council effective November 2, 2022. Following a promotion and change in schedule in February of this year, and with added responsibilities at work and incompatible hours, I have found it impossible to give equal effort to both posts. I have valued my time on the council immensely, and I am extremely grateful for the people who work tirelessly at Town Hall to make Berlin a better place. Thank you to everyone who helped me, and I appreciate everything you have done for me.

Sincerely,

  
Mike Urrunaga

RECEIVED FOR RECORD  
BERLIN TOWN CLERK

2022 OCT 21 AM 10:12

  
Kathy Ghegan

BERLIN, CT.

**Agenda Item No. 2**  
**Request for Town Council Action**

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** October 26, 2022  
**SUBJECT:** Purchase of Real Estate owned by Rio Vista Associates, LLC

**Summary of Agenda Item:**

Purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street for \$1,000,000.

**Action Needed:**

Move to approve, subject to the approval of the Board of Finance, a non-budgeted appropriation of one million dollars (\$1,000,000) from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13, subject to the completion of §8-24 report from the Berlin Planning & Zoning Commission.

**Attachments:**

None.

**Prepared By:**

Arosha Jayawickrema, Town Manager

Agenda Item No. 3  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 21, 2022

**SUBJECT: AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE**

**Summary of Agenda Item:**

Our Bond Counsel, Attorney Sandra D. Dawson, has prepared the attached bonding authorization entitled "AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE."

It is important that you read the exact resolutions as prepared by our Bond Counsel.

As stated in the bond ordinance:

"Section 1. The Town of Berlin, Connecticut (the "Town") appropriates the sum of \$4,900,000 for the School HVAC Upgrades (2023) project (the "Project"). The Project is comprised of HVAC improvements and upgrades at schools within the Town, which may include Willard Elementary School, Griswold Elementary School and Hubbard Elementary, as determined by the Town Council or the Public Building Commission. The Project includes the costs of planning, design, architectural work, remediation, equipment, acquisition, construction and related costs thereto, and administrative, advertising, printing, legal and financing costs related thereto. The Director of Finance or the Town Manager may allocate funding among the projects as needed from time to time. Said appropriation shall be inclusive of all State and Federal grants-in-aid, and in addition to all other appropriations therefor."

As a reminder, our Charter states that:

"Section 6-10-6. (c) Bonds, notes or other obligations shall be authorized upon adoption by the Council of an ordinance authorizing the project, the issuance of the obligations, and appropriating the proceeds thereof and approved in its entirety by the Board of Finance. Notice of passage of the ordinance as approved by the Board of Finance and the Council shall be provided by newspaper publication of its title and a statement of its passage. Adoption of an ordinance exceeding five million (\$5,000,000.00) dollars shall be subject to automatic



referendum approval by a majority of those voting thereon. Adoption of an ordinance of five million (\$5,000,000.00) dollars or less shall be subject to referendum approval by a majority of those voting thereon if (1) the Council, by majority vote concurrent with the adoption of the ordinance, sends the ordinance to referendum, or (2) not later than the fourteenth (14th) day from publication, counting the day of publication as the first (1st) day, a petition containing three (3%) percent or more of the total numbers of qualified electors whose names appear upon the last voting list is filed with the Town Clerk requesting the ordinance be submitted to referendum approval. The petition will be subject to certification in accordance with Section 3-9 of this Charter. The referendum shall be held within ninety (90) days of adoption of the ordinance or the Town Clerk's certification, whichever is applicable, provided that if a general election or a town election or referendum is to occur within six (6) months of such adoption or certification, the ordinance may be submitted at such election or referendum, unless prior thereto the Council repeals its approval."

**Action Needed:**

1. Move to waive Rule Seven of the Town Council's Rules and Procedures.
2. Move that "AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" be adopted.

**Attachments:**

Proceedings from Bond Counsel, Sandra D. Dawson.  
Ordinance

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





**FIRST PERSON VERSION**

**TOWN COUNCIL - ORDINANCE ACTION**

The Town Council will now consider and take action with respect to the \$4,900,000 School HVAC Upgrades Project appropriation and bond ordinance. A copy of the ordinance is available from the Town Clerk.

*[Make the following Motion Only if vote is on same night as public hearing.*

*Is there a motion to waive Rule 7?*

*Moved by \_\_\_\_\_, seconded by \_\_\_\_\_.*

*Those in favor?*

*Those opposed?*

*The motion passes.]*

Is there a motion and a second that the ordinance entitled:

“AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”,  
be adopted.

Moved by \_\_\_\_\_, seconded by \_\_\_\_\_.

[Council Discussion]

Those in favor?

Those opposed?

I declare the ordinance adopted.

AN ORDINANCE APPROPRIATING \$4,900,000 FOR SCHOOL HVAC UPGRADES (2023) AND AUTHORIZING THE ISSUE OF \$4,900,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town of Berlin, Connecticut (the "Town") appropriates the sum of \$4,900,000 for the School HVAC Upgrades (2023) project (the "Project"). The Project is comprised of HVAC improvements and upgrades at schools within the Town, which may include Willard Elementary School, Griswold Elementary School and Hubbard Elementary, as determined by the Town Council or the Public Building Commission. The Project includes the costs of planning, design, architectural work, remediation, equipment, acquisition, construction and related costs thereto, and administrative, advertising, printing, legal and financing costs related thereto. The Director of Finance or the Town Manager may allocate funding among the projects as needed from time to time. Said appropriation shall be inclusive of all State and Federal grants-in-aid, and in addition to all other appropriations therefor.

Section 2. To meet said appropriation, \$4,900,000 bonds of the Town or so much thereof as may be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as determined by a majority of the Mayor, Town Manager and Director of Finance (such majority hereafter, the "Town Officials"), and the amount of bonds of each series to be issued shall be fixed by the Town Officials in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of receipt thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. Capital project revenues, including bid premiums and income derived from the investment of proceeds from bonds issued pursuant to this ordinance (and net investment income derived from the investment of note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid there from, provided that such expenditures shall be applied against the appropriation, and the bond authorization shall be reduced by the amount of capital project revenues so credited, and provided further that earnings from the investment of note proceeds shall first be applied by the Director of Finance to pay note interest expense. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Town Officials, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Town Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Town Officials, and be approved as to their legality by

Pullman & Comley, LLC, Attorneys-At-Law ("Bond Counsel"). Such bonds shall bear such rate or rates of interest as shall be determined by the Town Officials. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon and shall be paid from property taxation to the extent not paid from other sources. In connection with the issuance of any bonds or notes authorized herein, the Town may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Town Council. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Town Officials in accordance with the General Statutes of the State of Connecticut, as amended (the "Statutes"). In order to meet the capital cash flow expenditure needs of the Town, the Town Manager and Director of Finance are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the Town outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes herein authorized.

Section 3. Said bonds shall be sold by the Town Officials in a competitive offering or by negotiation, in the Town Officials' discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals, or by auction, or other competitive method at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale may be published in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be approved by the Town Officials.

Section 4. The Town Officials are authorized to make temporary borrowings in anticipation of the receipt of the proceeds from the sale of bonds, notes or obligations, or the receipt of grants for the Project. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Town Officials, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Town Officials, be approved as to their legality by Bond Counsel, and be certified by a bank or trust company designated by the Town Officials pursuant to Section 7-373 of the Statutes. They shall be issued with maturity dates which comply with the provisions of the Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon, and shall be paid from property taxation to the extent not paid from other sources. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project.

Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance, or designee, is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Town Officials are hereby authorized to exercise all powers conferred by Section 3-20e of the Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 7. It is hereby found and determined that it is in the public interest to issue all, or a portion of, the Bonds, notes or other obligations of the Town authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The Town Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law including but not limited to any tax credit bonds or other tax-advantaged bonds.

Section 8. The Mayor, Town Manager and Director of Finance, and other proper officers and officials of the Town are each authorized to take any other action which is necessary or desirable to complete the Project and to issue bonds, notes or obligations or obtain grants to finance the aforesaid appropriation.

Agenda Item No. 4  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 18, 2022

**SUBJECT:** Authorization for the Town Manager to Subordinate to Thomaston Savings Bank with Respect to 1011 Farmington Avenue

**Summary of Agenda Item:**

CVN Rental LLC are in the process of obtaining financing from Thomaston Savings Bank. One of the requirements of the loan is that the bank have a first position lien on the property. CVN Rental and Thomaston Savings are requesting subordination by the Town of a lien of \$6,029.25 that was taken pursuant to the Town's Matching Façade and Landscaping Grant as recorded in Volume 796 at Page 108 in the Berlin Land Records.

**Action:**

Move to authorize the Town Manager to execute the attached subordination agreement with respect to the lien through the Town's Matching Façade and Landscaping Grant recorded in Volume 796 at Page 108 in the Berlin Land Records, subject to the review and approval of Corporation Counsel.

**Attachments:**

Proposed subordination agreement

**Prepared By:**

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

**After Recording Return To:**  
Mary Ann Santacroce, LLC  
225 North Main Street, Suite 109  
Bristol, CT 06010

## **SUBORDINATION AGREEMENT**

WHEREAS, **The Town of Berlin** ("Town of Berlin") is the holder of a certain Statutory Mortgage Form Deed in the original principal amount of \$6,029.95 dated October 13, 2021 and recorded October 14, 2021 in Volume 796 at Page 108 in the Berlin Land Records ("the Berlin Mortgage") in connection with certain real property known as 1011 Farmington Avenue, Berlin, Connecticut 06037 (the "Premises") owned by **CVN Rental LLC**, a Connecticut limited liability company, having a principal place of business at the Premises ("Borrower"); and

WHEREAS, Borrower has granted to **Thomaston Savings Bank** having an address at 203 Main Street, Thomaston, Connecticut ("Bank") a Mortgage, Assignment of Rents and UCC Financing Statement-Fixture Filing in the original principal amount of Three Hundred Forty Seven Thousand Two Hundred and 00/100 Dollars (\$347,200.00) dated October \_\_\_\_, 2022 and to be recorded in the Berlin Land Records in connection with the Premises (the "Thomaston Savings Bank Mortgage"); and

WHEREAS, the Bank desires that the Thomaston Savings Bank Mortgage be fully superior in priority to the Berlin Mortgage.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town of Berlin does hereby agree for itself and its successors and assigns, that the Thomaston Savings Bank Mortgage shall be and hereby is made superior and prior in lien and effect to the Berlin Mortgage, and hereby covenants and agrees with respect to the Premises that the Thomaston Savings Bank Mortgage shall be entitled to the same rights and privileges, both in law and equity, as it would have had if the same had been executed, delivered and recorded prior to the Berlin Mortgage.

Approved to Form

---

Corporation Counsel

IN WITNESS WHEREOF, this Subordination is made effective as of October \_\_\_\_, 2022.

TOWN OF BERLIN

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Arosha Jayawickrema  
Its Town Manager  
Duly Authorized

STATE OF CONNECTICUT)

: ss Berlin  
COUNTY OF HARTFORD )

October \_\_\_\_, 2022

Personally appeared Arosha Jayawickrema, Town Manager of the Town of Berlin, as aforesaid, signed of the foregoing instrument, and acknowledged the same to be her free act and deed as such Town Manager and the free act and deed of said municipality, before me.

\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public  
My Commission Expires: \_\_\_\_\_



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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 25, 2022

**SUBJECT:** LOTCIP Road Project – Construction Contract #2023-03 Award

**SUMMARY:**

The Town received a Commitment to Fund from the Connecticut Department of Transportation (DOT) for \$3.9 million for road improvements through the Local Transportation Capital Improvement Program (LOTICIP) for three Town roadways: Christian Lane, Deming Road, and Porters Pass. This grant comes with an agreement from the Town to fund approximately \$365,500.00. Two bids were received on September 15, 2022 for this 2.57-mile paving and road improvement project, as follows:

- Tilcon Connecticut, Inc of New Britain, CT (Tilcon) \$4,864,900.00
- B&W Paving & Landscaping, LLC, of Oakdale, CT \$5,339,635.00

LOTICIP funds will cover the majority of construction and inspection costs, and are provided before construction. The lowest bid exceeds available funding, so the project will need approvals from the Capital Region Council of Governments (CRCOG) and DOT to increase the LOTICIP amount accordingly. See attached CRCOG summary memo as well as the bid tabulation, analysis, and award recommendation to the CRCOG prepared by Fuss & O'Neill, the Town's design engineer. Staff anticipate that these approvals will be obtained by late November 2022, and are requesting Town Council approval to award the contract to Tilcon subject to obtaining the increased commitment to fund from DOT, and to authorize the Town Manager to approve change orders for Contract #2023-03 to an amount not to exceed \$5,507,880.00. (The total amount of \$5,837,880.00 to be approved by DOT includes 10% for contingencies and 10% for incidentals added to Tilcon's bid. The requested not-to-exceed amount of \$5,507,880.00 for the construction contract excludes \$330,000.00 for construction inspection, which will be paid from LOTICIP's "incidentals" portion of the grant. There is a related agenda item on the construction inspection contract for this project.) This action by Town Council is also conditioned on Board of Finance approval of subsequent appropriations related to incoming LOTICIP funds, and Finance Department involvement to set up related accounts and purchase orders. The Town will utilize the Grant Road Improvement Account (#140.20.2037.0.54000.00509) to fund approximately \$365,500.00 per agreement with the CRCOG.

**ACTION NEEDED:**

Move to authorize the Town Manager to award Contract No. 2023-03, the LOTICIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, to Tilcon Connecticut, Inc of New Britain, CT in the amount of \$4,864,900.00 and to authorize the Town Manager to approve change orders to an amount not to exceed \$5,507,880.00 subject to:

- Approval of supplemental funding by the Connecticut Department of Transportation
- Board of Finance approvals to appropriate the LOTICIP and Town funds, as needed.

**ATTACHMENTS:**

CRCOG Funding Increase Memo (10/14/22)

Bid Tabulation, Analysis & Engineer's Recommendation to Award – Contract 2023-03 (10/18/22)

Sufficiency of Funds

**PREPARED BY:**

Michael S. Ahern, P.E., Public Works Director/Town Engineer

*MSA*



**To:** Transportation Committee  
**From:** Sotoria Montanari, CRCOG Program Manager  
**Date:** October 14, 2022  
**cc:** Rob Aloise, CRCOG Director of Planning  
Cara Radzins, CRCOG Transportation Deputy  
Michael Ahern, P.E., Public Works Director, Berlin  
**Subject:** LOTCIP Funding Increase – Berlin Various Roadways Structure Improvements Project

A Transportation Committee meeting will take place at 12 noon on Monday, October 24, 2022. At the meeting, we will be discussing and acting on the following:

**Berlin Various Roadways Pavement Structure Improvements Project (L007-0002)**

The Town of Berlin is requesting a LOTCIP funding increase of \$1,572,399 from \$3,900,000 to \$5,472,399 (40.3% increase) based on the competitive low bid. The low bid plus incidentals and contingencies totals \$5,837,880. This requested funding increase, along with the Town's previously volunteered shared local contribution of \$365,481, would enable funding of the updated project construction cost.

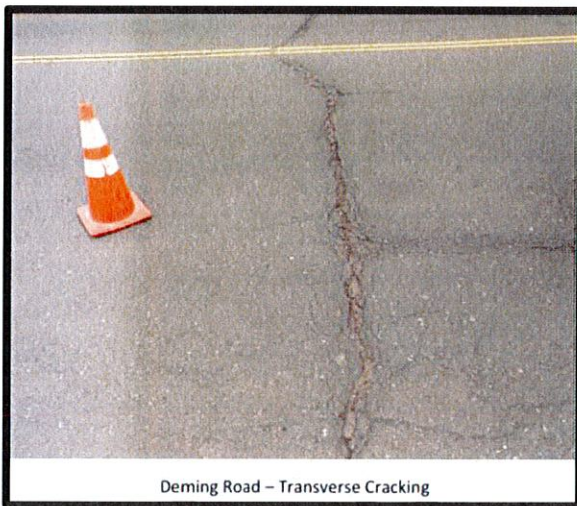


Christian Lane – North of Deming Road Longitudinal and Alligator Cracking

After successfully completing its LOTCIP design, the Town was issued its Authorization to Advertise Letter on July 27, 2022 and held its public bid opening on September 15, 2022. The Town received two (2) bid packages in the amounts of \$4,864,900 and \$5,339,635, considerably higher than the Engineer's construction cost estimate of \$3,527,553 (not including contingencies and incidentals).

The disparity between the engineer's estimate and bid prices is due to increases in the unit prices for construction materials, asphalt, and diesel fuel. Specifically, the Town saw substantial increases in HMA, fine milling bituminous concrete, and bituminous concrete driveways.

The additional unit costs combined with increases to percentage based estimating items resulted in the total estimated cost increase of \$1,572,399.



Deming Road – Transverse Cracking

To allow the Town to accept the lowest responsible bidder with costs that are substantially higher due to increased unit prices and inflation, staff recommends Committee approval of an additional \$1,572,399 of LOTCIP funding for the Berlin Various Roadways Structure Improvements Project (L007-0002), increasing the funding approval from \$3,900,000 to \$5,472,399, supplemented by a town share of \$365,481.





## FUSS & O'NEILL

October 18, 2022

Mr. Mike Ahern, PE  
Town Engineer/Public Works Director  
Town of Berlin  
240 Kensington Rd  
Berlin, CT 06037

Re: State Project No. L007-0002  
Berlin Pavement Structure Improvements  
Porters Pass, Christian Lane, and Deming Road  
Bid Analysis and Award Recommendation

Dear Mr. Ahern:

Bids for the Berlin Pavement Structure Improvements project were opened on September 15, 2022. There was a total of two bids received. The base bids from the two bidders were \$4,864,900.00 and \$5,339,635.00. The low bid is approximately 38 percent higher (\$1,337,346.55) than the Engineer's Estimate (EE) when comparing base bids, this excludes the 10 percent for incidentals and 10 percent for contingencies.

During the bid phase, the engineer's estimate was adjusted for item #0969060A (Construction Field Office, Small) to include winter shutdown (Addendum No. 4). Due to the revision the project total cost estimate increased by \$11,826.00. Details are presented in the table below.

Project Costs Summary	Bid Package	Addendum No.4	Cost Increase
Contract Cost Estimate	\$3,517,698.45	\$3,527,553.45	\$9,855.00
Contingencies (10% for all LOTCIP projects)	\$351,769.85	\$352,755.35	\$985.50
Incidentals (10% for all LOTCIP projects)	\$351,769.85	\$352,755.35	\$985.50
<b>Total Project Cost</b>	<b>\$4,221,238.14</b>	<b>\$4,233,064.14</b>	<b>\$11,826.00</b>

When comparing base bids and excluding non-participating items the low bid totaled \$4,560,331.40, which is \$1,248,204.95 more than the engineer's estimate. During the bid analysis, the non-participating items were revised to correspond to the agreed-upon Town match of \$365,482.32, which includes 10 percent for incidentals and 10 percent for contingencies. Thus, the cost of the non-participating items from the low bidder was \$304,568.60, approximately \$89,141.60 more than the engineer's estimate. Refer to the attached Bid Tabulation for the list of non-participating items.

146 Hartford Road  
Manchester, CT  
06040  
t 860.646.2469  
800.286.2469  
f 860.533.5143  
[www.fando.com](http://www.fando.com)

Connecticut  
Massachusetts  
Rhode Island  
South Carolina

Mr. Mike Ahern, PE

October 18, 2022

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The competition for this project is adequate and the closeness of bids suggests consistent understanding of the scope of work, thus readvertising is not recommended. Additionally, the two bids contained similar unit prices for comparable items on a recently received LOTCIP bid / project (L094-0002) which includes pavement reconstruction throughout. Fuss & O'Neill has performed a detailed review of the bid documents for the referenced project and has confirmed the following bids from the two bidders:

Bidder	Address	Bid (All Items)	Bid (Participating Items)
Tilcon Connecticut, Inc.	624 Black Rock Ave New Britain, CT 06050	\$4,864,900.00	\$4,560,331.40
B&W Paving & Landscaping, LLC	305 Butlertown Road Oakdale, CT 06370	\$5,339,635.00	\$5,055,125.00

Per the bid documents received, Tilcon Connecticut, Inc. is the apparent low bidder.

We have also reviewed the details of the bids received and determined that the bids do not contain mathematical errors, see attached Bid Tabulation. Line items from the low bidder that are one percent or greater deviation from the engineer's estimate are highlighted in orange on the attached Bid Tabulation spreadsheet. Identified items were compared to the other bid and any outliers were verified with the low bidder. Three items were identified and validated with the low bidder.

#### **Overall Bid Analysis**

The two bids were within 8.9% of each other indicating that the total bid amounts are an accurate indicator of the actual construction cost for the project. The difference between the bids is \$474,735.00. An overall analysis in the difference between the bids shows the following:

- B&W Paving & Landscaping, LLC submitted \$246,500 and \$77,000 higher bids than Tilcon Connecticut, Inc. for PMA S0.5 and HMA S0.5 items, respectively. These items accounted for approximately 68% of the cost difference between the bids. B&W Paving & Landscaping, LLC is located in Oakdale, CT, while Tilcon Connecticut, Inc. is based in New Britain, CT. Bidders location and the distance from the project site explain the cost difference between the two companies.
- B&W Paving & Landscaping, LLC. bid \$162,000 (\$5/s.y.) for Fine Milling of Bituminous Concrete where Tilcon Connecticut, Inc. bid \$97,200 (\$3/s.y.), a difference of \$64,800. Due to the size of the project, a small unit price difference contributed significantly to the



Mr. Mike Ahern, PE

October 18, 2022

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total bid. For the Fine Milling of Bituminous Concrete item, the price difference of \$2/s.y. added 14% to the difference of \$474,735.00 between the two bidders. Similar price variances within \$3/unit were observed for the following items: Earthwork and Excavation, Furnishing and Placing Topsoil, Liquid Asphalt Stabilizing Agent, and Bituminous Concrete Driveway (Commercial).

An additional review was performed to further evaluate and compare the items that are at or in excess of one percent deviation from the engineer's estimate and significant variation from the other bid. The LOTCIP Guidelines state the following:

"Upon completion of the Bid Analysis, if there is cause for concern, both in terms of unbalancing or the bidder's understanding of a particular item or project scope, the bidder should be questioned and allowed the opportunity to respond to the concerns. Generally speaking, this is usually documented in writing via email but may also require a meeting between the Municipality, the engineer, and the low bidder."

Per LOTCIP Guidelines, the Town requested verification of unit prices and understanding from Tilcon Connecticut, Inc. for three items as noted above that raised the engineer's concern and resulted in a significant difference in item bid amount when compared to the other bid. The validated items included were #0304002 (Processed Aggregate Base), # 0406002A (Temporary Pavement) and #0971001 (M&P of Traffic). The Town confirmed Tilcon Connecticut, Inc. understands the plans and specifications for each item and verified the unit price for each, see responses below.

1. # 0304002 – Processed Aggregate Base (at \$80.00 / CY). **Tilcon fully understands what the plans and specifications call for on this item. The price includes procurement, delivery, installation, compaction, and grading efforts. Unit price includes low production "handwork" areas on Deming Road.**
2. # 0406002A – Temporary Pavement (at \$158.00 /SY). **Tilcon fully understands what the plans and specifications call for on this item. The areas to be temporarily paved are not defined in location or size and will be inspected in the field in advance of permanent pavement treatments. This includes per the specification, excavation, sawcut, processed aggregate and HMA S0.5. Temporary areas need to be maintained and kept safe.**
3. # 0971001 – M&P of Traffic (LS of \$286,240.00). **Tilcon fully understands what the plans and specifications call for on this item per item number 0971001.**

The Town of Berlin also evaluated the following qualifications of the contractors; Bid / Bidder Responsiveness, Bidder Responsibility Determination, and/or the Contractors Qualifications /



Mr. Mike Ahern, PE  
October 18, 2022  
Page 4

Experience per the November 2021 LOTCIP guidelines. The town researched and contacted Tilcon regarding the Federal System for Award Management (SAM), see correspondence and investigation attached. The Town also assessed each Contractor and confirmed all necessary forms have been completed for submittal to CTDOT prior to formally recommending a bidder.

### Conclusion

Due to today's current market and increased inflation, the lowest bid was more than 10% higher than the Final Design Submission (FDS) Engineer's Estimate amount. The imbalances of supply and demand, cost of labor, and increased prices of natural resources has strained the construction environment and inflated the cost to perform such activities and/or projects. LOTCIP project L007-0002 is a major pavement rehabilitation project that relies heavily on petroleum based products, the nature of the project as well as the above-mentioned market conditions had a significant contribution to the pricing of the current bids.

Based on the information that we have reviewed, we recommend that Tilcon Connecticut, Inc. be awarded the construction contract for the Berlin Pavement Structure Improvements project. Funds required for LOTCIP Project No. L007-0002 are summarized below.

Project Costs Summary	LOTCIP Participating	LOTCIP Non-participating	Summary
Contract Items	\$4,560,331.40	\$304,568.60	\$4,864,900.00
Contingencies (10% for all LOTCIP projects)	\$456,033.14	\$30,456.86	\$486,490.00
Incidentals (10% for all LOTCIP projects)	\$456,033.14	\$30,456.86	\$486,490.00
<b>Total Project Cost</b>	<b>\$5,472,397.68</b>	<b>\$365,482.32</b>	<b>\$5,837,880.00</b>

Sincerely,

Sylwia Tanski, EIT  
Civil Engineer

John A. Guzze, P.E.  
Project Manager

Attachments: Federal System of Award Management (SAM) correspondence  
Certificate of Compliance with Connecticut General Statue 31-57b  
Municipal Chief Administrative Officer Recommendation w/ Anticipated Award Date  
Bid Tabulation



## John Guzze

---

**From:** John Guzze  
**Sent:** Thursday, September 22, 2022 1:29 PM  
**To:** John Guzze  
**Subject:** FW: Berlin Pavement Structures Improvement Bid #2023-03 - SAM Corres

**From:** Noti, Michael (Tilcon Connecticut) <[MNoti@tilcon-inc.com](mailto:MNoti@tilcon-inc.com)>  
**Sent:** Thursday, September 22, 2022 11:47:47 AM  
**To:** Michael Ahern <[mahern@berlinct.gov](mailto:mahern@berlinct.gov)>; Maryssa Tsolis <[mtsolis@berlinct.gov](mailto:mtsolis@berlinct.gov)>  
**Cc:** Reyes, Apostol (Tilcon Connecticut) <[apostol.reyes@tilcon-inc.com](mailto:apostol.reyes@tilcon-inc.com)>  
**Subject:** RE: [EXT] RE: Berlin Pavement Structures Improvement Bid #2023-03

Good morning,

Tilcon has no additional information or documentation, if there are any additional questions please let us know.

Best Regards,  
**Michael P. Noti**  
**Construction Manager**  
**Tilcon Connecticut, Inc.**

A CRH COMPANY

642 Black Rock Ave., New Britain, CT 06050

860.478.4442

860.223.3224

[mnoti@tilcon-inc.com](mailto:mnoti@tilcon-inc.com)

**From:** Michael Ahern <[mahern@berlinct.gov](mailto:mahern@berlinct.gov)>  
**Sent:** Wednesday, September 21, 2022 11:26 AM  
**To:** Noti, Michael (Tilcon Connecticut) <[MNoti@tilcon-inc.com](mailto:MNoti@tilcon-inc.com)>; Maryssa Tsolis <[mtsolis@berlinct.gov](mailto:mtsolis@berlinct.gov)>  
**Cc:** Reyes, Apostol (Tilcon Connecticut) <[apostol.reyes@tilcon-inc.com](mailto:apostol.reyes@tilcon-inc.com)>  
**Subject:** [EXT] RE: Berlin Pavement Structures Improvement Bid #2023-03

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and know the contents are safe. If you believe this email may be phishing or malicious, please use the Report Phish button.

Thanks Michael. We have also been requested to research your firm's status with the SAM system (see attached). Is there any relevant info or documentation that you can supply on that item?

Regards, Mike

**From:** Kevin Delaney <[kdelaney@berlinct.gov](mailto:kdelaney@berlinct.gov)>  
**Sent:** Tuesday, September 20, 2022 2:31 PM  
**To:** Maryssa Tsolis <[mtsolis@berlinct.gov](mailto:mtsolis@berlinct.gov)>  
**Subject:** RE: Pavement Structure Improvement Bids

I searched the SAM site and found nothing for Tilcon. The search seems to be the requirement, so I would say you've covered this requirement.

APPENDIX D

STATE OF CONNECTICUT  
Certificate of Compliance with  
Connecticut General Statute Section 31 - 57b

I hereby certify that all of the statements herein contained below have been examined by me, and to the best of my knowledge and belief are true and correct.

The Tilcon Connecticut, Inc. ~~HAS~~ **HAS NOT**  
Company Name (Cross out Non-applicable)

been cited for three (3) or more willful or serious or serious violations of any Occupational Safety and Health Act (OSHA) or of any standard, order or regulation promulgated pursuant to such act, during the three year period preceding the bid, provided such violations were cited in accordance with the provisions of any State Occupational Safety and Health Act of 1970, and not abated within the time fixed by the citation and such citation has not been set aside following appeal to the appropriate agency of court having jurisdiction or ~~HAS~~ **HAS NOT** (Cross out Non-applicable) received one or more criminal convictions related to the injury or death of any employee in the three-year period preceding the bid.

The list of violations (if applicable) is attached.

Tilcon Connecticut, Inc.

(Name of Firm, Organization or Corporation)

Signed:

  
Written Signature:

Michael Noti

Name Typed: (Corporation Seal)

Title:

Manager Of Construction

(Title of Above Person, typed)

Dated:

9/15/22

State of Connecticut )

County of Hartford )

ss: New Britain A.D., 20 22

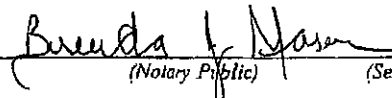
Sworn to and personally appeared before me for the above, Tilcon Connecticut, Inc.  
(Name of Firm, Organization, Corporation)

Signer and Sealer of the foregoing instrument of and acknowledged the same to be the free act and deed of

Michael Noti, and his/her free act and deed as  
(Name of Person appearing in front of Notary or Clerk)

Manager of Construction  
(Title of Person appearing in front of Notary or Clerk)

My Commission Expires: 9/30/2022

  
(Notary Public) (Seal)





TOWN OF BERLIN  
*Office Of The Town Manager*

AROSHA JAYAWICKREMA  
Town Manager

October 18, 2022

Satoria Montanari- LOTCIP Program Manager  
Capitol Region Council of Governments (CRCOG)  
241 Main Street, 4<sup>th</sup> Floor  
Hartford, CT 06114

Re: Town of Berlin Pavement Structure Improvement Bids  
(Christian Lane, Deming Road, and Porters Pass)  
Berlin Bid # 2023-03  
State LOTCIP Prooject #L007-0002

Dear Ms. Montanari;

The Town of Berlin received two (2) bids for the above-referenced project on September 15, 2022, as follows:

- |   |                |
|---|----------------|
| • Tilcon Connecticut, Inc. of New Britain, CT     | \$4,864,900.00 |
| • B & W Paving & Landscaping, LLC, of Oakdale, CT | \$5,339,635.00 |

The low bid submitted by Tilcon CT was approximately 38% higher (\$1,337,346.55) than the Engineer's Estimate. The Town's Design Consultant, Fuss & O'Neill, checked the bids and prepared the attached bid analysis per the LOTCIP guidelines. The Town has reviewed the bids and the enclosed bid analysis, and we concur with Fuss & O'Neill's findings and recommend awarding the contract to the low bidder (Tilcon Connecticut, Inc.). With the current bidding environment, we do not believe re-bidding the project would produce more favorable results. Tilcon CT is in compliance with the LOTCIP guidelines, is qualified to perform the work, and has successfully completed many paving projects for the Town. We would like to award the project as soon as possible with an anticipated award date of November 2, 2022.

Please do not hesitate to contact Mike Ahern (Public Works Director) at: [mahern@berlinct.gov](mailto:mahern@berlinct.gov) or (860) 828-7014 with any questions.

Sincerely,

  
Arosha Jayawickrema  
Town Manager

Attachment



<p><b>Bid Analysis</b></p> <p>FOR THE CONSTRUCTION OF</p> <p><b>BERLIN PAVEMENT STRUCTURE IMPROVEMENTS</b></p> <p>Porties Pass, Chikilani Lane and Denking Road</p>	TOWN OF	BERLIN
	PROJECT NO.	LO07/5002
	PREPARED BY	SI
	DATE	9/22/2022

Engineer's Estimate				B&W Paving & Landscaping, LLC				Tilcon Connecticut, Inc.										
NO.	UNIT	ITEM	QUANTITY	PRICE	AMOUNT	PRICE	AMOUNT	\$ Difference	% Difference	% Deviation	% of Total Contract	QUANTITY (used by Bidder)	PRICE	AMOUNT	\$ Difference	% Difference	% Deviation	% of Total Contract
0201001A	ls.	CLEARING AND GRUBBING	1	\$16,107.55	\$16,107.55	\$100,000.00	\$100,000.00	\$83,892.45	520.83%	2.4%	1.873		\$25,000.00	\$25,000.00	\$8,892.45	55.21%	0.3%	0.514
0201150A	ls.	RESET MANHOLE	10	\$5,400.00	\$54,000.00	\$2,000.00	\$20,000.00	\$32,000.00	-62.96%	-0.1%	-0.037		\$2,000.00	\$20,000.00	\$18,000.00	-45.37%	-0.1%	0.061
0202000	C.Y.	EARTH EXCAVATION	3,900	\$20.00	\$78,000.00	\$55.00	\$214,500.00	\$136,500.00	75.00%	1.7%	2.556		\$32.00	\$124,800.00	\$46,800.00	60.00%	1.3%	2.565
0202512A	C.Y.	CUT CONCRETE SIDEWALK	60	\$10.00	\$600.00	\$5.00	\$300.00	\$300.00	-50.00%	0.0%	0.006		\$5.00	\$300.00	\$0.00	-70.00%	0.0%	0.004
0202529	ls.	CUT BITUMINOUS CONCRETE PAVEMENT	5,325	\$2.50	\$13,312.50	\$3.00	\$15,975.00	\$2,662.50	20.00%	0.1%	0.299		\$3.00	\$15,975.00	\$2,662.50	20.00%	0.1%	0.328
0202533A	ls.	REMOVAL OF EXISTING CURBING	24,000	\$2.00	\$48,000.00	\$5.00	\$120,000.00	\$72,000.00	150.00%	2.0%	2.247		\$3.00	\$72,000.00	\$24,000.00	50.00%	0.7%	1.365
0209001	sq. ft.	FORMATION OF SUBGRADE	8,750	\$2.25	\$19,687.50	\$4.00	\$35,000.00	\$15,312.50	77.78%	0.4%	0.655		\$1.35	\$11,812.50	-\$7,875.00	-66.00%	-0.2%	0.043
0211000	sq. ft.	ANTI-TRUCKING PAD	75	\$25.00	\$1,875.00	\$20.00	\$1,500.00	\$375.00	20.00%	0.0%	0.028		\$47.00	\$3,525.00	\$1,650.00	46.00%	0.0%	0.072
0219001A	sq. ft.	SEMENTATION CONTROL SYSTEM - Silt SOCK	1,400	\$7.50	\$10,500.00	\$12.00	\$16,800.00	\$6,300.00	33.33%	0.1%	0.262		\$5.00	\$7,000.00	\$2,800.00	26.67%	-0.1%	0.158
0219009	ls.	SEMENTATION CONTROL SYSTEM - Silt FENCE BACKED w/ STRAW BALES	3,300	\$18.00	\$59,400.00	\$12.00	\$39,600.00	\$19,800.00	-33.33%	-0.6%	0.742		\$7.00	\$23,100.00	\$36,300.00	-61.11%	-1.0%	0.475
0304002	sq. ft.	SEMENTATION CONTROL SYSTEM AT CATCH BASIN	90	\$100.00	\$9,000.00	\$50.00	\$4,500.00	\$4,500.00	50.00%	0.1%	0.263		\$105.00	\$9,450.00	\$450.00	5.00%	0.0%	0.194
0403072A	C.Y.	PROCESSED AGGREGATE BASE	2,200	\$45.00	\$99,000.00	\$55.00	\$121,000.00	\$22,000.00	22.22%	0.6%	2.264		\$80.00	\$176,000.00	\$77,000.00	77.78%	2.2%	3.618
0403077A	sq. ft.	COLD - IN - PLACE RECYCLED PAVEMENT	40,000	\$67.75	\$27,100.00	\$7.00	\$2,800.00	\$24,300.00	21.74%	1.4%	5.244		\$6.87	\$2,748.00	\$4,600.00	20.9%	0.1%	4.826
0403077A	sq. ft.	COLD - IN - PLACE STRUCTURES (SMALL)	33	\$600.00	\$19,800.00	\$900.00	\$29,700.00	\$9,900.00	50.00%	0.3%	0.556		\$810.00	\$26,730.00	\$6,930.00	35.00%	0.2%	0.549
0403075A	sq. ft.	COLD - IN - PLACE STRUCTURES (LARGE)	71	\$1,175.00	\$83,425.00	\$1,400.00	\$99,400.00	\$15,975.00	19.15%	0.5%	1.862		\$595.00	\$42,245.00	\$41,180.00	-49.36%	-1.2%	0.868
0403075A	ls.	CORE SAMPLING FOR CIR (CHRISTIAN LANE)	1	\$1,750.00	\$1,750.00	\$1,500.00	\$1,500.00	\$250.00	14.3%	0.4%	0.281		\$4,025.00	\$4,025.00	\$2,275.00	56.80%	0.1%	0.083
0403077A	ls.	LIQUID ASPHALT STABILIZING AGENT	44.161	\$3.75	\$165,607.50	\$4.00	\$176,640.00	\$11,032.50	6.00%	2.8%	4.962	441.60	\$5.21	\$230,079.60	\$114,472.10	38.93%	1.8%	4.729
0403079A	ton	PORTLAND CEMENT STABILIZING AGENT	95	\$240.00	\$22,800.00	\$300.00	\$28,500.00	\$5,700.00	25.14%	0.2%	0.534		\$240.00	\$22,800.00	\$0.00	0.0%	0.069	
0403080A	ls.	CORE SAMPLING FOR CIR (DENKING ROAD)	1	\$1,750.00	\$1,750.00	\$1,500.00	\$1,500.00	\$250.00	14.3%	0.4%	0.281		\$4,025.00	\$4,025.00	\$2,275.00	56.80%	0.1%	0.083
0403081A	ls.	MIX DESIGN FOR CIR (DENKING ROAD)	1	\$3,250.00	\$3,250.00	\$8,000.00	\$8,000.00	\$4,750.00	146.15%	0.1%	0.150		\$6,449.00	\$6,449.00	\$3,199.00	50.00%	0.1%	0.133
0404002A	TEMPORARY PAVEMENT		510	\$25.00	\$12,750.00	\$100.00	\$51,000.00	\$38,250.00	300.00%	1.1%	0.955		\$158.00	\$80,850.00	\$67,850.00	84.23%	1.9%	1.656
0406159	ton	PHAS 50.5	8,500	\$95.00	\$807,500.00	\$155.00	\$1,317,500.00	\$510,000.00	63.16%	1.4%	24.674		\$126.00	\$1,071,000.00	\$263,500.00	24.62%	7.5%	22.015
0406171	ton	MATERIAL FOR TACK COAT	2,250	\$95.00	\$213,750.00	\$148.00	\$333,000.00	\$119,250.00	55.79%	4.1%	7.422		\$148.00	\$333,000.00	\$119,250.00	35.51%	1.9%	6.783
0406236	gal	MATERIAL FOR TACK COAT	8,000	\$7.00	\$56,000.00	\$10.00	\$80,000.00	\$24,000.00	42.86%	0.7%	1.498		\$9.85	\$78,800.00	\$22,800.00	40.21%	0.6%	1.620
0406500	ton	MATERIAL TRANSFER VEHICLE	8,500	\$3.50	\$29,750.00	\$5.00	\$42,500.00	\$12,750.00	42.86%	0.4%	0.766		\$4.65	\$39,525.00	\$9,775.00	32.86%	0.3%	0.812
0406999A	ASPHALT ADJUSTMENT COST		17,000	\$1.00	\$17,000.00	\$1.00	\$17,000.00	\$0.00	0.00%	0.0%	0.218		\$1.00	\$17,000.00	\$0.00	0.00%	0.0%	0.349
0409001	sq. ft.	FINE MILLING OF BITUMINOUS CONCRETE (0" TO 4")	32,400	\$6.00	\$194,400.00	\$5.00	\$162,000.00	\$32,400.00	-16.67%	-0.9%	3.034		\$3.00	\$97,200.00	\$97,200.00	-50.00%	0.0%	1.998
0507722A	sq. ft.	RESET CATCH BASIN TOP	77	\$250.00	\$19,250.00	\$1,000.00	\$77,000.00	\$57,750.00	300.00%	1.6%	1.442		\$1,350.00	\$103,950.00	\$84,700.00	81.50%	2.4%	2.137
0507781	RESET MANHOLE		2	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$0.00	0.00%	0.0%	0.037		\$1,800.00	\$3,600.00	\$1,600.00	44.00%	0.0%	0.074
0508002.10	TYPE "C" CATCH BASIN (4' SHUMP) - 0' - 10' DEEP		2	\$3,750.00	\$7,500.00	\$4,500.00	\$9,000.00	\$1,500.00	20.00%	0.0%	0.169		\$5,500.00	\$11,000.00	\$3,500.00	40.00%	0.1%	0.228
0508451	RESET MANHOLE (STORM)		1	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$250.00	33.33%	0.0%	0.019		\$1,800.00	\$1,800.00	\$1,050.00	58.33%	0.0%	0.027
0508703	CONVERT CATCH BASIN TO MANHOLE		2	\$1,750.00	\$3,500.00	\$2,800.00	\$5,600.00	\$2,800.00	80.00%	0.0%	0.094		\$3,250.00	\$6,500.00	\$3,000.00	46.15%	0.1%	0.134
0508750	TYPE "C" CATCH BASIN TOP		73	\$750.00	\$54,750.00	\$1,800.00	\$131,400.00	\$76,650.00	140.00%	1.6%	2.051		\$3,100.00	\$227,300.00	\$175,200.00	77.12%	-0.5%	0.765
0508760	TYPE "C" CATCH BASIN TOP		4	\$750.00	\$3,000.00	\$3,000.00	\$12,000.00	\$9,000.00	300.00%	0.1%	0.112		\$3,100.00	\$12,400.00	\$9,400.00	75.81%	0.0%	0.042
0653001	CLEAN EXISTING CATCH BASIN		79	\$180.00	\$14,220.00	\$300.00	\$23,700.00	\$9,480.00	66.67%	0.3%	0.444		\$300.00	\$23,700.00	\$9,480.00	40.00%	0.3%	0.487
0653001.12	12" R.C. PIPE - 0' - 10' DEEP		12	\$60.00	\$720.00	\$100.00	\$1,200.00	\$480.00	66.67%	0.0%	0.022		\$190.00	\$2,280.00	\$1,560.00	68.42%	0.0%	0.047
0811001	6" CONCRETE CURBING		800	\$30.00	\$24,000.00	\$50.00	\$40,000.00	\$16,000.00	66.67%	0.5%	0.749		\$50.00	\$40,000.00	\$16,000.00	40.00%	0.5%	0.822
0815001	BITUMINOUS CONCRETE RIP CURBING		25,000	\$6.50	\$162,500.00	\$6.00	\$150,000.00	\$12,500.00	-7.69%	-0.4%	2.809		\$6.50	\$162,500.00	\$0.00	0.00%	0.0%	3.340
0921002	REMOVE AND RESET PRECAST CONCRETE BARRIER CURB		70	\$87.00	\$6,090.00	\$75.00	\$5,250.00	\$840.00	-13.79%	0.0%	0.098		\$300.00	\$21,000.00	\$14,910.00	-45.59%	-0.1%	0.040
0921001	CONCRETE SIDEWALK		1,100	\$10.00	\$11,000.00	\$20.00	\$22,000.00	\$11,000.00	100.00%	0.3%	0.412		\$25.00	\$27,500.00	\$16,500.00	150.00%	0.5%	0.565
0921005	CONCRETE SIDEWALK RAMP		440	\$20.00	\$8,800.00	\$23.00	\$10,120.00	\$1,320.00	15.00%	0.1%	0.384		\$35.00	\$15,400.00	\$6,600.00	42.86%	0.3%	0.475
0921039	DETECTABLE WARNING SURFACE		115	\$50.00	\$5,750.00	\$50.00	\$5,750.00	\$0.00	0.00%	0.0%	0.094		\$25.00	\$2,875.00	\$2,875.00	-50.00%	-0.1%	0.051
0922001	BITUMINOUS CONCRETE SIDEWALK		15	\$40.00	\$600.00	\$75.00	\$1,125.00	\$525.00	87.50%	0.0%	0.021		\$150.00	\$2,250.00	\$1,650.00	73.33%	0.0%	0.046
0922500	BITUMINOUS CONCRETE DRIVEWAY (COMMERCIAL)		1,780	\$40.00	\$71,200.00	\$75.00	\$133,500.00	\$62,300.00	86.90%	4.3%	4.167		\$122.00	\$217,160.00	\$145,960.00	67.21%	4.1%	4.464
0922501	BITUMINOUS CONCRETE DRIVEWAY		550	\$25.00	\$13,750.00	\$50.00	\$27,500.00	\$13,750.00	100.00%	0.0%	0.016		\$110.00	\$60,500.00	\$46,750.00	77.27%	1.3%	1.244
0939001	SWEEPING FOR DUST CONTROL		200	\$75.00	\$15,000.00	\$100.00	\$20,000.00	\$5,000.00	33.33%	0.1%	0.275		\$50.00	\$10,000.00	\$5,000.00	50.00%	-0.1%	0.026
0942001	CALCIUM CHLORIDE FOR DUST CONTROL		60	\$50.00	\$3,000.00	\$100.00	\$6,000.00	\$3,000.00	100.00%	-0.9%	0.112		\$75.00	\$4,500.00	\$1,500.00	33.33%	0.5%	1.141
0943001	WATER FOR DUST CONTROL		5,700	\$10.00	\$57,000.00	\$11.00	\$62,700.00	\$5,700.00	10.00%	-1.3%	0.107		\$1.00	\$5,700.00	\$0.00	-100.00%	-1.5%	0.117
0944000	FURNISHING AND PLACING TOPSOIL		8,000	\$7.25	\$58,000.00	\$14.00	\$112,000.00	\$54,000.00	92.86%	0.0%	1.048		\$15.00	\$120,000.00	\$62,000.00	106.90%	1.8%	2.407
0950005	TURF ESTABLISHMENT		10,000	\$1.50	\$15,000.00	\$3.00	\$30,000.00	\$15,000.00	100.00%	0.4%	0.582		\$3.25	\$32,500.00	\$17,500.00	116.67%	0.5%	0.668
0956000A	CONSTRUCTION FIELD OFFICE SMALL		80,000	\$2,250.00	\$180,000.00	\$3,000.00	\$240,000.00	\$60,000.00	33.33%	0.2%	0.588		\$2,500.00	\$200,000.00	\$120,000.			



Engineer's Estimate				BAW Paving & Landscaping, LLC				Tilcon Connecticut, Inc.										
NO.	ITEM	UNIT	QUANTITY	PRICE	AMOUNT	PRICE	AMOUNT	\$ Difference	% Difference	% Deviation	% of Total Contract	Quantity (Used by Bidder)	PRICE	AMOUNT	\$ Difference	% Difference	% Deviation	% of Total Contract
1001001	TRENCHING AND BACKFILLING	l.f.	640	\$25.00	\$16,000.00	\$15.00	\$9,600.00	-\$6,400.00	-40.00%	-0.2%	0.180		\$38.50	\$24,640.00	\$8,640.00	54.00%	0.2%	0.506
1002208	TRAFFIC CONTROL FOUNDATION - CONTROLLER - TYPE IV	sq.	1	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$0.00	0.00%	0.028	0.028		\$2,100.00	\$2,100.00	\$600.00	40.00%	0.0%	0.043
1008015	2" RIGID METAL CONDUIT - SURFACE	l.f.	30	\$25.00	\$750.00	\$20.00	\$600.00	\$150.00	20.00%	0.1%	0.017		\$55.20	\$1,656.00	\$906.00	120.80%	0.0%	0.034
1008115	2" RIGID METAL CONDUIT IN TRENCH	l.f.	340	\$12.50	\$4,250.00	\$22.00	\$7,480.00	\$3,230.00	76.00%	0.1%	0.140		\$24.10	\$8,194.00	\$3,944.00	92.80%	0.1%	0.168
1008215	2" RIGID METAL CONDUIT UNDER ROADWAY	l.f.	275	\$15.00	\$4,125.00	\$28.00	\$7,760.00	\$3,635.00	88.00%	0.1%	0.129		\$60.00	\$16,500.00	\$12,375.00	300.00%	0.4%	0.339
1010011	CONCRETE HANDHOLE - TYPE I	sq.	1	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$250.00	33.33%	0.0%	0.019		\$101.00	\$1,010.00	\$260.00	34.67%	0.0%	0.021
1010021	CONCRETE HANDHOLE - TYPE II	sq.	3	\$400.00	\$1,200.00	\$900.00	\$2,700.00	\$1,500.00	125.00%	0.0%	0.051		\$875.00	\$1,425.00	\$1,425.00	118.75%	0.0%	0.054
1010060A	CLEAN EXISTING CONCRETE HANDHOLE	sq.	4	\$300.00	\$1,200.00	\$200.00	\$800.00	-\$400.00	-33.33%	0.0%	0.015		\$44.00	\$1,760.00	\$560.00	46.67%	0.0%	0.036
1108163A	MODIFY EXISTING CONTROLLER	sq.	1	\$1,500.00	\$1,500.00	\$3,000.00	\$3,000.00	\$1,500.00	100.00%	0.0%	0.056		\$4,400.00	\$4,400.00	\$2,900.00	193.33%	0.1%	0.090
111401A	LOOP VEHICLE DETECTOR	sq.	30	\$275.00	\$8,250.00	\$700.00	\$21,000.00	\$12,750.00	154.55%	0.4%	0.393		\$850.00	\$25,500.00	\$17,250.00	209.09%	0.5%	0.524
111451A	LOOP DETECTOR SAW CUT	l.f.	1,250	\$5.00	\$6,250.00	\$22.00	\$27,500.00	\$21,250.00	340.00%	0.6%	0.515		\$38.25	\$35,312.50	\$29,062.50	465.00%	0.8%	0.726
1113049	2 CONDUCTOR NO. 8 CABLE	l.f.	50	\$1.50	\$75.00	\$5.00	\$250.00	\$175.00	233.33%	0.0%	0.005		\$3.90	\$195.00	\$120.00	160.00%	0.0%	0.004
1113090	21 CONDUCTOR NO. 14 CABLE	l.f.	3,300	\$2.50	\$8,250.00	\$5.00	\$16,500.00	\$8,250.00	200.00%	0.0%	0.185		\$2.85	\$9,450.00	\$1,155.00	14.00%	0.0%	0.193
1113109	21 CONDUCTOR NO. 14 CABLE	l.f.	50	\$4.00	\$200.00	\$5.00	\$250.00	\$50.00	25.00%	0.0%	0.005		\$6.10	\$305.00	\$105.00	52.50%	0.0%	0.006
118012A	REMOVAL AND/OR RELOCATION OF TRAFFIC SIGNAL EQUIPMENT	l.s.	1	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$0.00	0.00%	0.094	0.094		\$12,200.00	\$12,200.00	\$7,200.00	144.00%	0.2%	0.281
1206023	REMOVAL AND RELOCATION OF EXISTING SIGNS	l.s.	1	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00	\$1,500.00	75.00%	0.0%	0.066		\$2,500.00	\$2,500.00	\$500.00	25.00%	0.0%	0.051
1208231	SIGN FACE - SHEET ALUMINUM (TYPE IX RETROREFLECTIVE SHEETING)	s.f.	550	\$27.00	\$14,850.00	\$85.00	\$46,750.00	\$31,900.00	214.81%	0.9%	0.876		\$62.00	\$34,100.00	\$19,250.00	129.65%	0.5%	0.291
1210101	4" WHITE EPOXY RESIN PAVEMENT MARKINGS	l.f.	30,000	\$0.30	\$9,000.00	\$0.70	\$21,000.00	\$12,000.00	40.00%	0.2%	0.361		\$0.48	\$14,400.00	-\$600.00	-4.00%	0.0%	0.076
1210102	4" YELLOW EPOXY RESIN PAVEMENT MARKINGS	l.f.	27,500	\$0.60	\$16,500.00	\$0.70	\$19,250.00	\$2,750.00	16.67%	0.1%	0.361		\$0.48	\$13,200.00	-\$3,300.00	-20.00%	-0.1%	0.271
1210105	EPOXY RESIN PAVEMENT MARKINGS, SYMBOLS AND LEGENDS	s.f.	2,210	\$3.25	\$7,182.50	\$4.00	\$8,840.00	\$1,657.50	23.07%	0.0%	0.166		\$4.75	\$10,497.50	\$3,315.00	46.14%	0.1%	0.216
1211001	REMOVAL OF PAVEMENT MARKINGS	s.f.	600	\$1.50	\$900.00	\$2.00	\$1,200.00	\$300.00	33.33%	0.0%	0.022		\$2.00	\$1,200.00	\$300.00	33.33%	0.0%	0.025
1212001	TEMPORARY PLASTIC PAVEMENT MARKING TAPE - 4" YELLOW	l.f.	27,500	\$0.65	\$17,875.00	\$2.00	\$55,000.00	\$37,125.00	207.69%	1.1%	1.030		\$2.25	\$61,275.00	\$44,000.00	246.15%	1.2%	1.272
1212002	TEMPORARY PLASTIC PAVEMENT MARKING TAPE - 4" WHITE	l.f.	15,000	\$0.55	\$8,250.00	\$2.00	\$30,000.00	\$21,750.00	263.44%	0.6%	0.562		\$2.25	\$33,750.00	\$25,500.00	309.09%	0.7%	0.694
1212010	TEMPORARY PLASTIC PAVEMENT MARKING TAPE - 12" WHITE	l.f.	300	\$0.90	\$270.00	\$4.00	\$1,200.00	\$930.00	344.44%	0.0%	0.022		\$7.75	\$2,325.00	\$2,055.00	761.11%	0.1%	0.048
1212017	TEMPORARY PLASTIC LEGEND ARROWS AND MARKINGS	s.f.	1,000	\$5.80	\$5,800.00	\$6.00	\$6,000.00	\$200.00	3.45%	0.0%	0.112		\$7.75	\$7,750.00	\$1,950.00	33.62%	0.1%	0.159
1220027A	CONSTRUCTION SIGNS	s.f.	600	\$17.50	\$10,500.00	\$25.00	\$15,000.00	\$4,500.00	42.86%	0.1%	0.281		\$20.00	\$12,000.00	\$1,500.00	14.29%	0.0%	0.247
1302061A	ADJUST GATE BOX (WATER)	sq.	27	\$250.00	\$6,750.00	\$400.00	\$10,800.00	\$4,050.00	60.00%	0.1%	0.202		\$300.00	\$8,100.00	\$1,350.00	20.00%	0.0%	0.166
1302062A	ADJUST GATE BOX (GAS)	sq.	17	\$250.00	\$4,250.00	\$400.00	\$6,800.00	\$2,550.00	60.00%	0.1%	0.127		\$300.00	\$5,100.00	\$850.00	20.00%	0.0%	0.105
1403501A	RESET MANHOLE (SANITARY SEWER)	sq.	24	\$500.00	\$12,000.00	\$1,000.00	\$24,000.00	\$12,000.00	100.00%	0.3%	0.449		\$1,250.00	\$30,000.00	\$18,000.00	150.00%	0.5%	0.617
1600011A	PORTLAND CEMENT COST ADJUSTMENT	est.	1,500	\$1.00	\$1,500.00	\$1.00	\$1,500.00	\$0.00	0.00%	0.0%	0.028		\$1.00	\$1,500.00	\$0.00	0.00%	0.0%	0.031
ALL ITEMS SUBTOTAL				\$3,527,553.45			\$5,339,635.00	\$1,812,081.55	51.37%	100.00%				\$4,864,900.00	\$1,337,346.55	37.91%	37.91%	100.00%
PARTICIPATING ITEMS SUBTOTAL				\$3,312,126.45			\$5,055,125.00	\$1,742,998.55	52.62%	94.67%				\$4,864,331.40	\$1,248,204.95	37.69%	37.69%	93.739

Engineer's Estimate				BAW Paving & Landscaping, LLC				Tilcon Connecticut, Inc.			
0201001	Cleaning and Grubbing	l.s.	1	\$16,107.55	\$16,107.55	\$100,000.00	\$100,000.00				\$25,000.00
0711001	M & P of Traffic	l.s.	1	\$96,443.30	\$96,443.30	\$150,000.00	\$150,000.00				\$96,440.00
0975004	Modification and Project Closeout	l.s.	1	\$161,075.50	\$161,075.50	\$250,000.00	\$250,000.00				\$153,650.00
9980020	Construction Surveying	l.s.	1	\$32,215.10	\$32,215.10	\$44,000.00	\$44,000.00				\$37,650.90
TOTAL				\$306,043.45		\$545,000.00					\$524,540.90
% of TOTAL				8.7%		10.2%					10.6%

Legend:

Non-Participating Items

Low Bid

Low bidder items with deviations ≥ 1%

from the engineer's estimate

Low bidder items with deviation ≥ 1% from the engineer's estimate

estimate. Item unit price and understanding validated with the bidder.



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 12-Nov-22

Purchase Item or Contract: LOTCIP Road Project		Requested by: Mike Ahern	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	LOTICIP Road Project - Town share	\$365,500.00	\$365,500.00
			\$0.00
			-
			-
			-
			-
TOTAL			\$365,500.00

Account No. 140.20.2037.0.54000.00509 Grant Road Improvement

Budgeted Amount.....	\$2,573,960.93	Available balance.....	\$915,573.88
Encumbrances to Date.....	\$795,265.36	Amount Needed for This Package.....	\$365,500.00
Expenditures to Date.....	\$863,121.69	Available Balance After Purchase.....	\$550,073.88

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



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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 25, 2022

**SUBJECT:** LOTCIP Road Project – Construction Administration and Inspection Contract Award

**SUMMARY:**

The Town received a Commitment to Fund from the Connecticut Department of Transportation (DOT) for road improvements through the Local Transportation Capital Improvement Program (LOTICIP) for three Town roadways: Christian Lane, Deming Road, and Porters Pass. This grant comes with an agreement from the Town to fund approximately \$365,500.00. This 2.57-mile paving and road improvement project was advertised and bid, and in a related agenda item, Staff are requesting Town Council approval to award the construction contract to Tilcon Connecticut, Inc subject to obtaining an increased commitment to fund from DOT, for an amount not to exceed \$5,837,880.00. See attached summary memo prepared by the Capital Region Council of Governments (CRCOG) for relevant details.

LOTICIP funds provide for the majority of the overall construction and engineering inspection costs, and are provided to municipalities before starting construction. Once approved by the DOT, the total amount of LOTICIP funding includes 10% over the bid price for incidentals which includes construction inspections by an outside engineering firm. The total amount for incidentals for this project (after DOT approval) will be \$486,490.00. Staff requested proposals from three (3) engineering firms prequalified by the CRCOG, and received one from SLR International Corporation (SLR) of Glastonbury, CT (formerly Milone & MacBroom) based on the work schedule presented in the construction bid. SLR's total fee of \$218,000.00 is based on staff hourly rates established with the CRCOG for LOTICIP projects; this is not a Lump Sum proposal. As Staff anticipate that the engineer's schedule is optimistic, given that the contractor may use part of the winter season to do prep work and that more inspection staff may be needed during certain work phases, Staff request authorization to approve change orders for the construction inspection contract up to an amount not to exceed \$330,000.00. This amount is still well below the total 10% incidental contingency of \$486,490.00, and is covered by the overall LOTICIP grant. This approval by Town Council is also conditioned on Board of Finance approval of subsequent appropriations related to incoming LOTICIP funds, as well as Finance Department involvement to set up related accounts and issue purchase orders.

**ACTION NEEDED:**

Move to authorize the Town Manager to award the Construction Administration and Engineering Inspection Contract for the LOTICIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, to SLR International Corporation of Glastonbury, CT in the amount of \$218,000.00 and to authorize the Town Manager to approve change orders up to an amount not to exceed \$330,000.00 subject to:

- Approval of supplemental funding by the Connecticut Department of Transportation
- Board of Finance approvals to appropriate the LOTICIP and Town funds, as needed.

**ATTACHMENTS:**

CRCOG Funding Increase Memo (10/14/22)

SLR Fee Proposal Form (9/15/22, 3 pages)

**PREPARED BY:**

Michael S. Ahern, P.E., Public Works Director/Town Engineer

*MSA*



**To:** Transportation Committee  
**From:** Sotoria Montanari, CRCOG Program Manager  
**Date:** October 14, 2022  
**cc:** Rob Aloise, CRCOG Director of Planning  
Cara Radzins, CRCOG Transportation Deputy  
Michael Ahern, P.E., Public Works Director, Berlin  
**Subject:** LOTCIP Funding Increase – Berlin Various Roadways Structure Improvements Project

A Transportation Committee meeting will take place at 12 noon on Monday, October 24, 2022. At the meeting, we will be discussing and acting on the following:

**Berlin Various Roadways Pavement Structure Improvements Project (L007-0002)**

The Town of Berlin is requesting a LOTCIP funding increase of \$1,572,399 from \$3,900,000 to \$5,472,399 (40.3% increase) based on the competitive low bid. The low bid plus incidentals and contingencies totals \$5,837,880. This requested funding increase, along with the Town's previously volunteered shared local contribution of \$365,481, would enable funding of the updated project construction cost.

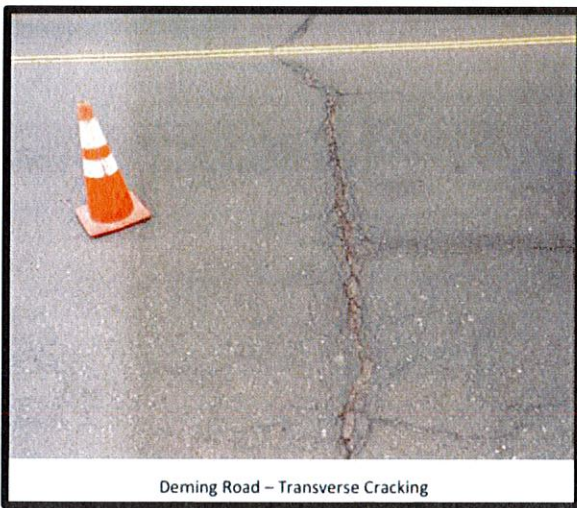


Christian Lane – North of Deming Road Longitudinal and Alligator Cracking

After successfully completing its LOTCIP design, the Town was issued its Authorization to Advertise Letter on July 27, 2022 and held its public bid opening on September 15, 2022. The Town received two (2) bid packages in the amounts of \$4,864,900 and \$5,339,635, considerably higher than the Engineer's construction cost estimate of \$3,527,553 (not including contingencies and incidentals).

The disparity between the engineer's estimate and bid prices is due to increases in the unit prices for construction materials, asphalt, and diesel fuel. Specifically, the Town saw substantial increases in HMA, fine milling bituminous concrete, and bituminous concrete driveways.

The additional unit costs combined with increases to percentage based estimating items resulted in the total estimated cost increase of \$1,572,399.



Deming Road – Transverse Cracking

To allow the Town to accept the lowest responsible bidder with costs that are substantially higher due to increased unit prices and inflation, staff recommends Committee approval of an additional \$1,572,399 of LOTCIP funding for the Berlin Various Roadways Structure Improvements Project (L007-0002), increasing the funding approval from \$3,900,000 to \$5,472,399, supplemented by a town share of \$365,481.





**TOWN OF BERLIN, CONNECTICUT  
ATTACHMENT A: PROPOSAL FORM**

**Construction Administration and Engineering Inspections  
Pavement Structure Improvements Project**

Pursuant to and in full compliance with the RFP, the undersigned certifies this proposal is submitted without collusion and all responses are true and accurate. If awarded this proposal, it is agreed this will form a contractual obligation to provide services at the rates specified in this Proposal Form, CRCOG On-Call List 2 Fee Schedule, and attachments, subject to and in accordance with all instructions, conditions, requirements contained in the documents, including addenda, which are made part of this proposal. The estimated fees are per the Proposer's work plan and the Engineer's Calendar Day Chart; these are not lump sum fees but the Proposer's best estimate at this time.

	Estimated Fee
Contract Documents Review and Pre-Construction Meeting	\$ 3890.00
Shop Drawing Review	\$ 4170.00
Construction Observation by Field Engineer(s)/Construction Inspector(s) (based on Engineer's Calendar Day Chart)	\$ 130,000.00
Construction Job Meetings (based on Engineer's Calendar Day Chart)	\$ 24,900.00
Construction Observation, Field Staff Coordination, and Administrative Tasks by Senior Inspector / Coordinator during construction, including: <ul style="list-style-type: none"> <li>• Requisitions for Payment</li> <li>• Change Orders</li> <li>• Addenda/Sketch Plans</li> <li>• Input on Field Issues, as required</li> </ul> (Based on Engineer's Calendar Day Chart)	\$ 7,900.00
Punch List	\$ 24,000.00
Project Close-Out	\$ 23,500.00
<b>Total Estimated Fee</b>	<b>\$ 218,360.00</b>

Please attach Hourly Rates for Professional Staff (including off-hours / premium rates) and any additional/related services or prices on a separate page(s). The basis for the Professional Staff Rates is the Fee Schedule accepted by the CRCOG for On-Call List 2 for the periods beginning June 1, 2022 and ending May 31, 2025; Proposers should include any additional staff rates that are not included on the CRCOG fee schedule that may be involved in this project.

**NOTE:** This document, in order to be considered a valid proposal, must be signed by a principal officer or owner of the business entity that is submitting the proposal. Such signature constitutes the proposer's

representations that is has read, understood and fully accepted each and every provision of each document comprising the RFP, unless an exception is described above.

September 15, 2022

Date

Thomas Balskus

Digitally signed by Thomas Balskus  
DN: c=US, E=tbalskus@slrconsulting.com, O=SLR  
International Corp., OU=US Manager Construction  
Engineering, CN=Thomas Balskus  
Date: 2022.09.19 07:34:02-0400

Signature

Thomas Balskus, US Manager Construction Engineering

Printed Name, Title

SLR International Corporation

Company Name

99 Realty Drive, Cheshire, CT 06410

Address

860 400 5702

Telephone

tbalskus@slrconsulting.com

E-mail address



FEE PROPOSAL "SCHEDULE A"

	Const. Coordinator	Chief Inspector	Inspector	Party Chief	Survey Crew
PreCon	4	24	0	0	0
Oct-22	8	168	0	0	0
Nov-22	16	176	20	0	0
Dec-22	0	80	0	0	0
Jan-23	0	8	0	0	0
Feb-23	0	8	0	0	0
Mar-23	8	92	0	0	0
Apr-23	16	160	40	0	0
May-23	16	184	40	0	0
Jun-23	16	176	40	0	0
Jul-23	8	168	40	0	0
Aug-23	0	80	0		
Sep-23	0	0	0		
Oct-23	0	0	0		
Nov-23	0	0	0	0	0
Dec-23					
	0	0	0	0	0
Subtotal Hours	92	1324	180	0	0
Overtime		130	10	0	
	Regular			OT	
Const. Coordinator	92	\$ 198.95	\$ 18,303.40		
Chief Inspector	1324	\$ 128.89	\$ 170,650.36	130	\$ 8,377.85
Inspector	180	\$ 94.19	\$ 16,954.20	10	\$ 941.90
	0	\$ -	\$ -	0	\$ -
	0	\$ -	\$ -		
Sub Total			\$ 205,907.96		\$ 9,319.75

Insp Total	\$ 205,907.96		
Premium Time (Est)	\$ 9,319.75		
Testing & Expenses	\$ 3,000.00		
DSDC Estimated	\$ -		
Sub Total *	\$ 218,227.71		

**Grand Total** \$ 218,227.71

Note the above is based on 150 calendar days anticipating a notice to proceed 10/17/2022 with substantial completion anticipated 7/14/2023 with a winter shutdown between 12/1 and 3/31 . The estimated budget for testing is based on item quantities in the contract and are subject to change based on the contractors material sources and quantities of samples required. Hourly rates for inspection based on CRCOG for 2022-2023. Note construction calendar days we augmented by Addendum #1.

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 24, 2022

**SUBJECT:** Winslow Technology Group Quote Approval for Sage Park DEEP Grant Scoreboard Project

**Summary of Agenda Item:**

As part of the State of Connecticut DEEP grant for the scoreboard project at Sage Park, Appendix A, section 3a. references all associated components. Winslow Technology Group of Waltham, MA has provided a quote in the amount of \$16,736.00 which includes a 20 percent order contingency for technology integration components needed for the project utilizing State of Connecticut contract no. 13PSX0280-MNWNC-108. The Unifi equipment in the quote from Winslow Technologies will allow for Wi-Fi connectivity around the field. Access points will be mounted on the light posts, which should give complete coverage throughout the bleachers, concession stand area as well as the press box. The Aruba equipment is part of what is needed to allow fiber connectivity back to the switch at Town Hall. The Netshelter rack provides a cabinet for mounting and securing this equipment, with the power distribution units providing up to 20 outlets for equipment mounting within the rack. Funding is available in the DEEP Grant Account 500.25.2545.0.54000.00772

**Action Needed:**

Move to utilize State of Connecticut contract no. 13PSX0280-MNWNC-108 and approve the quote from Winslow Technology Group of Waltham, MA in the amount of \$16,736.00 which includes a 20 percent order contingency for technology components related to the Sage Park DEEP Grant Scoreboard Project.

**Attachments:**

Winslow Technology Group Quote  
Cabling Overview Sketch  
Certificate of Sufficiency of Funds

**Prepared By:**

Douglas Solek, Director of Facilities  
Brian Freeman, Director of Technology



303 Wyman St. Ste 210, Waltham, MA 02451-1253  
t. (781) 471-5021 f. (617) 507-6427

# QUOTE

Number WTGQ44448-04

Date 10/4/2022

Expiration 10/15/2022

## Sold To

**Town of Berlin, CT**  
Brian Freeman  
240 Kensington  
Berlin, CT 06037

## Ship To

**Town of Berlin, CT**  
Brian Freeman  
240 Kensington  
Berlin, CT 06037

## Account Executive

**Katy Ward**  
**508-733-9535**  
kward@winslowtg.com

**Phone** 860 828 7000  
**Fax**

**Phone** 860 828 7000  
**Fax**

Contract # 13PSX0280-MNWNC-108

Line	Qty	Description	Unit Amount	Ext. Amount
1		<b>Ubiquiti - Sage Park Wireless</b>		
2	1	UNIFI CTLR CLOUD KEY G2 W/ HDD WRLS	\$207.00	\$207.00
3	1	G2 CLOUD KEY RACK MOUNT CPNT	\$103.00	\$103.00
4	1	UNIFI 24PORT GIGABIT SWITCH PERP POE & SFP	\$396.00	\$396.00
5	10	UNIFI AP AC MESH PRO WRLS	\$188.00	\$1,880.00
6	1	UNIFI SECURITY GATEWAY PRO WRLS 4-PORT	\$343.00	\$343.00
7		<b>Aruba</b>		
8	1	ARUBA 2930F 24G 4SFP+ SWCH SVCS PL-35	\$3,050.00	\$3,050.00
9	3	ARUBA 10G SFP+ LC SR 300M MMF CABL XCVR PL-I6	\$1,015.00	\$3,045.00
10	2	ARUBA 10G SFP+ LC LR 10KM SMF PERP XCVR PL-I6	\$1,650.00	\$3,300.00
11		<b>Dell</b>		
12	1	Netshelter SX 24U Rack - 600mm Wide x 1070mm Deep	\$1,325.00	\$1,325.00
13	1	APC Basic Rack PDU AP9562 - 1U - 120V NEMA 5-15 Input / (10) NEMA 5-15 Output	\$149.00	\$149.00
14	1	APC Basic Rack PDU AP9562 - 1U - 120V NEMA 5-15 Input / (10) NEMA 5-15 Output	\$149.00	\$149.00

### \*\*Notes:

Contract # 13PSX0280-MNWNC-108

**\*Total: \$13,947.00**

**\*Plus Applicable Taxes**

Subject to manufacturer return policies, hardware, accessories, peripherals, and parts may be returned within 30 days from the date on the invoice for a credit or a refund of the purchase price paid, less any applicable restocking fees. Please note, software is not eligible for returns, credits, or refunds.



## Sage Park

Basic Underground  
Cabling Overview for  
Scoreboard Project.

-Path of cable should be  
adjusted to comply with  
existing trenches and  
conduits. This diagram is  
just to show beginning and  
end points.

-All cable is underground

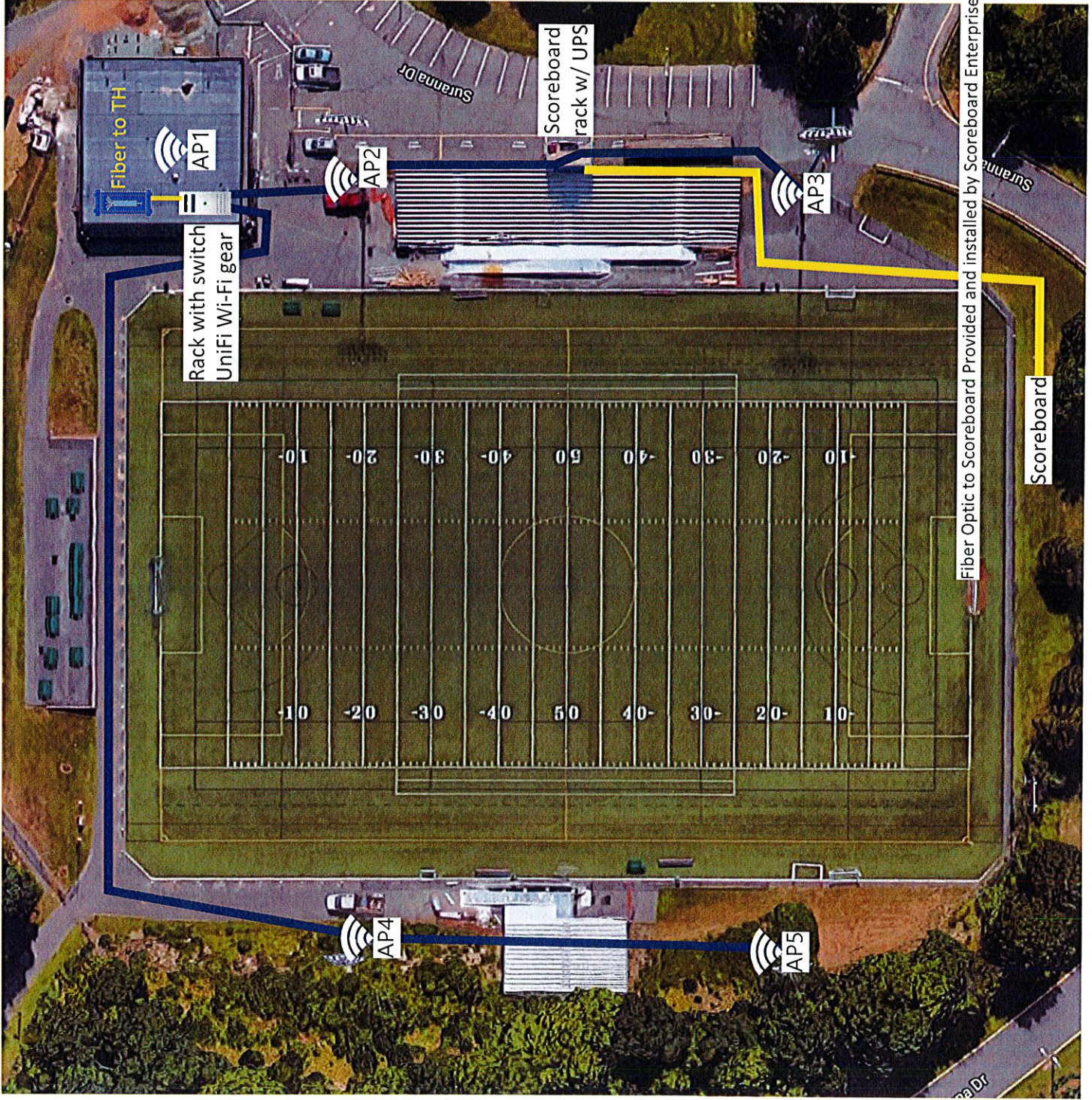
-Yellow is fiber optic.

-Blue is CAT6, 4 lines in  
each conduit for Wi-Fi and  
future surveillance cams

-CAT6 or Fiber from Press  
Box to Concession Bldg.  
for streaming video.

-Access Points 2-4 are to  
be installed on light posts  
above speakers. AP1 is  
inside of building.

CAT6 max length is 328  
feet.







# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 24-Oct-22

Purchase Item or Contract: Sage Park Scorsboard components		Requested by: Doug Solek	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Sage Park scoreboard components (including 20% contingency)	\$16,736.00	\$16,736.00
			\$0.00
			-
			-
			-
			-
TOTAL			\$16,736.00

Account No. 500.25.2545.0.54000.00772 DEEP Athletic Facilities Improv. Grant

Budgeted Amount.....	\$2,774,254.05	Available balance.....	\$2,424,884.89
Encumbrances to Date.....	\$349,369.16	Amount Needed for This Package.....	\$16,736.00
Expenditures to Date.....		Available Balance After Purchase.....	\$2,408,148.89

Is a budget change needed? ☐ Yes ☒ No

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

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

or:

  
Finance Director or Assist. Finance Director

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

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



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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: October 24, 2022**

**SUBJECT: Purchase Order Approvals up to \$25,000 for Various Vendors in  
Department no. 38 and no. 61 Operating Materials and Department no.  
38 Custodial Supplies**

**Summary of Agenda Item:**

Over the course of fiscal year 2022/2023, the Facilities Department utilizes various vendors for materials and supplies based on pricing, availability, and level of service for product support. Preference is given to local vendors along with those on State & Consortium Contracts with bid waiver approval needed for those vendors that offer the most favorable pricing, availability and product support compared to local or Contract pricing. Due to the magnitude of maintenance performed during the fiscal year, many materials vendors may cumulatively exceed the current purchasing threshold of \$10,000. Approval is being requested to increase purchase orders as needed up to \$25,000 for the following vendors without exceeding the account balances during fiscal year 2022/2023 utilizing State & National Purchasing Contracts, local vendor preference and bid waivers, when necessary, from the following accounts. 001.20.2038.0.53219.00000 Public Buildings Operating Materials, 001.35.3561.0.53219.00000 School Expenses Operating Materials and 001.20.2038.0.53244.00000 Public Buildings Custodial Supplies.

Abel Transmission  
All Phase Electric Supply  
Bartholomew Contract Interiors  
Bell Simons Company  
Builders Hardware  
Buckley Associates  
C&A Distributors  
F.W. Webb  
Filter Sales & Service  
Show Lighting Corporation  
Graybar Electric  
Grainger

John Boyle Company  
Matson Rug  
McBride Wayside Carpet  
Marjam Supply  
MC Management  
Northeast Electrical Distributors  
Plimpton & Hills Corporation  
Reliable Electric Motor  
Rexel USA  
M. Frank Higgins & Co.  
Swan Associates  
Tull Bros

Granite City Electric Supply  
New Britain Plumbing Supply  
W.B Mason  
New England Industrial  
K&S Distributors  
Imperial Dade  
C&C Janitorial Supplies

Electrical Wholesalers  
Granite Group

**Action Needed:**

Move to approve purchase orders up to \$25,000 as needed without exceeding the account balances in Department No. 38 and No. 61 operating materials and department No. 38 Custodial Supplies for the following vendors utilizing State and National Purchasing Contracts along with bid waivers, when necessary, as this is in the best interest 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:** October 24, 2022

**SUBJECT:** Increase P.O. 230354 for Daikin Applied up to \$40,000 utilizing OMNIA Partners contract R150505 for additional chiller maintenance, testing, cleaning, and repairs at Berlin High School.

**Summary of Agenda Item:**

The two Chillers at Berlin High School are currently under an Annual Factory Authorized Service Agreement with Daikin Applied, utilizing OMNIA partners national purchasing contract R150505. During an inspection, it was noted that a relief valve fitting has developed a leak. Due to the age of these components, it has been recommended to replace all relief valves while the system is offline. The service invoice for this additional maintenance, testing, cleaning, and repairs exceeds the previously approved P.O. amount of \$25,000 by Town Council on June 21, 2022. Should any other maintenance or repair work outside of the service agreement be needed, a request to increase the purchase order up to \$40,000 will allow for approval and payment of expenditures for the remainder of fiscal year 2023. This sum of the expenditures to date for the maintenance agreement and additional repairs is currently \$26,330. Funding is available in the Department 61, School Expenses Contractual Services Account 001.35.3561.0.53814.00000.

**Action Needed:**

Move to approve an increase to Purchase Order 230354 for Daikin Applied up to \$40,000 for additional maintenance, testing, cleaning, and repairs of the Berlin High School Chillers utilizing OMNIA partners contract R150505.

**Attachments:**

Certificate of Sufficiency of Funds  
Daikin Repair Proposal

**Prepared by:**

Douglas Solek, Director of Facilities



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 24-Oct-22

Purchase Item or Contract: Additional chiller maintenance - BHS		Requested by: Doug Solek	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Additional chiller maintenance - not to exceed \$40,000 total	\$25,501.00	\$25,501.00
	(PO currently taken out for \$14,499, not to exceed additional \$25,501)		\$0.00
			-
			-
			-
			-
TOTAL			\$25,501.00

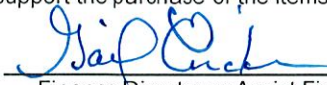
Account No. 001.35.3561.0.53814.00000 Contractual Services

Budgeted Amount.....	\$464,000.00	Available balance.....	\$217,072.95
Encumbrances to Date.....	\$111,644.85	Amount Needed for This Package.....	\$25,501.00
Expenditures to Date.....	\$135,282.20	Available Balance After Purchase.....	\$191,571.95

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

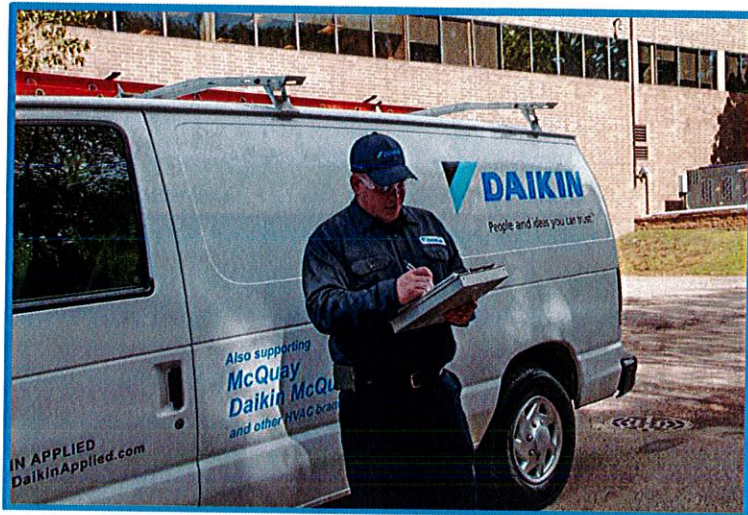
or:

☐ 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



# SERVICE & REPAIR PROPOSAL



## R&R Relief valves

11 Town Farm Road  
Berlin, CT 06037

Proposal #: Q-00104420

## Prepared for:

Doug Solek

Town of Berlin  
9/20/2022

## Prepared by:

Al DiPaolo  
DSM  
Danbury District  
Phone: (203) 775-3477 Mobile: +1 9144031531  
E-mail: al.dipaolo@daikinapplied.com



## Scope of Services

Daikin Applied Americas, Inc. is pleased to offer the following Service & Repair proposal for your consideration. Thank you for selecting Daikin Applied Service Group to care for your building's system. Our factory-trained service personnel have the knowledge and experience to deliver the best support available. Daikin will perform all services using factory-trained technicians who specialize in HVAC, refrigeration and electronic system maintenance and repair services. Daikin is pleased to offer this proposal for your consideration.

### Scope of Work

**WMC250 STNU131200081: Low Temp Chiller**      Hi Temp Chiller/ Chilled Beams

LOTO Chiller

Remove the entire charge

Remove and replace 3 way valve

Remove and replace close nipples

Remove and replace 2 condenser relief valves

Remove and replace 1 evaporator relief valve with nipple

Pressure test chiller with nitrogen

Evacuate chiller

Add existing refrigerant

\*we wont be able to determine if there is a shortage of refrigerant until we weigh the charge. More refrigerant might be needed. This will be an extra.

### Personnel

Daikin will perform all services using factory-trained technicians who specialize in HVAC, refrigeration and electronic system maintenance and repair service.

### Emergency Service Response

Emergency service is available on a 7-day, 24 hour basis. For scheduled service and repairs covered under this agreement and performed at the Customer's request outside of normal working hours, the Customer agrees to pay the difference between the prevailing standard billing rate and the prevailing overtime rate.

### Equipment Repair

Daikin will perform all services during its regular working hours unless otherwise specified. Any services requested or agreed to by Customer that are outside the Scope of Work will be performed by Company at an additional cost. Company will invoice such services at a special service and repair billing rate at Company's published labor rate for the service area.

### Standard Inclusions:

The agreement includes travel to and from the site, preventative maintenance materials, and any trips to supply houses to procure materials. The customer will receive a written report for the inspection or services provided. For specific activities associated with the equipment covered under the agreement, reference the preventative maintenance activities section.

**Standard Exclusions:**

- Customer to have chiller secured and condenser bundle drained prior to arrival.
- All work to be performed during 'normal working hours'.
- Any and all recommended/required repairs to be quoted separately.
- Refrigerant is not included.

**Other Exclusions and Clarifications:**

### Pricing and Acceptance

Feel free to contact me if you have any questions or concerns regarding the information contained in this Service & Repair proposal. If you would like us to proceed with the solution presented above, sign the acceptance line below (including PO# if applicable) and return a copy so that we can begin to mobilize our efforts to complete services as quickly as possible. We appreciate the opportunity to provide you with this solution and look forward to working with you on this and servicing your needs in the future.

### Investment Amount and Billing Terms:

Investment required to implement the proposed solution

**\$11,800.00 Eleven Thousand, Eight Hundred dollars and Zero cents**

*\*Price does not include applicable sales tax*

Pricing and acceptance are based upon the Terms and Conditions which are attached.

**Billing/Payment Terms\*:** Billed in full upon completion

*\*All billings are due immediately upon Receipt*

This proposal will be honored by Daikin Applied for 30 days from the date on the front of the proposal. After 30 days, Daikin Applied reserves the right to evaluate cost changes (both increases and decreases) from the proposal.

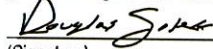
Doug Solek  
Town of Berlin  
11 Town Farm Road  
Berlin, CT 06037

Site Address:  
11 Town Farm Road  
Berlin, CT 06037

### Accepted by:

Doug Solek

(Print Full Legal Name of Customer)



(Signature)

Facilities Director

(Title)

10/6/22

Date:

P.O 230354

### Approved by:

(Print Full Legal Name of Daikin Applied Representative)

(Signature)

(Title)

Date:

**Note: This Agreement is subject to final approval by Daikin Applied.**



## DAIKIN APPLIED AMERICAS INC.

### TERMS & CONDITIONS

1. This Standard Service Proposal or Maintenance Agreement (hereinafter sometimes referenced as "Agreement"), upon acceptance by the Customer, is made solely on the terms and conditions hereof, notwithstanding any additional or conflicting conditions that may be contained in any purchase order or other form of Customer, all of which additional or conflicting terms and conditions are hereby rejected by Daikin Applied. Further, you acknowledge and agree that any purchase order issued by you in accordance with this Agreement will only establish payment authority for your internal accounting purposes. Any such purchase order will not be considered by us to be a counteroffer, amendment, modification, or other revision to the terms of this agreement. No waiver, alteration or modification of the terms and conditions herein shall be valid unless made in writing and signed by an authorized representative of Daikin Applied.
2. This Maintenance Agreement or Standard Service Proposal is subject to acceptance by the Customer within 30 days from date shown on the quote, unless specified otherwise. Prices quoted are for services, labor, and material as specified in this Proposal. If acceptance of this Maintenance Agreement or Standard Service Proposal is delayed or modified, prices are subject to adjustment.
3. Terms of payment are subject at all times to prior approval of Daikin Applied's credit department. Terms of payment are net due upon receipt of invoice unless previously otherwise agreed in writing. Should payment become more than 30 days delinquent, Daikin Applied may stop all work under this Agreement or terminate this Agreement with five (5) days written notice to Customer. Daikin Applied reserves the right to add to any account outstanding more than 30 days interest at 1 ½% per month or the highest rate allowed by law. In the event of default in payment, Customer agrees to pay all costs of collection incurred by Daikin Applied including, but not limited to, collection agency fees, attorney fees and court costs. Additional services may be performed upon request at a price to be determined, subject to these Terms and Conditions.
4. In the event that Daikin Applied determines, during the first thirty (30) days of any Maintenance Agreement or upon seasonal start-up (discovery period) that any equipment covered under this Agreement in need of repair and/or replacement, Daikin Applied shall inform Customer of the equipment condition and remedy. Daikin Applied shall not be responsible for the present or future repair and/or replacement or operability of any specific equipment; until such time as the equipment is brought up to an acceptable condition or the Customer removes the unacceptable system(s), component(s), or part(s) from this contract.
5. Any Maintenance Agreement price is subject to adjustment once each calendar year, effective on the anniversary date, for changes in labor, subcontractor and material costs. If such adjustment is not expressly set forth in the Maintenance Agreement, the customer shall receive forty-five (45) days prior written notice of such adjustment. Customer's payment of an invoice with an adjusted price shall be Customer's acceptance of the price adjustment so long as such invoice reflects the price adjustment expressly set forth in the Maintenance Agreement or set forth in the notice of adjustment.
6. A Maintenance Agreement may be terminated: (i) by either party upon the anniversary date hereof; provided however, that written notice of such termination must be given to the non-terminating party at least thirty (30) days prior to the anniversary date; (ii) by Daikin Applied upon five (5) days prior written notice to Customer, in the event that any sums or monies due or payable pursuant to this Agreement are not paid when due or in the event that additions, alterations, repairs or adjustments are made to the system or equipment without Daikin Applied's prior approval; (iii) by either party, in the event that the other party commits any other material breach of this Agreement and such breach remains uncured for ten (10) business days, after written notice thereof. If a Maintenance Agreement is terminated for any reason, other than a material breach by Daikin Applied, Customer shall pay, in addition to all sums currently due and owing, the entire remaining balance due for the term of the Maintenance Agreement, or an amount equal to time and materials expended for the year, whichever is less. Notices required hereunder shall be sent via Certified U.S. Mail, Return Receipt Requested and provided that such notice is postmarked by the required date, such notice shall be deemed properly given.
7. Unless Customer provides appropriate documentation of tax exemption, Customer shall pay Daikin Applied, in addition to the contract price, the amount of all excise, sales, use, privilege, occupation or other similar taxes imposed by the United States Government or any other National, State or Local Government, which Daikin Applied is required to pay in connection with the services or materials furnished hereunder. Customer shall promptly pay invoices within 30 days of receipt. Should payment become more than 30 days delinquent, Daikin Applied may stop all work under this Agreement or terminate this Agreement as provided in the next paragraph.
8. Any and all costs, fees and expenses arising from or incurred in anticipation of any federal, state, county, local or administrative statute, law, rule, regulation or ordinance (collectively "Governmental Regulations") directly or indirectly requiring that refrigerant other than the type of refrigerant currently being utilized in connection with the equipment subject to this Agreement be used, shall be borne solely by Customer. In this regard, Daikin Applied shall not be required to bear any expense in connection with the modification, removal, replacement or disposal of any refrigerant in response to any Governmental Regulation designed to reduce or eliminate the alleged environmental hazards associated with the refrigerant.
9. The contract price stated herein is predicated on the fact that all work will be done during regular working hours of regular working days unless otherwise specified. If for any reason Customer requests that work be performed other than during regular working hours or outside the scope of services specified hereunder, Customer agrees to pay Daikin Applied any additional charges arising from such additional services, including but not limited to premium pay, special freight or other fees or costs associated therewith.
10. Customer shall be responsible for all costs, expenses, damages, fines, penalties, claims and liabilities associated with or incurred in connection with any hazardous materials or substances, including but not limited to asbestos, upon, beneath, about or inside Customer's equipment or property. Title to, ownership of, and legal responsibility and liability for any and all such hazardous materials or substances, shall at all times remain with Customer. Customer shall be responsible for the removal, handling and disposal of all hazardous materials and substances in accordance with all applicable Governmental Regulations. Customer shall defend, indemnify, reimburse and hold harmless Daikin Applied and its officers, directors, agents, and employees from and against any and all claims, damages, costs, expenses, liabilities, actions, suits, fines and penalties (including without limitation, attorneys' fees and expenses) suffered or incurred by any such indemnified parties, based upon, arising out of or in any way relating to exposure to, handling of, or fees and expenses) suffered or incurred by any such indemnified parties, based upon, arising out of or in any way relating to exposure to, handling of, or disposal of any hazardous materials or substances, including but not limited to asbestos, in connection with the services performed hereunder. Daikin Applied shall have the right to suspend its work at no penalty to Daikin Applied until such products or materials and the resultant hazards are removed. The time for completion of the work shall be extended to the extent caused by the suspension and the contract price equitably adjusted. Daikin Applied reserves the right to engage others in a subcontractor status to perform the work hereunder.
11. Customer agrees to provide Daikin Applied personnel with the usual required utilities (water, electricity, compressed air, etc.) and special tools and equipment normally used for such services unless restricted specifically in the quote. Customer agrees to ensure that sufficient service access space is provided. Daikin Applied shall not be held liable for failure or damage to any equipment caused by power interruptions, single phasing, phase reversal, low voltage, or other deficiencies beyond the control of Daikin Applied.
12. This agreement does not include responsibility for design of the system (unless specifically included), obsolescence, electrical power failures, low voltage, burned-out main or branch fuses, low water pressure, vandalism, misuse or abuse of the system(s) by others (including the Customer), negligence of the system by others (including the Customer), failure of the Customer to properly operate the system(s), or other causes beyond the control of Daikin Applied.
13. In the event that Daikin Applied is required to make any repairs and/or replacements or emergency calls occasioned by the improper operation of the equipment covered hereby, or any cause beyond Daikin Applied's control, Customer shall pay Daikin Applied for the charges incurred in making such repairs and/or replacements or emergency calls in accordance with the current established Daikin Applied rates for performing such services.





14. Daikin Applied shall not in any event be liable for failure to perform or for delay in performance due to fire, flood, strike or other labor difficulty, act of God, act of any Governmental Authority or of Customer, riot, war, embargo, fuel or energy shortage, wrecks or delay in transportation, inability to obtain necessary labor, materials, or equipment from usual sources, or due to any cause beyond its reasonable control. In the event of delay in performance due to any such cause, the date of delivery or time of completion will be extended by a period of time reasonably necessary to overcome the effect of such delay. If the materials or equipment included in this Proposal become temporarily or permanently unavailable for reasons beyond the control of Daikin Applied, Daikin Applied shall be excused from furnishing said materials or equipment and be reimbursed for the difference between cost of materials or equipment unavailable and the cost of an available reasonable substitute.
15. Daikin Applied shall not in any event be liable to the Customer or to third parties for any incidental, consequential, indirect or special damages, including but not limited to, loss of production, loss of use or loss of profits or revenue arising from any cause whatsoever including, but not limited to any delay, act, error or omission of Daikin Applied. In no event will Daikin Applied's liability for direct or compensatory damages exceed the payment received by Daikin Applied from customer under the instant agreement.
16. Daikin Applied extends the manufacturer's warranties on all parts and materials and warrants labor to meet industry standards for a period of thirty (30) days from the date performed, unless a longer duration is expressly stated elsewhere in this Agreement. Daikin Applied expressly limits its warranty on Customer's Equipment to cover only that portion of Equipment which had specific Services done by Daikin Applied. These warranties do not extend to any Equipment or service which has been repaired by others, abused, altered, or misused, or which has not been properly maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THOSE OF MERCHANTABILITY AND FITNESS FOR SPECIFIC PURPOSE, WHICH ARE HEREBY SPECIFICALLY DISCLAIMED.
17. Each of us agrees that we are responsible for any injury, loss, or damage caused by any negligence or deliberate misconduct of our employees or employees of our subcontractors. If any of our employees or those of our subcontractors, cause any injury, loss or damage in connection with performing their duties under this agreement, the responsible party will pay for all costs, damages, and expenses, which arise. Each of us agrees to defend and hold harmless the other party, its officers, directors and employees, from and against all claims, damages, losses and expenses, including but not limited to attorney's fees and court costs, arising out of or resulting from the performance of work hereunder, to the extent that such claim, damage, loss, or expense is caused by an active or passive act or omission of the indemnifying party or anyone directly or indirectly employed by that party, or anyone for whose acts that party may be liable.
18. This Agreement shall be binding upon and inure to the benefit of each party's respective successors, assigns and affiliates. This Agreement is governed by and construed in accordance with the laws of the State of Minnesota.



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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 25, 2022

**SUBJECT:** Purchase of one 2023 Ford F-550 cab and chassis from Tasca Ford for Berlin Water control, utilizing the State of Connecticut, Department of Administrative Services (DAS) Contract # 19PSX0161

**Summary of Agenda Item:**

This is an addition to the water and sewer fleet of vehicles bring them to four vehicles. This is an upgrade to their current boom, a 2011 Ford F250 with a makeshift boom/ crane used to maintain the valves, pumps and grinder pumps within the water and sewer infrastructure.

The unit being proposed is a 2023 Ford F550 4X4. We need to secure the chassis now; in the near future, Staff will request funding to have Hartford Truck provide and install a heavy-duty utility body and a hydraulic crane. Pricing is pursuant to the State of Connecticut, DAS contract 19PSX0161.

Cost of the Cab and Chassis is \$75,000.

Funding is located in the following account #s:

- 844.55.5588.0.58071.00000 for \$37,500
- 843.50.5088.0.58071.00000 for \$37,500

**Action Needed:**

Move to approve the purchase of one (1) 2023 Ford F-550 cab and chassis for Berlin Water Control from Tasca Ford, utilizing the State of Connecticut, Department of Administrative Services Contract #19PSX0161 for an amount not to exceed \$75,000.

**Attachments:**

Certification of Sufficiency of Funds

**Prepared By:**

James C. Simons, Fleet Manager



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 27-Oct-22

Purchase Item or Contract: Ford F550		Requested by: Jim Simons	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	2023 Ford F550 4x4	\$75,000.00	\$75,000.00
			\$0.00
			-
			-
			-
			-
Account No. 843.50.5088.0.58071.00000 Pick up Truck \$37,500 844.55.5588.0.58071.00000 Pick up Truck \$37,500			<b>TOTAL</b> \$75,000.00

Budgeted Amount..... \$75,000.00

Available balance..... \$75,000.00

Encumbrances to Date..... \$0.00

Amount Needed for This Package..... \$75,000.00

Expenditures to Date..... \$0.00

Available Balance After Purchase..... \$0.00

Is a budget change needed? ☐ Yes ☒ No

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

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

or:

  
Finance Director or Assist. Finance Director

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

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

**Agenda Item No.: 11**  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** October 11, 2022

**SUBJECT:** Purchase from Tasca of one 2023 Ford F-350 cab and chassis with a utility body with plow installed by Hartford Truck for the Parks Department, utilizing the State of Connecticut, Department of Administrative Services Contract # 19PSX0161

**Summary of Agenda Item:**

This is a replacement of a 1993 Ford F-250 flatbed. Funding became available utilizing surplus funds in FY2021. Government pricing just became available October, 2022.

Utilizing this contract. Jim Simons, Fleet Manager would like to purchase (1) 2023 Ford F-350 4X4 with a Reading utility body and a Fisher V-plow.

Cost of this project shall not exceed \$110,000

Funding is located in the following account #: 500.05.0507.0.54000.00012

**Action Needed:**

Move to approve the purchase of one (1) 2023 Ford F-350 truck for use in the Parks Department., utilizing the State of Connecticut, Department of Administrative Services Contract #19PSX0161 for an amount not to exceed \$110,000.

**Attachments:**

Certification of Sufficiency of Funds

**Prepared By:**

  
James C. Simons, Fleet Manager





# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 27-Oct-22

Purchase Item or Contract: Ford F350 with plow		Requested by: Jim Simons	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	2023 Ford F350 4x4 with plow	\$110,000.00	\$110,000.00
			\$0.00
			-
			-
			-
			-
TOTAL			\$110,000.00

Account No. 500.05.0507.0.54000.00012 Vehicle Reserve


Budgeted Amount.....	\$191,352.43	Available balance.....	\$148,071.09
Encumbrances to Date.....	\$43,281.34	Amount Needed for This Package.....	\$110,000.00
Expenditures to Date.....	\$0.00	Available Balance After Purchase.....	\$38,071.09

Is a budget change needed? ☐ Yes ☒ No

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

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

or:


  
Finance Director or Assist.Finance Director

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

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

Agenda Item No. 12  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager 

**DATE:** October 21, 2022

**SUBJECT:** Schedule Public Hearing for the Proposed Text Amendments to Chapter III – Animals in Berlin Code Book

**Summary of Agenda Item:**

On October 13, 2022, the Ordinance Committee voted to recommend to the Council to accept the changes to Chapter III text, as noted in the attached document, and schedule a Public Hearing as required by Section 3-8 of the Town Charter.

**Action Needed:**

Move to set a public hearing on November 13, 2022, at 6:45 PM at the Town Council Chamber for the purpose of receiving both written and oral comments concerning the text amendments to Chapter III – Animals, in Berlin Code Book.

**Attachments:**

Proposed new language to Chapter III, Animals

**Prepared By:**

Arosha Jayawickrema, Town Manager

## CHAPTER III - ANIMALS

### Article 1. - General

#### Sec. 3-1. Purpose and intent of chapter.

The purposes of this chapter are to promote the public health, safety, and general welfare of the citizens of the town by addressing the public nuisance caused by vicious and dangerous animals and to ensure that all animals receive adequate care. This chapter is intended to supplement and not supplant the provisions contained in state statute § 22-339 et seq. regarding domestic animals. The animal control officer shall have the discretion as to whether to proceed pursuant to state or local law.

(Ord. No. 1-99, § 1, 3-2-1999)

#### Sec. 3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult* means any individual eighteen (18) years of age or older.

*Animal* means any nonhuman animate being which is endowed with the power of voluntary motion, including fish and fowl.

*Animal control officer* means an employee or agent of the town to enforce the licensing, inspection and enforcement requirements contained within this chapter and state statutes.

*Animal nuisance* means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

*Animal shelter* means any facility operated by the town and shall also include any facility authorized by the animal control officer or his designee to impound, confine, detain, care for or destroy any animal.

*At large* means that an animal is off the premises of the owner and not properly on a leash or lead seven (7) feet in length or less on school or other non-designated public property, and excepting playing fields, playgrounds, golf courses, tracks, outdoor courts, inside fenced-in areas at the pools, and within the initial/first fenced-in area at Scalise Field including the spectator seating area on which dogs are not allowed per Sec. 13-32 of Chapter XIII of the Code, or on a leash or lead of ten (10) feet in length or less on designated public property as herein defined, which leash or lead is under the immediate control of its owner or keeper who is capable of restraining the animal at all times. A dog(s) shall not be considered to be "At large" and is/are permitted to be off-leash when said dog(s) are off-leash in the meadow-designated off-leash area of Bicentennial Park Pistol Creek Park; however, such off-leash dog(s) must be under the immediate control of its/their owner or keeper who is capable of restraining the animal(s) at all times. ~~Dogs will be permitted to be off-leash as aforesaid for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit, with those conditions, limitations, and/or restrictions it deems appropriate in its discretion.~~



*Designated public property* means public property on which animals can be on a leash or lead that is ten (10) feet in length or less and includes ~~the area of Bicentennial Park which is not part of the meadow~~, Community Playground, Demore, Dinda, Bittner Jr. Memorial Pool, Percival Pool, The Grove, Hatchery Brook Hiking Trails, Heffernan Park, Kensington Orchards, Lamentation Mountain Open Space, Little People's Playground, The Meetinghouse, Miccia Memorial Park, Murray Heights, Papergoods Pond, Pistol Creek Park (with both sides of the street and not including the off-leash area of the Park), Potter's Field, Ragged Mountain Hiking Trails, Senior Center, Timberlin Golf Course, Town Hall Complex, Veteran's Park, Volunteer Park, Webster Park, and Worthington Ridge Monument.

*Disposition* means adoption, sale, quarantine, voluntary or involuntary placement or euthanasia humanely administered to the animal.

*Farm* means a tract of land containing two (2) acres or more, used in part or wholly for agricultural purposes for profit, which may include the raising and keeping of domestic or other animals.

*Guard or attack dog* means a dog trained to attack or apprehend on command to protect persons or property.

*Impoundment* means the taking into custody of an animal by an animal control officer, or any authorized representative thereof.

*Muzzle* means a device constructed of strong, soft material designed to fasten over the mouth of an animal to prevent it from biting any person or other animal.

*Owner or keeper* means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or keeping or having property rights to, any animal covered by this chapter.

*Public nuisance* means any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall include, but not be limited to, any animal that:

- (1) Is repeatedly found running at large;
- (2) Is in any section of any park or open space land where animals are not permitted; or where permitted, is not properly on a leash or lead seven (7) feet in length or less on school or other non-designated public property or on a leash or lead of ten (10) feet in length or less on designated public property as herein defined, which leash or lead is under the immediate control of its owner or keeper who is capable of restraining the animal at all times; or if off-leash in the meadow area of Bicentennial Park for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit, is not under the immediate control of its owner or keeper who is capable of restraining the animal at all times or is otherwise not in compliance with those conditions, limitations, and/or restrictions the Town Council imposes on such off-leash area in its discretion.
- (3) Damages or defiles any property other than that of the owner, unless the owner or keeper immediately picks up after the animal;



- (4) Barks, whines, howls or makes any noise natural to its species in an excessive or continuous fashion so as to disturb the peace, except where such activity occurs on a farm;
- (5) Is in heat and is not confined or under the owner's or keeper's control so as to prevent attraction or contact with other animals;
- (6) Whether or not on the property of its owner, that without provocation molests, attacks, or otherwise unreasonably interferes with the freedom of movement of persons in a public right-of-way or on private property other than that of the animal's owner;
- (7) Chases motor vehicles in a public right-of-way;
- (8) Is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence and the inadequacy of the facilities and care; or
- (9) Attacks another animal off the property of the owner or keeper of the attacking animal.

*Under restraint* means that an animal is properly secured by a leash or lead seven (7) feet in length or less on school or other non-designated public property or on a leash or lead of ten (10) feet in length or less on designated public property as herein defined, which leash or lead is under the immediate control of an individual who is mentally and physically capable of restraining the animal and obedient to that person's commands; or securely enclosed (e.g., appropriate fence) within the real property limits of the owner's premises; or if off-leash in the ~~designated off-leash area of Pistol Creek Park meadow area of Bicentennial Park for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit,~~ is under the immediate control of its owner or keeper who is capable of restraining the animal at all times or is otherwise in compliance with those conditions, limitations, and/or restrictions the Town Council imposes on such off-leash area in its discretion.

*Vicious or dangerous animal* means an animal that has attacked, bitten, or physically injured human beings without adequate provocation. Any animal that without provocation has bitten or attacked a human being or has behaved so as to impose a threat of imminent bodily harm to a person conducting himself peacefully and lawfully shall be prima facie presumed vicious or dangerous. No animal may be declared vicious if an injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(Ord. No. 1-99, § 2, 3-2-1999; Definitions amended by Ord. No. 1-2021 12-14-2021)

**Cross reference**—Definitions generally, chapter I § 1-2 of this code book.

**State law reference**—Definitions, state statute § 22-327.

### **Sec. 3-3. Nuisance.**

It shall be unlawful for any person to keep any animal on any property located within the town when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (Ord. No. 1-99, § 3, 3-2-1999)

### **Sec. 3-4. Adequacy of facilities and care.**

Every owner shall provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather; veterinary care when needed to prevent suffering; humane care and treatment; and maintain them in a secure enclosure.

(Ord. No. 1-99, § 4, 3-2-1999)

#### **Sec. 3-5. Administrative sanctions and remedies.**

As part of any order issued in writing and by certified mail, pursuant to this chapter, the animal control officer shall have the authority to order the following administrative sanctions and remedies if there is no compliance after seven (7) days from the date of issue:

- (1) Obedience training for the animal in question,
- (2) Muzzling of a dog or animal while off the property of the owner,
- (3) Confinement of an animal indoors, unless the animal is under the direct control of a responsible adult;
- (4) Confinement of an animal in a secure enclosure;
- (5) Reduction of the number of animals kept at any one location;
- (6) Removal of an animal from the custody of the animal's owner or keeper in cases of neglect or cruelty;
- (7) The sterilization of an animal;
- (8) A ban on maintaining other animals in the town;
- (9) The euthanizing of an animal; and
- (10) Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

(Ord. No. 1-99, § 11, 3-2-1999)

#### **Sec. 3-6. Enforcement of chapter provisions.**

The animal control officer or his designees shall be the enforcement officials for this chapter. These officials, along with police officers, shall have the authority to act on behalf of the town in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter. The animal control officer shall fully investigate all complaints made pursuant to this chapter and shall take all statements under oath. The owner or keeper of such animal shall be given an opportunity to make a statement under oath. It shall be a violation of this chapter to interfere with any animal control officer or other enforcement official in the performance of his duties.

(Ord. No. 1-99, § 12, 3-2-1999)

#### **Sec. 3-7. Penalties for violation of chapter.**

- (a) It shall be a violation of this chapter to:
  - (1) Fail to comply with any provision of this chapter,
  - (2) Fail to pay any fines, civil penalties or costs imposed by the animal control officer, within (15) days of the imposition of such fines or costs, unless payment thereof is lawfully stayed, or
  - (3) Make any false statements, under oath, with respect to this chapter.
- (b) Any person who fails to comply with a written citation issued by the animal control officer or his designee within seven (7) days shall be deemed guilty of a municipal infraction and shall



be subject to a fine as listed in the town fee schedule. If a violation continues after such written notice, each day's violation shall be deemed to be a separate offense.  
(Ord. No. 1-99, § 13, 3-2-1999)

**Sec. 3-8. Appeals procedure.**

Any provision of this chapter may be appealed to the town manager within thirty (30) days of the issuance of the citation. The citation holder can appeal the decision of the town manager to the superior court.  
(Ord. No. 1-99, § 14, 3-2-1999)

**Sec. 3-9. Reserved.**

~~Dated at Berlin, Connecticut this 15<sup>th</sup> day of December 2021.~~

~~Kathryn J. Wall  
Town Clerk~~

~~Note: Amendment to the Ordinance shall become effective thirty (30) days after publication in local newspaper~~

John Fotis Diakun

Town of Berlin | Generated 10/11/2022 @ 8:39 am by OnBoard2 - Powered by ClerkBase

Status

Name

John Fotis Diakun

Application Date

10/8/2022

Expiration Date

10/8/2121

Status

Received

Board (Rank)	Vacancies	Status
Planning and Zoning Commission (1)	1	Pending
Parks and Recreation Commission (2)	1	Pending
Historic District Commission (3)	1	Pending

Basic Information

Name

John Fotis Diakun

Resume File

View / Download

Contact Information

Address

76 Hemlock Ridge  
Berlin, CT 06037

Resident

Yes

Phone

860-878-8586

Email

diakun.john@yahoo.com

Occupation

Employer

City of New Britain

Job Title

City Attorney

Other Questions

Question #1

**Number of years in Berlin**

August 2022 to present

Question #2

**Educational Background (optional)**

1) 4 year college degree 2) Law degree

Question #4

**Tell us why you feel qualified for this appointment**

In my capacity as an attorney for the City of New Britain, I am familiar with the charge of each of the commissions I have listed in which I see consideration for appointment. I also wish to be involved in helping the community I am now a part of.

Question #5

**Can you think of any reason that a conflict of interest could arise if you were appointed?**

If a matter involving the City of New Britain came before a commission.

Question #6

**Are you a Registered Voter? (To apply, you must be a Registered Voter in Berlin)**

Yes

Political Party

**What is your political party affiliation?**

Republican ✓

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Join Zoom Meeting  
<https://berlinc-t-gov.zoom.us/j/88919459878?pwd=eE9jNS85UHBHdDN6NmpFN2hkMnRzUT09>

Meeting ID: 889 1945 9878  
Passcode: 674432  
+1 929 205 6099 US (New York)

TOWN OF BERLIN  
TOWN COUNCIL MEETING MINUTES  
Tuesday, October 18, 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 Sandra Coppola Councilor Jack Fazzino Mayor Mark Kaczynski Councilor Charles Paonessa Councilor Peter Rosso Councilor Mike Urrunaga Councilor Donna Veach
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Absent:	None
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Also in attendance:	Town Manager Arosha Jayawickrema Corporation Counsel Jeffrey Donofrio
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**D. AUDIENCE OF CITIZENS**

Peter Zarabozo, 158 Elwood Rd.

Mr. Zarabozo said regarding item #2 on the proposed charter referendum, the intention of Town Council is to keep the VNA as-is, but we don't have that promise of future councilors, or mayors. It would make the VNA vulnerable in the future. I don't want to be misconstrued that I don't trust what is being said, but there is a concern of what future councils will do and no one here now can guarantee that.

## **E. MAYOR'S UPDATE**

Mayor Kaczynski stated a few complaints were received about campaign signs and urged everyone to be cautious of where they are located and check that they are not blocking anything. It was agreed by both parties a few years ago not to put signs in bad spots and they can be placed 30 days before. They should not block any line of sight for people pulling out, or block fire hydrants.

The VNA is still being misconstrued. Because the VNA is in the charter, it means the entity has to be there, but that doesn't mean it will be in the same form. We are trying to leave an option if need be. We will continue to try to get that message out. None of us can predict the future, but from 2011 to now, every single year we have lost significant money in that program, from a low of \$300k to as high as \$935k over budget. That is an issue that we have to address somehow. We have been working on it for a couple of years and the losses have gone up. It is unanimous that this is not a political issue. The whole Town Council agreed and understood what we are trying to do. There was a charter review commission with Joe Aresimowicz, Julie Erickson, Charles Paonessa and the rest of the team. We are all unanimous and realize there needs to be a fix there to keep that organization going, productive and fiscally responsible. The golf course was similar to the VNA with services and paying fees to the town and was in red for quite a while. We paid attention to that and created the Golf Commission and we are in the black now. That is our goal with the VNA. It has become political because now we have a candidate saying that it is good to have it that way. It should not be a political issue especially since money was lost from the VNA during that timeframe back a number of years ago. We will get through it and work on fixing the VNA the best we can. We are trying to do the best for the care of our folks in town and the VNA. We will continue to strive to do that no matter what happens with the charter question.

Mayor Kaczynski stated that he and Town Manager Jayawickrema would like to attend the CCM meeting on November 1 and asked to move the Town Council meeting to November 2. The council agreed with the change. Town Clerk Wall added that the reschedule date will be a Special Meeting.

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

## **G. NEW BUSINESS:**

1. Topic re: Accept donations to the Berlin Animal Control Account for \$115.00 for Animal Care and supplies valued at \$225.00 – Animal Control

Councilor Paonessa moved to accept donations to the Berlin Animal Control Account for \$115.00 for Animal Care and supplies valued at \$225.00 – Animal Control

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

2. Topic re: Approve the purchase of one (1) 2022 Ford Utility Police Interceptors for the Police Department, utilizing the State of Connecticut, Department of Administrative Services Contract #12PSX0194 for an amount not to exceed \$37,478. – Municipal Garage

Mayor Kaczynski said he would like to acknowledge the sad situation in Bristol with a moment of silence to remember the lives of two police officers and their families. Also, Mayor Kaczynski said thank you to the Berlin Police Department for their help with filling in patrols at the Bristol Police Department.

Fleet Manager/Fire Administrator Simons said this is the last one of last year's group, 3 marked cars and 1 unmarked car. Councilor Fazzino asked if we are approving with 10% contingency for \$37k, or are we approving for the \$34k? Fleet Manager/Fire Administrator Simons said the car is actually going to cost \$34k, but you never know until it gets here if you need to put mats in or something.

Councilor Paonessa moved to approve the purchase of one (1) 2022 Ford Utility Police Interceptors for the Police Department, utilizing the State of Connecticut, Department of Administrative Services Contract #12PSX0194 for an amount not to exceed \$37,478. – Municipal Garage

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

3. Topic re: Waive the town's purchasing requirements and award the 2023 gasoline contract to East River Energy and allow Town Administration to lock into a favorable pricing when it becomes available as this is in the towns best interest. – Municipal Garage

Fleet Manager/Fire Administrator Simons said a lot of things are affecting the price of fuel, the war, the shortage of distilleries, but one of the biggest things is politics with the election coming up. Our gas contract is up December 31. Today's fuel price was \$2.77 per gallon, add taxes and its \$3.10-\$3.15, which is within our estimated budget for next year. It is better to not gamble and see what is going to happen and buy the fuel now. Mayor Kaczynski thanked Fleet Manager/Fire Administrator Simons for paying attention to the market for us.

Councilor Paonessa moved to waive the town's purchasing requirements and award the 2023 gasoline contract to East River Energy and allow Town Administration to lock into a favorable pricing when it becomes available as this is in the towns best interest. – Municipal Garage

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

4. Topic re: Pursuant to Connecticut General Statutes §8-24, refer the proposed purchase by the Town of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13, to the Berlin Planning & Zoning Commission for a report.

Mayor Kaczynski said there will be a public hearing that will further explain the history. There is long time pending lawsuit regarding the Pistol Creek property.



Councilor Paonessa moved to refer the proposed purchase by the Town of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13, to the Berlin Planning & Zoning Commission for a report.

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

Pursuant to Section 7-11 of the Charter, request that the Board of Finance, subject to the approval of the Town Meeting, approve a non-budgeted appropriation of one million dollars (\$1,000,000) from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13.

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

Call a Town Meeting for 6:45 p.m. on November 2, 2022, to approve a non-budgeted appropriation of \$1,000,000 from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13. - Town Manager

Councilor Paonessa moved to call a Town Meeting for 6:45 p.m. on November 2, 2022, to approve a non-budgeted appropriation of \$1,000,000 from the FY23 General Fund Unassigned Fund Balance for the purchase of the real property owned by Rio Vista Associates, LLC on Atkins Street, known as Assessor's Map 22-4, Block 155, Lots 1-8 and Assessor's Map 23-1, Block 15, Lots 9-13. - Town Manager

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

5. Topic re: Authorize the Town Manager to retain the services of Pulman & Comley LLC to prepare bond authorization documents for school HVAC upgrades, and authorize the Town Manager to schedule and advertise for a Public Hearing to be held November 2, 2022 at 7:00 p.m. on an ordinance entitled "An Ordinance appropriating \$4,900,000 for school HVAC upgrades (2023), and authorizing the issue of \$4,900,000 bonds to the Town to meet said appropriation and pending the issuance thereof, the making of temporary borrowings for such purpose". – Finance

Finance Director Delaney said this is a request to call a public hearing at the November 2 meeting to review approving an ordinance for \$4.9M of bonding in support of the HVAC project at all three elementary schools. In July, the state approved a \$150M grant program and a few weeks ago came out with all of the specifics. It is standard practice for the state to require any municipality that applies to have approved local funding for any of these projects to ensure the funding is there. The ordinance would suffice as proof that the town is committing sufficient funds locally, however this ordinance doesn't require bonding. The deadline for applying is December 1, which creates the need to move forward with the public hearing and the votes for both Town Council and Board of Finance to approve the ordinance. Town Manager Jayawickrema added that with the \$5M of ARPA money that was received and perhaps an additional \$5M from the state, all three schools could get done.

Councilor Fazzino asked what is the likelihood that we get the full \$4.9M? Finance Director Delaney said \$150M is a lot of money, however when you consider the number of school districts around the state, it is likely going to be very competitive. We pursue the grants and hope for the best.

Councilor Paonessa moved to authorize the Town Manager to retain the services of Pulman & Comley LLC to prepare bond authorization documents for school HVAC upgrades, and authorize the Town Manager to schedule and advertise for a Public Hearing to be held November 2, 2022 at 7:00 p.m. on an ordinance entitled "An Ordinance appropriating \$4,900,000 for school HVAC upgrades (2023), and authorizing the issue of \$4,900,000 bonds to the Town to meet said appropriation and pending the issuance thereof, the making of temporary borrowings for such purpose". – Finance

Seconded by Councilor Veach.

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

Vote being 7-0 (MOTION CARRIED)

## **H. APPOINTMENTS:**

1. **Board of Ethics - Alternate – Vacancy** - Term would be until January 31, 2025. Can only be filled with a D or U.
2. **Commission for Persons with Disabilities – Vacancy** - Term would be until January 31, 2023. Can be filled with a D, R or U.
3. **Conservation Commission - Alternate – Vacancy** - Term would be until January 31, 2026. Can be filled with a D, R or U.
4. **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)).
5. **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)).

6. **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)).
7. **Historic District Commission – Vacancy** - New term would be until January 31, 2027. Can be filled with a D, R or U.
8. **Inland Wetlands & Water Courses Commission – Vacancy** – Term will be until January 31, 2024. Can be filled with a D or U.
9. **Parks and Recreation Commission – Vacancy** - New term would be until January 31, 2025. Can be filled with a D, R, or U.
10. **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.
11. **Planning and Zoning Commission – Vacancy** – Term will be until January 31, 2027. Can be filled with D, R, or U.
12. **VNA – Vacancy** - New term would be until January 31, 2025. Can be filled with a D, R or U.
13. **Water Control Commission –Alternate - Vacancy** -New term would be until January 31, 2023. Can be filled with a D, R or U
14. **Water Control Commission –Alternate - Vacancy** -New term would be until January 31, 2023. Can be filled with a D, R or U.
15. **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.
16. **Zoning Board of Appeals - Alternate – Vacancy** – Term would be until January 31, 2024. Can be filled with D, R, or U.

Mayor Kaczynski stated to wait on the appointments until next time and check with the chairs of the groups. Councilor Paonessa asked if we have any party affiliation restrictions? Town Clerk Wall said no, they are all open to either party.

#### **I. TOWN MANAGER'S REPORT:**

- **Timberlin Golf Pro update:** Town Manager Jayawickrema said he and Marc Bayram are working together on a draft contract and agree on the basic terms. There is a Golf Commission meeting on 10/20 and they received a copy of the contract to provide feedback. The approved Director of Golf position is posted and we are getting some applications. We are rethinking how the golf course functions. In the past, the Golf Director was in the shop or garage and away from the clubhouse. I would like to move the Golf Director to where the pro-shop is to have both in the same proximity where the action is. The pro-shop carpet is not in the best shape and we want to do some work there. One of the changes we are making



is to bring the cash register and taking the money in under the town and not under the Pro. The Pro gets to be a real Pro and give lessons, host tournaments and do the things that Pros do rather than cleaning the facility, bathrooms and managing the golf carts. We are bringing that in all under the town. We will work on the storage and space to configure that. We will discuss this with the Golf Commission on Thursday and get their input. They will have a final document that I will bring it to the Town Council for approval. Marc Bayram was the only Golf Pro applicant.

- **Senior Housing Used Generator:** We are working with Facilities Director Solek on pricing to get it commissioned and operational. It is \$4k. We asked the Berlin Housing Authority to confirm if it is functional and works. We don't want to spend the \$4k and then they want a new one instead. They are planning to take it to their commissioner's next meeting. Once they get back to us, we will move forward. Commissioner Veach asked what does a new generator cost? Town Manager Jayawickrema said he believes the cost for a new generator is over \$100k. Facilities Director Solek said yes, that is what it goes for new.
- **Mobile Home Park:** These units are old and the people are getting to a certain age that things are beginning to change there. One unit is going to be demolished and another unit is for sale. We probably want to think about going in a different direction and see if somebody wants to buy this. The Berlin Housing Authority indicated at some point they might be interested in purchasing it. A RFP would be needed to solicit bids and go public with it. We should not be in the business of renting mobile home parks. Things are changing now as these units are starting to get old and some of the folks are moving on. No action is needed now, but we want to think about it. Councilor Coppola asked if this is the one on Deming Rd.? Mayor Kaczynski said yes.
- **Berlin Housing Authority:** We are waiting for confirmation on switching to the senior housing project. We need to secure financing and reached out to their attorney to get certification of funds availability for us to move forward with the power lines. Emails have been sent to Mr. Bajorski and he said that someone will get back to us, but they have not yet. It is extended until the end of the year.
- **Committee meetings:** The ordinance committee meeting was last week and we discussed the changes to Chapter III due to the leash ordinance. We will be scheduling through the Town Council a public hearing to change the language required for the leash ordinance. Also discussed was off-road vehicles and there are some materials under review by Corporation Counsel Coppola. There is a meeting scheduled for next Wednesday to discuss further.
- **Other Meetings:** A joint meeting will be held Tuesday with the Town Council, Board of Finance, Police Commission, police officers and anyone else who wants to attend. We will share what the ad-hoc committee came up with as a planned policy. The actuaries and labor attorney will be there. It is an opportunity to ask questions and understand what the pension is going to cost and how it is structured. The purpose is to have a conversation and to get comfortable and ask questions. It is a long-term financial commitment. Mayor Kaczynski said it is not a binding offer, it is just a fact sheet based on many prior discussions we have had with union leadership. There will be more discussions and a meeting will be set-up to move forward with the pension plan. We have come a long way and there are a lot of things that are attractive in the fact sheet. It would help with retention and recruitment as we are

having a serious problem, as is every other police department. Most towns that went to a 401k are going back to a defined benefit pension plan. We are all competing for a much smaller group of candidates and need to do this for the benefit of the town.

- **Request from Planning and Zoning Commission:** The Planning and Zoning Commission requested to have a joint meeting related to the cannabis station. It is an educational meeting. The council meets November 2 and November 15 and the next Planning and Zoning meeting is November 3 and November 16. Councilor Rosso said they could come in one hour early on November 15 prior to the Council meeting. Town Manager Jayawickrema said another option is November 16. Their plan is to get speakers from the area, growers, retailers, law enforcement, social services and health officials. Mayor Kaczynski said based on the number of speakers, one hour will not be enough time, especially for questions. November 16 at 6:00 p.m. would be a better option to get that discussion going.
- **18<sup>th</sup> Annual Scarecrow Contest:** The scarecrows around town are all numbered and it is a competition. Please tell people to vote for their favorite scarecrow.
- **Trunk or Treat:** Trunk or Treat is Saturday, October 22 at 4:30 p.m. at Sage Park. Also, October 29 is the Farmington Ave. and Main St. businesses trick or treat.

#### **J. SPECIAL COMMITTEE REPORTS:**

The Ordinance Committee will address the ATV situation in one particular neighborhood and see if we need to fix the ordinance for town wide issues.

#### **K. COUNCILORS' COMMUNICATION:**

Councilor Urrunaga said thank you to the high school and everyone involved in putting together the celebration of life for Chase Anderson on Sunday. We lost a member of the community right before school started and it was a nice celebration of his life with a lot of his friends and family. He was a young man who really had things going for him and was in the police cadet's organization.

Councilor Paonessa said he has been approached by a number of people about the Charter Revision and wants people to read the text and understand it for themselves. There is a lot of misinformation. We had very good guidance from Town Clerk Wall and our legal counsel on trying to simplify the language and explain it. People seem to misunderstand it because they listen to other people vs. think for themselves. I want everybody to look at the questions and read the explanation and understand it.

Councilor Veach said thank you to the police department and Parks and Recreation for the light that came with Hungerford Nature Center. We had over 1,200 patrons that came through on Friday and Saturday and it was amazing. The weather was perfect and I appreciate the support of the town and waiving fees. Thank you to everyone.

#### **L. ACCEPTANCE OF MINUTES:**

October 4, 2022

Councilor Paonessa moved to accept the Town Council meeting minutes of October 4, 2022

Seconded by Councilor Veach.

Those voting in favor: Councilor Coppola, Councilor Fazzino, Councilor Paonessa, Councilor Urrunaga, Councilor Veach, Mayor Kaczynski

Councilor Rosso abstained as he was not at the October 4, 2022 meeting.

Vote being 6-0-1 (MOTION CARRIED)

**M. EXECUTIVE SESSION:**

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

Councilor Paonessa moved to go into Executive Session: Pending Litigations – C.G.S.S. Sec. 1-200 (6) (B) strategy and negotiations with respect to pending claims or pending litigation – Angelico-Stetson Appeal at 7:50 p.m.

Invited in Town Manager Jayawickrema and Corporation Counsel Donofrio.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Fazzino, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Mayor Kaczynski

Vote being 6-0 (MOTION CARRIED)

Councilor Veach excused herself from the meeting at 7:50 p.m.

Executive session ended at 8:33 p.m.

**N. ADJOURNMENT**

Councilor Fazzino moved to adjourn at 8:33 p.m.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Fazzino, Councilor Paonessa, Councilor Rosso, Councilor Urrunaga, Mayor Kaczynski

Vote being 6-0 (MOTION CARRIED)

Submitted by,

Alina Brown  
Recording Secretary