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Meeting ID: 832 3933 2580

Passcode: 310024

+1 929 205 6099 US (New York)

TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, February 21, 2023  
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: Accept donations to the Berlin Animal Control Donation Account for \$ 165.00. – Animal Control
2. Topic re: Accept monetary donations totaling \$623.68 and deposit \$623.68 into the friends of the library miscellaneous account for the purchase of two museum pass renewals, child/teen program supplies, and coffee supplies and accept the donation of books with an approximate value of \$115.89 to be added to the appropriate department collection and a Dell projector with an approximate value of \$250.00 to be circulated at the library. – Berlin-Peck Memorial Library
3. Topic re: Approve Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2023 – 2024 school year. – Parks and Recreation
4. Topic re: Approve Berlin Volunteer Fire Department to be able to sell food, beverages and merchandise and charge an entry fee at their Annual Auto Rama and Touch a Truck event at Sage Park on Saturday, May 27, 2023, from 8:00 AM to 3:00 PM. The rain date is Sunday, May 28, 2023. – Parks and Recreation

5. Topic re: Approve CFC North, LLC to charge a registration fee of \$175 for a youth soccer camp which will take place July 10-15, 2023 from 9:00AM – 12:00PM at Scalise Field. The camp will have approximately 40 children. – Parks and Recreation
6. Topic re: Approve acceptance of the donation to the fishing derbies in the amount of \$1000.00 for the Berlin Parks and Recreation Departments youth fishing derbies to be held on Saturday, April 22, and Saturday, April 29, 2023, at Sage Park Pond from 8:00 AM to 10:00 AM. – Parks and Recreation
7. Topic re: Approve Alex Joslyn of J&S Soccer Camps, LLC to charge a registration fee of \$125 for a preseason high school soccer camp which will take place August 14 – 18, 2023 from 5:00PM – 8:00PM at McGee soccer field. The camp will have approximately 60 people. – Parks and Recreation
8. Topic re: Approve Berlin High School to be able to sell food, beverages and charge an entrance fee of \$285 per team for the Lineman Challenge Competition on Saturday, July 8, 2023 at Sage Park; Scalise Field and Sage Auxiliary Field from 6:00AM 3:00PM. – Parks and Recreation
9. Topic re: Approve waiving estimated field usage fees not to exceed the amount of \$6,950 for the 2023 Nutmeg State Games to be held at Scalise Field and Baretta Field from July 14 through July 30, 2023. – Parks and Recreation
10. Topic re: Approve John Paul Demko and Max Delorenzo of P & Q Enterprises LLC to charge a registration fee of \$225 for the Central CT Youth Football Camp taking place June 12 – 16, 2023 for approximately 80 children at Scalise Field. – Parks and Recreation
11. Topic re: Accept the donation of \$1750.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police
12. Topic re: Accept the donation of \$25.00 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 Tuesday, February 21, 2023 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 \$6,500,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION, AND AUTHORIZING THE ISSUE OF \$6,500,000 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.

I. NEW BUSINESS:

1. Topic re: Pursuant to Sections 1-4(a)(1) and 1-6 of the Berlin Ethics Policy and Section 9-5 of the Town Charter, consideration and action in response to the Board of Ethics' December 21, 2021, finding of a violation of the Ethics Policy and Code of Ethics relative to Complaint #2021-001. – Town Manager
2. Topic re: Authorize the Town Manager to apply for a \$75,000 Recreational Trails grant for the Hungerford Nature Center property and that the Town contribute \$5,000 in cash match from the fee in lieu of open space account and authorize the Town Manager to participate in a grant application to be submitted by the Town of Middletown for the Lamentation Mountain/Pistol Creek Area for a Recreational Trails grant that will include improvements in Berlin at an estimated cost of \$200,000 and that the Town contribute \$40,000 in cash match for the Berlin portion of the project from the fee in lieu of open space account. – Economic Development
3. Topic re: Approve the transfer of \$30,153.66 from the Hubbard Playground account and \$9,846.34 from the McGee Air Quality account, both in the Capital Non-Recurring Fund, to the Buildings and Renovations account in the Police Construction Fund, pending approval by the Board of Finance. - Finance
4. Topic re: Authorize Town Manager, Aroscha Jayawickrema, to enter into contract with US Pitchcare LLC. for the renovation of Percival Soccer Field in an amount not to exceed \$442,774 which includes \$13,774 contingency. – Parks and Recreation
5. Topic re: Discussion of Possible Uses of Pistol Creek – Town Manager

J. TOWN MANAGER'S REPORT:

K. SPECIAL COMMITTEE REPORTS:

L. COUNCILORS' COMMUNICATION:

M. ACCEPTANCE OF MINUTES:

February 7, 2023

N. ADJOURNMENT

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** February 15, 2023  
**SUBJECT:** Donation to Berlin Animal Control

**SUMMARY:**

Accept donations to Berlin Animal Control Donation Account # 001.00.0000.0.20010.00000

Period	Amount	Purpose	Donor*
Feb 1, 2023 to Feb 14 , 2023	\$ 15.00 ( cash )	Animal Care	Alicia Woodruff Berlin
	\$ 150.00 ( ck# 9307)	Animal Care	Fred & Lisa Clark Cromwell

\* Unless a name is mentioned, donors requested anonymity

**ACTION NEEDED:**

Move to accept donations to the Berlin Animal Control Donation Account for \$ 165.00 for Animal Care and supplies valued at \$ .00

**ATTACHMENTS:**

Thank you notes

**PREPARED BY:**

Janice Lund, Animal Control Officer



**TOWN OF BERLIN**  
**Animal Control Department**  
600 Christian Lane • Berlin, CT 06037  
(860) 828-7055

February 3, 2023

Fred & Lisa Clark  
1 Horse Run Hill Rd  
Cromwell, CT. 06416

Dear Lisa & Fred,

Thank you for the very generous donation of \$ 150.00 ! Your support is a blessing and we appreciate it very much. We are so happy that you adopted "Kiki". Thanks so much for adopting her, with kind people like you , we can continue to help the homeless animals in our shelter.

Thanks again.

Sincerely,

Jan Lund, Animal Control Officer  
Kate Matson, Assistant Animal Control Officer



Cc: Jennifer Ochoa, Director of Community, Recreation and Parks Services



**TOWN OF BERLIN**  
**Animal Control Department**  
600 Christian Lane • Berlin, CT 06037  
(860) 828-7055

January 20, 2023

Alicia Woodruff  
50 Dayl Drive  
Berlin, CT. 06037

Dear Alicia,

Thank you for the donation of \$ 15. Your support is a blessing and we appreciate it very much. We are so happy that "Max" is working out and fitting in to your household. Thanks so much for adopting him. With kind people like you , we can continue to help the homeless animals in our shelter.

Thanks again.

Sincerely,

Jan Lund, Animal Control Officer  
Kate Matson, Assistant Animal Control Officer



Cc: Jennifer Ochoa, Director of Community, Recreation and Parks Services

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Accept Library Donations

**SUMMARY:**

Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	623.68	FOL misc. acct.	for 2 museum pass renewals, child/teen program supplies, coffee supplies	Friends of the Library
	623.68			
Equip/Merch	115.89	Books	add to appropriate department collection	Various Patrons
	250.00	Dell Model 1510X projector	circulate among library patrons	Anonymous
	365.89			

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

**ACTION NEEDED:**

Move to accept monetary donations totaling \$623.68 and deposit \$623.68 into the friends of the library miscellaneous account for the purchase of two museum pass renewals, child/teen program supplies, and coffee supplies.

Move to accept the donation of books with an approximate value of \$115.89 to be added to the appropriate department collection and a Dell projector with an approximate value of \$250.00 to be circulated at the library.

**ATTACHMENTS:**


None

**PREPARED BY:**

Kimberly McNally, Director

*Consent*  
**Agenda Item No. 3**  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager 

**DATE:** February 10, 2023

**SUBJECT:** Berlin High School Boosters Club, approval to sell food, beverages and merchandise at Berlin High School events during the 2023 – 2024 school year.

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023 recommended approval for the Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2023 – 2024 school year.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.


**ACTION NEEDED:**

Move to approve Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2023 – 2024 school year.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director of Community, Recreation and Park Services 



Consent  
**Agenda Item No. 4**  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Berlin Volunteer Fire Department to sell food, beverages and merchandise and charge an entry fee at their Annual Auto Rama and Touch a Truck Event

**SUMMARY:**

The Berlin Parks and Recreation Commission at a meeting on Thursday, February 9, 2023, recommended that Berlin Volunteer Fire Department be able to sell food, beverages and merchandise and charge an entry fee at their Annual Auto Rama and Touch a Truck event at Sage Park on Saturday, May 27, 2023, from 8:00 AM to 3:00 PM. The rain date is Sunday, May 28, 2023. All proceeds raised will be donated to the local Veterans.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.

**ACTION NEEDED:**

Move to approve Berlin Volunteer Fire Department to be able to sell food, beverages and merchandise and charge an entry fee at their Annual Auto Rama and Touch a Truck event at Sage Park on Saturday, May 27, 2023, from 8:00 AM to 3:00 PM. The rain date is Sunday, May 28, 2023.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director Community, Recreation and Park Services



*Consent*  
**Agenda Item No. 5**  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** CFC North, LLC to charge a fee

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023 recommended that CFC North, LLC be able to charge a registration fee of \$175 for a youth soccer camp, which will take place July 10-14, 2023 from 9:00AM – 12:00PM on Scalise Field. The camp will have approximately 40 children.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.

**ACTION NEEDED:**

Move to approve CFC North, LLC to charge a registration fee of \$175 for a youth soccer camp which will take place July 10-15, 2023 from 9:00AM – 12:00PM at Scalise Field. The camp will have approximately 40 children.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director of Community, Recreation and Park Services



Consent  
Agenda Item No. 6  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Donation to Fishing Derbies

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023, recommended the acceptance of a \$1000.00 donation from the Cambridge Specialty Company. The Berlin Parks and Recreation Departments youth fishing derbies will be held on Saturday, April 22, and Saturday, April 29, 2023, at Sage Park Pond from 8:00 AM to 10:00 AM.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.

**ACTION:**

Move to approve acceptance of the donation to the fishing derbies in the amount of \$1000.00 for the Berlin Parks and Recreation Departments youth fishing derbies to be held on Saturday, April 22, and Saturday, April 29, 2023, at Sage Park Pond from 8:00 AM to 10:00 AM.

**ATTACHMENTS:**

None

**PREPARED BY:**

Debbie Dennis, Superintendent of Recreation DD

Consent  
Agenda Item No. 7  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Alex Joslyn of J & S Soccer Camps, LLC to charge a registration fee of \$125 for a preseason high school soccer camp that will take place at McGee soccer field.

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023 recommended that Alex Joslyn of J & S Soccer Camps, LLC be able to charge a registration fee of \$125 for a preseason high school soccer camp which will take place August 14 - 18, 2023 from 5:00PM – 8:00PM on McGee soccer field. The camp will have approximately 60 people.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.

**ACTION NEEDED:**

Move to approve Alex Joslyn of J&S Soccer Camps, LLC to charge a registration fee of \$125 for a preseason high school soccer camp which will take place August 14 – 18, 2023 from 5:00PM – 8:00PM at McGee soccer field. The camp will have approximately 60 people.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director of Community, Recreation and Park Services



Consent  
Agenda Item No. 8  
**Request for Town Council Action**

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Berlin High School Lineman Challenge Competition to sell food, beverages and charge an entrance fee per team

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023 recommended that Berlin High School be able to sell food, beverages and charge an entrance fee of \$285 per team for the Saturday, July 8, 2023 the Lineman Challenge Competition that will be held at Sage Park; Scalise Field and Sage Auxiliary Field from 6:00AM to 3:00PM. Funds raised will go towards Berlin High School Football. Approximately 250 adults and children will attend.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.

**ACTION:**

Move to approve Berlin High School to be able to sell food, beverages and charge an entrance fee of \$285 per team for the Lineman Challenge Competition on Saturday, July 8, 2023 at Sage Park; Scalise Field and Sage Auxiliary Field from 6:00AM 3:00PM.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director of Community Recreation and Park Services

Consent

Agenda Item No. 9  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager

**DATE:** February 10, 2023

**SUBJECT:** Nutmeg State Games – Waiver of Field Rental Fees

**SUMMARY:**

The Berlin Parks and Recreation Commission, at its meeting on Thursday, February 9, 2023, recommended waiving field usage fees not to exceed an amount of \$6,950 for the 2023 Nutmeg State Games, to be held in Berlin. Games will take place between July 14 and July 30, 2023 at the following locations; Scalise Field and Baretta Baseball Field. CT Sports Management Group will use the recommended product by the Parks and Grounds Department to put temporary lines on Scalise Field for Field Hockey competition.

This is one of Connecticut's largest multi-sport Olympic style festival. The city of Middletown is the host city with the Town of Berlin providing additional sites.

The estimated cost is based on a preliminary schedule which can change due to the number of teams and players involved. Schedules for usage will be finalized on or about July 1st, 2023. As in the past, the Town will be reimbursed for out of pocket costs, labor, materials and light usage, based on the final expenses.

The Nutmeg Games will be working with Economic Development Director Chris Edge on materials to be available to participants and their families for events held in Berlin.

**ACTION NEEDED:**

Move to approve waiving estimated field usage fees not to exceed the amount of \$6,950 for the 2023 Nutmeg State Games to be held at Scalise Field and Baretta Field from July 14 through July 30, 2023.

**ATTACHMENTS:**

Fee waiver

**PREPARED BY:**

Jennifer Ochoa, Director of Community, Recreation, and Park Services



## TOWN OF BERLIN

### Request for Fee Waiver

<b>Requesting Organization:</b> CT Sports Management Group (Nutmeg State Games)	<b>Date:</b> 1-17-23
<b>Contact Name:</b> Rick Plushy	
<b>Phone Number:</b> (860) 788-7041	
<b>Event:</b> Nutmeg State Games: Baseball, Boys + Girls Lacrosse, Field Hockey	<b>Date of Event:</b> JULY 14th - 30th
<b>Location of the Event:</b> Sage Park; Scarside Field (Turf) and Baratta Field.	
<b>What fee do you want waived:</b> Facility rental fees	
<b>Identify the hardship incurred:</b> CSMG is a non-profit organization that relies on sponsorships, donations/fundraising and Partnerships with towns and cities in CT to help meet the cost of running events for amateur athletes in Connecticut.	
<b>Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific:</b> Berlin businesses and restaurants will benefit from the guests visiting the town for our event. The town of Berlin will also receive an ad on all webpages for events in Berlin, Town sent on athlete shirts, recognition on all event flyers for events in Berlin and recognition on email marketing campaigns for Berlin events in Berlin. See attached letter for more details + benefits.	

#### Town Manager review:

Does it meet the standards set forth in the "Policy on Fees and Charges?"

Yes ☐

No ☐

If so, which criteria:

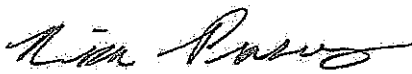
- ☐ Raises funds to supplement Town budgeted services.
- ☐ Raises funds for programs normally funded by the Town.
- ☐ Raises funds for Non-Profit groups, which have contributed substantially to the community.
- ☒ Nationally or State affiliated program which provide programs for local youth.
- ☐ Raises funds for scholarships of Berlin students.
- ☐ Raises funds for elderly citizens.

## TOWN OF BERLIN Request for Fee Waiver

Name of Non-Profit or Political Organization: Connecticut Sports Management Group, Inc.

**Comments:**

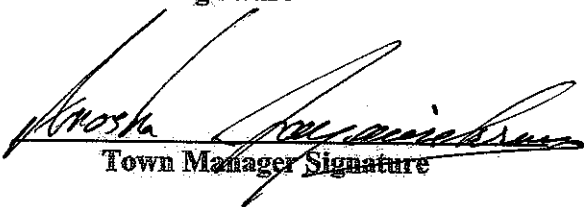
CSMG and the Nutmeg State Games have been fortunate to work with Berlin over the years to put on our events for amateur athletes in Connecticut. We look forward to continuing that relationship over the coming years. Thank You.



Signature

1-17-23

Date



Town Manager Signature

2/14/23

Date

Organizations requesting a waiver of fees must complete the Request for Fee Waiver prior to the event. The request should be filled out in accordance with Section J, Policy on Fees & Charges, restated below.

### 1. Fee Waiver Policy

1. Fee waivers will be granted on an ad-hoc basis giving due consideration to the financial needs of the Town and the fiscal impact of the waiver upon the Town.
2. Preference for fee waivers will be given to those private, non-profit organizations that serve Berlin that are proposing events which will raise funds that are intended to supplement Town funds for budgeted items or programs, raise funds for programs that would normally be funded by the Town, raise funds for programs by non-profit groups that have contributed substantially to the community, raise funds for programs for local senior or youth groups with a state or national affiliation or raise funds for scholarships for Berlin students.
3. The Town of Berlin will grant fee waivers sparingly with due consideration given to the costs and benefits derived from the fee waiver.
4. Golf Course charity fees will be set at the 18 hole resident rate.
5. The Town Council will consider waiving fees only when the Town Manager receives in writing a request stating that an undue hardship exists and the overall benefit the community will receive as a result of the program. Such waivers must be submitted at least one month in advance of the event for which the waiver is sought.
6. Any and all fee waivers are at the sole discretion of the Town Council.



January 17, 2023

Berlin Parks & Recreation Department  
230 Kensington Rd  
Berlin, CT 06037

Dear Berlin Parks & Recreation,

Please accept this letter as part of the 2023 Nutmeg State Games facility request application. As in past years, we are requesting that all rental fees for the use of Berlin Parks for the 2023 Nutmeg State Games be waived. The Nutmeg State Games will cover all associated costs of the Berlin Parks staff to prepare fields on the weekends and for overtime (after normal working hours).

Berlin area businesses and restaurants will benefit from the influx of participants from the proposed events. The Nutmeg State Games Administration will work closely with town officials to promote Berlin businesses, hotels and restaurants to the Nutmeg State Games participants, coaches, and family members in attendance. Information will be distributed prior and during the event to all participants attending events in Berlin.

The Town of Berlin will receive name recognition in the following:

- Website Banner Ad – on all associated events webpages taking place in Berlin.
- Town of Berlin seal / logo added to the Nutmeg State Games athlete t-shirt – 7,000+
- Recognition on flyer and posters for related events held in Berlin
- Recognition on email marketing campaigns for related events held in Berlin
- Sponsor benefits will also be provided for the value of the rental donation provided to the "Games".

The Nutmeg State Games has also worked with the Best Western New England Hotel on the Berlin Turnpike in the previous years to secure a room blocks for Nutmeg State Games and Connecticut Masters' Games participants. The Best Western New England hotel will be the Official Hotel for Nutmeg State Games participants who will be competing in Berlin.

And finally, the Nutmeg State Games has provided opportunities to Berlin teams and individual sport athletes to compete in the "Games". Since 2010, Berlin has had well over 600+ athletes take part in our 20+ different sport offerings.

The Nutmeg State Games is a 501(c)3 not for profit organization governed by the National Congress of State Games and recognized by the U.S. Olympic Committee as the official state games of Connecticut. The Games are a multi-sport, Olympic style yearly event open to thousands of Connecticut citizens 6 – 18 years of age. In 2023, 6,000+ athletes, 1,500 volunteers and 20,000 spectators will participate in the 20+ sport offerings that will take place in the "Games"

We greatly appreciate your consideration of our fee waiver request and look forward to working with you to make the 34<sup>th</sup> Anniversary of the Nutmeg State Games a success.


Genuine Regards,

A handwritten signature in black ink that reads "Rick Plasky". The signature is written in a cursive, flowing style with a large initial "R".

Richard Plasky  
Executive Director

Consent  
Agenda Item No. 10  
Request for Town Council Action

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

**FROM:** Arosha Jayawickrema, Town Manager 

**DATE:** February 10, 2023

**SUBJECT:** P & Q Enterprises to charge fees for Central CT Youth Football Camp

**SUMMARY:**

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 9, 2023 recommended that John Paul Demko and Max DeLorenzo of P & Q Enterprises LLC be able to charge a registration fee of \$225 for the Central CT Youth Football Camp taking place June 12-16, 2023 for approximately 80 children at Scalise Field.

The Berlin Parks and Recreation Commission is requesting Berlin Town Council approval of this recommendation.


**ACTION NEEDED:**

Move to approve John Paul Demko and Max Delorenzo of P & Q Enterprises LLC to charge a registration fee of \$225 for the Central CT Youth Football Camp taking place June 12 – 16, 2023 for approximately 80 children at Scalise Field.

**ATTACHMENTS:**

None

**PREPARED BY:**

Jennifer Ochoa, Director of Community, Recreation and Park Services 

Consent<sup>+</sup>  
Agenda Item No. 1/1  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** February 13, 2023  
**SUBJECT:** Donations for K9 Program

**Summary of Agenda Item:**

The Police Department has received \$1750.00 in donations to the K9 Program.

These funds will be deposited into the Donations Fund Revenue Account # 100.05.0505.2.45100.00000 and appropriated to the K9 Program Expenditure Account # 100.15.1532.0.53225.00000.

**Action Needed:**

Move to accept the donation of \$1750.00 and appropriate the funds to the Police K9 Program Expenditure Account.

**Attachments:**

None

**Prepared By:**   
Deputy Chief Chris Ciuci

Consent

Agenda Item No. 12  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** February 13, 2023  
**SUBJECT:** Donation for supplies.

**Summary of Agenda Item:**

The Police Department has received a \$25.00 in donation 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 donation of \$25.00 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 Tuesday, February 21, 2023 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 \$6,500,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION, AND AUTHORIZING THE ISSUE OF \$6,500,000 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.

Dated at Berlin, Connecticut this 8th day of February 2023.

Kathryn J. Wall  
Town Clerk

AN ORDINANCE APPROPRIATING \$6,500,000 FOR  
ADDITION AND RENOVATIONS TO THE BERLIN POLICE  
STATION, AND AUTHORIZING THE ISSUE OF \$6,500,000  
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 \$6,500,000 for the Police Station Renovations Project, comprised of additions and renovations to the exterior and interior of the police station located within the Town, and including, but not limited to, the costs of planning and design, consultants, temporary relocation and moving, remediation, site preparation, demolition, furniture, fixtures and equipment, communication and HVAC systems, insurance, architectural, engineering, surveying, testing and inspections, construction, and all work related thereto, and the costs of administrative, advertising, printing, legal and financing, and capitalized interest related thereto (the "Project").

Section 2. To meet said appropriation, \$6,500,000 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 later date as may be allowed by the Connecticut General Statutes, Revision of 1958, as amended (the "Statutes") or other applicable law. Said bonds may be issued in one or more series as determined by a majority of the Mayor, the Town Manager and the 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. Said bonds shall be issued in the 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, financing and legal costs of issuing the bonds, and capitalized interest thereon. 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 therefrom. 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 or such other nationally recognized bond counsel ("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 the 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 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 (including electronically) 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. Such notes 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 hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Treasury Regulations"), to reimburse expenditures paid sixty days prior to and any time 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 Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the original expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Town 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. The Town Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution, if issued on a tax-exempt basis.

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 bond" or "tax-advantaged bond," including direct payment and tax credit versions of such 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.

**FIRST PERSON VERSION**

**PUBLIC HEARING  
THE TOWN OF BERLIN  
HELD FEBRUARY 21, 2023**

I hereby convene the public hearing for the \$6,500,000 Police Station Renovations 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.

I will now read the title of the ordinance:

AN ORDINANCE APPROPRIATING \$6,500,000 FOR  
ADDITION AND RENOVATIONS TO THE BERLIN POLICE  
STATION, AND AUTHORIZING THE ISSUE OF \$6,500,000  
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?

[Allow for public comments]

I call the public hearing on the \$6,500,000 Police Station Renovations Project bond ordinance closed.

Agenda Item No. 2  
Request for Town Council Action

**TO:** The Honorable Mayor and Town Council  
**FROM:** Arosha Jayawickrema, Town Manager  
**DATE:** February 9, 2023  
**SUBJECT:** Violation of the Ethics Policy and Code of Ethics

**Summary of Agenda Item:**

Please refer to the attached letter from the Board of Ethics dated January 4, 2022. Ms. Angelico-Stetson did file a lawsuit to overturn this decision. The lawsuit has been withdrawn.

This was discussed at the January 17<sup>th</sup> meeting. It was decided that it would be continued to the February 21<sup>st</sup> meeting to allow the new Council Members to review the Board of Ethics information.

**Action Needed:**

Pursuant to Sections 1-4(a)(1) and 1-6 of the Berlin Ethics Policy and Section 9-5 of the Town Charter, consideration and action in response to the Board of Ethics' December 21, 2021, finding of a violation of the Ethics Policy and Code of Ethics relative to Complaint #2021-001.

**Attachments:**

Letter from the Board of Ethics

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



## *Town Of Berlin*

Kate Wall, MMC  
240 Kensington Road  
Berlin, CT 06037  
860-828-7036  
[kwall@town.berlin.ct.us](mailto:kwall@town.berlin.ct.us)

*Office of the Town Clerk & Registrar of Vital Statistics*

January 4, 2022

Mr. Arosha Jayawickrema  
Berlin Town Manager  
240 Kensington Road  
Berlin, CT 06037

Re: Board of Ethics Complain #2021-001

Dear Mr. Jayawickrema:

This letter will serve as notification pursuant to the Town's Ethics Policy that the Berlin Board of Ethics, following hearings on an Ethics Complaint filed by Donna Veach as Complainant against JoAnn Angelico-Stetson as Respondent, found a violation of the Ethics Policy was committed by the Respondent. The Berlin Board of Ethics concluded the hearing on Complaint 2021-001 on December 21, 2021. The Complainant, Donna Veach, and Respondent, JoAnn Angelico-Stetson, along with their respective legal counsel, were in attendance for the entirety of the hearing, including the Board's deliberations. The Board of Ethics, at its December 21<sup>st</sup> hearing, found the Respondent in violation of Section 1-5 of the Berlin Ethics Policy. To summarize, the Board found that the Respondent published/caused to be published/approved the publication of statements concerning the existence of a Complaint filed with the Board of Ethics. The Complaint, which was dismissed for lack of probable cause, and the existence of the Complaint, were, at all times, confidential pursuant to the Berlin Code of Ethics and Berlin Ethics Policy section 1-5(a). At all times relevant to the Complaint, the Respondent was bound by the Berlin Ethics Policy and the failure to comply with the confidentiality requirements of the Ethics Policy is a violation of the Policy.

In accordance with Berlin Charter Section 9-5 Administration of Code. "(b)... After the hearing, if the Board of Ethics finds that any of the provisions of this chapter have been violated by the person so charged, the Manager, with Council approval, shall take such appropriate action as deemed necessary..." Please proceed in accordance with the Ethics Policy and the Town Charter.

Sincerely,

Kevin Hines  
Board of Ethics Chair

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

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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: February 14, 2023**

**SUBJECT: Authorization to Submit a Recreational Trails Grant Application for Hungerford Nature Center Trails and to participate in a Recreational Trails Grant Application with the City of Middletown for the Lamentation Mountain/Pistol Creek Area**

**Summary of Agenda Item:**

The State of Connecticut issued a request for applications for the Recreational Trails grant program. Applications are due March 1. The grant requires a 20% local match that can be provided by a cash match, in-kind services, or a combination of cash and in-kind services. Based on discussions with the Town Council in January, staff advanced discussions about the grant program with the Town of Middletown about Pistol Creek, Lamentation Mountain trail improvements and with Hungerford Nature Center and seeks authorization for grant submission and participation. These applications were discussed at meetings of the Conservation Commission and Berlin Land Trust and a joint public meeting that included the City of Middletown was held by the Conservation Commission on February 14. Letters were sent to owners of properties on Spruce Brook Road adjacent to the proposed footpath and to the one Berlin property owner on Atkins Street. In addition, consultations were held with the Connecticut Forest and Park Association that maintains Connecticut's blue blazed trails.

The grant application to be submitted by the Town of Berlin is for trail improvements at Hungerford Nature Center. The Hungerford Nature Center is a non-profit children's museum and nature center that offers educational programs and special events for children and adults. It is located at 191 Farmington Avenue in Berlin. The Nature Center property is situated on a 27.1-acre portion of a 71-acre property donated to the City of New Britain by Judge Hungerford back in 1933. This year marks the 40<sup>th</sup> year of its operation. Part of Hungerford's facility is a system of trails that are open to the public. The trails are used as part of Hungerford's youth outdoor education program and host to many special events for the residents of this community and surrounding towns. The trails at Hungerford are a valuable local resource, particularly for families with young children and for residents in nearby neighborhoods. The existing trails would benefit from improvements. The concept for the Hungerford Nature Center area grant application is that Berlin will submit the application with the support of the New Britain and in concert with Hungerford Nature Center. Project elements will include bog bridges in seasonally wet areas of the trails, a bog bridge over a small stream, removal of invasive plants and planting of native plants, development and installation of educational exhibits and signage along the trails, extensive removal and disposal of deadfall along the trails, purchase of tools and equipment to

improve trail maintenance, creation of a tree identification trail, replacement of the entry gate and GPS mapping of the trails to include the trail system on Berlin's website and to make trails information available on trails apps. The project cost is estimated at \$75,000 and a 20% local match is required (\$15,000). Staff requests that the Town Manager be authorized to apply for a \$75,000 Hungerford Nature Center Recreational Trails grant and that the Town contribute \$5,000 in cash match from the fee in lieu of open space account #516.10.1014.0.54000.01606. Hungerford Nature Center is requested to contribute \$5,000 in in-kind services for the project and a \$5,000 cash match.

The second grant application is for the Lamentation Mountain/Pistol Creek area in Berlin and Middletown. The Connecticut Department of Energy and Environmental Protection has indicated that for multi-town applications there must be a lead applicant. Middletown has agreed to be the lead applicant. The purpose of this Recreational Trails Grant application is to improve and enhance the former Pistol Creek golf course cart paths and the Lamentation Mountain hiking and open space area that is traversed by Mattabesett Trail/New England National Scenic Trail.

In February 2022, Middletown bought 14.9 acres and in December 2022, Berlin bought 19.6 acres of the former Pistol Creek golf course that straddles the Middletown, Berlin Town line. With these acquisitions, Middletown and Berlin now own all the land that comprised the former course. Both municipalities also have land holdings and share an interest in the Lamentation Mountain open space area that is near Pistol Creek. These common interests spurred the communities to initiate a focused collaborative intertown planning effort to improve and enhance the former Pistol Creek golf course cart path trail network and the Lamentation Mountain hiking and open space area. The hiking area in the Lamentation Mountain area also extends to Giuffrida Park in Meriden and Meriden is also involved in the open space area planning effort but is not a partner in this proposed Recreational Trails Grant application.

The project concept for the Pistol Creek/Lamentation Mountain area grant application includes improving Pistol Creek cart paths on both the Berlin and Middletown sections, signage, constructing bog bridges on the section of the Mattabesett Trail that enters Lamentation Mountain area from Spruce Brook Road via the Stantack Road right of way, improving the parking space for the Mattabesett trail on the Stantack Road right of way at Spruce Brook Road, creating an off road footpath on Spruce Brook Road in the Spruce Brook Road right of way to connect to Pistol Creek, creation of a new trail link (including construction of bog bridges) from Atkins Road to Lamentation Mountain via an open space parcel owned by the City of Middletown, improvement of the Stantack Road right of way in Middletown to connect Middletown's Wilcox Conservation Area at Footit Road to the Mattabesett trail at the Middletown/ Berlin line, and parking improvements.

The project cost for the Berlin portion of the Lamentation Mountain/Pistol Creek grant application is \$200,000 and a 20% local match is required (\$40,000). Staff proposes taking the Town's \$40,000 match from the fee in lieu of open space account #516.10.1014.0.54000.01606.

### **Action**


Move to authorize the Town Manager to apply for a \$75,000 Recreational Trails grant for the Hungerford Nature Center property and that the Town contribute \$5,000 in cash match from the fee in lieu of open space account.

Move to authorize the Town Manager to participate in a grant application to be submitted by the Town of Middletown for the Lamentation Mountain/Pistol Creek Area for a Recreational Trails grant that will include improvements in Berlin at an estimated cost of \$200,000 and that the Town contribute \$40,000 in cash match for the Berlin portion of the project from the fee in lieu of open space account.

### **Attachments:**

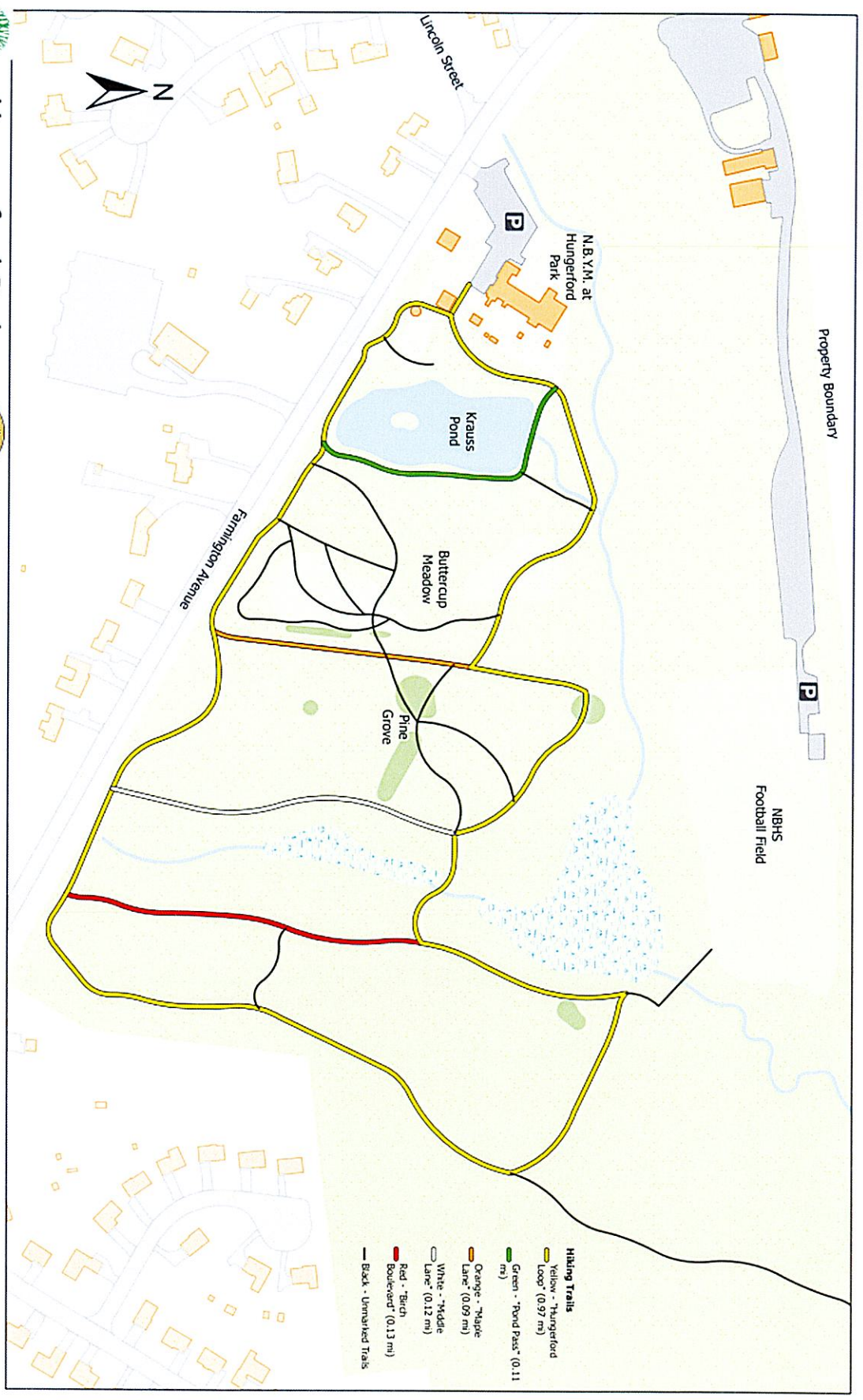
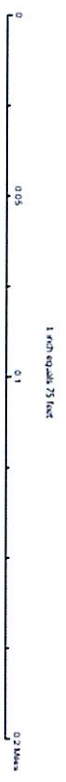
1. Hungerford Trails map.
2. Lamentation Mountain Area Adjacency Map.
3. Overall project map for Lamentation Mountain/Pistol Creek area.
4. Berlin Pistol Creek cart path improvements map (phase 2).
5. Spruce Brook Road footpath map.
6. Sufficiency of funds.

### **Prepared By:**

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



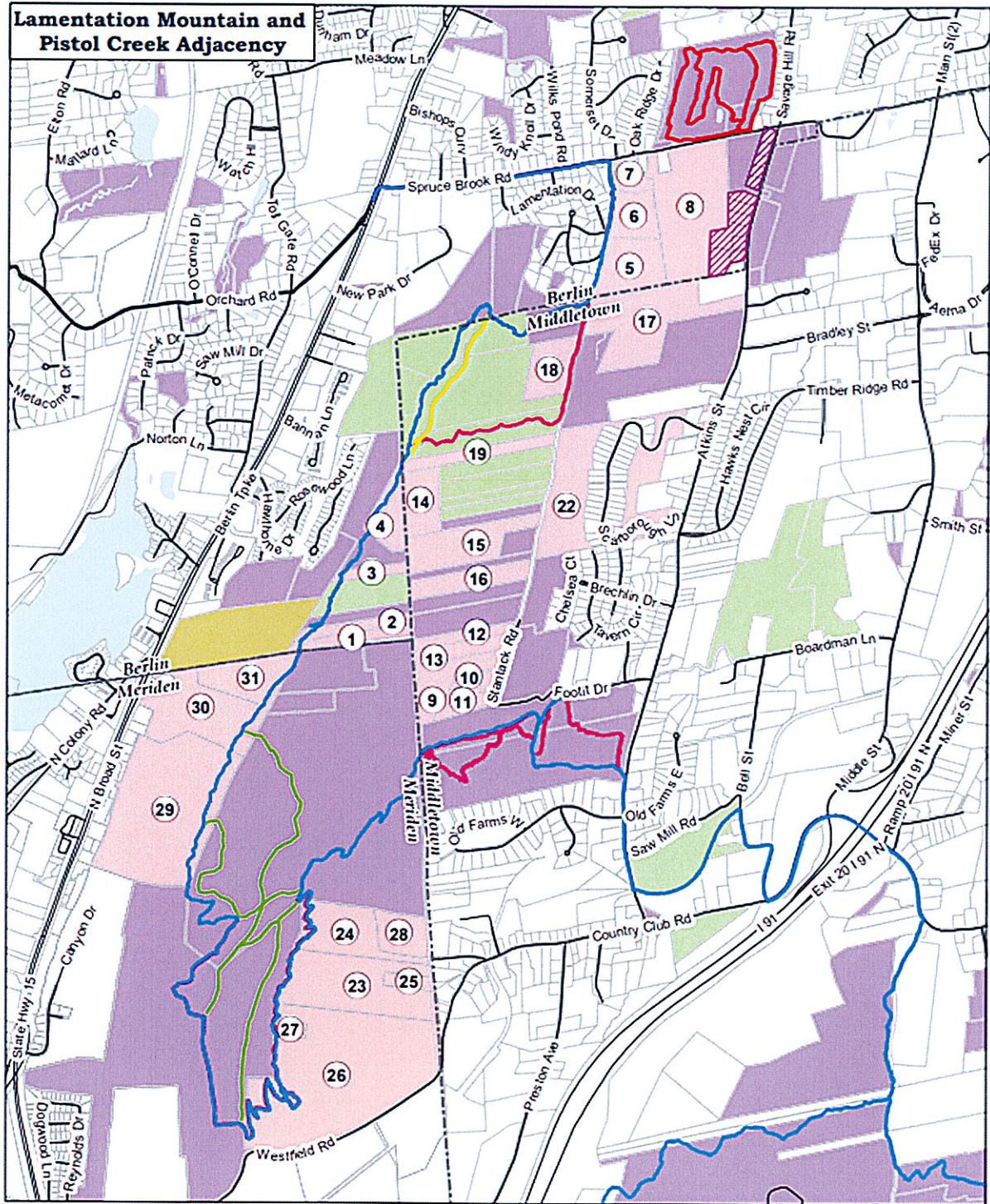
# Hungerford Park Trail Map



- Hiking Trails**
- Yellow - "Hungerford Loop" (0.97 mi)
  - Green - "Pond Path" (0.11 mi)
  - Orange - "Maple Lane" (0.09 mi)
  - White - "Middle Lane" (0.12 mi)
  - Red - "Birch Boulevard" (0.13 mi)
  - Black - Unmarked Trails



# Lamentation Mountain and Pistol Creek Adjacency

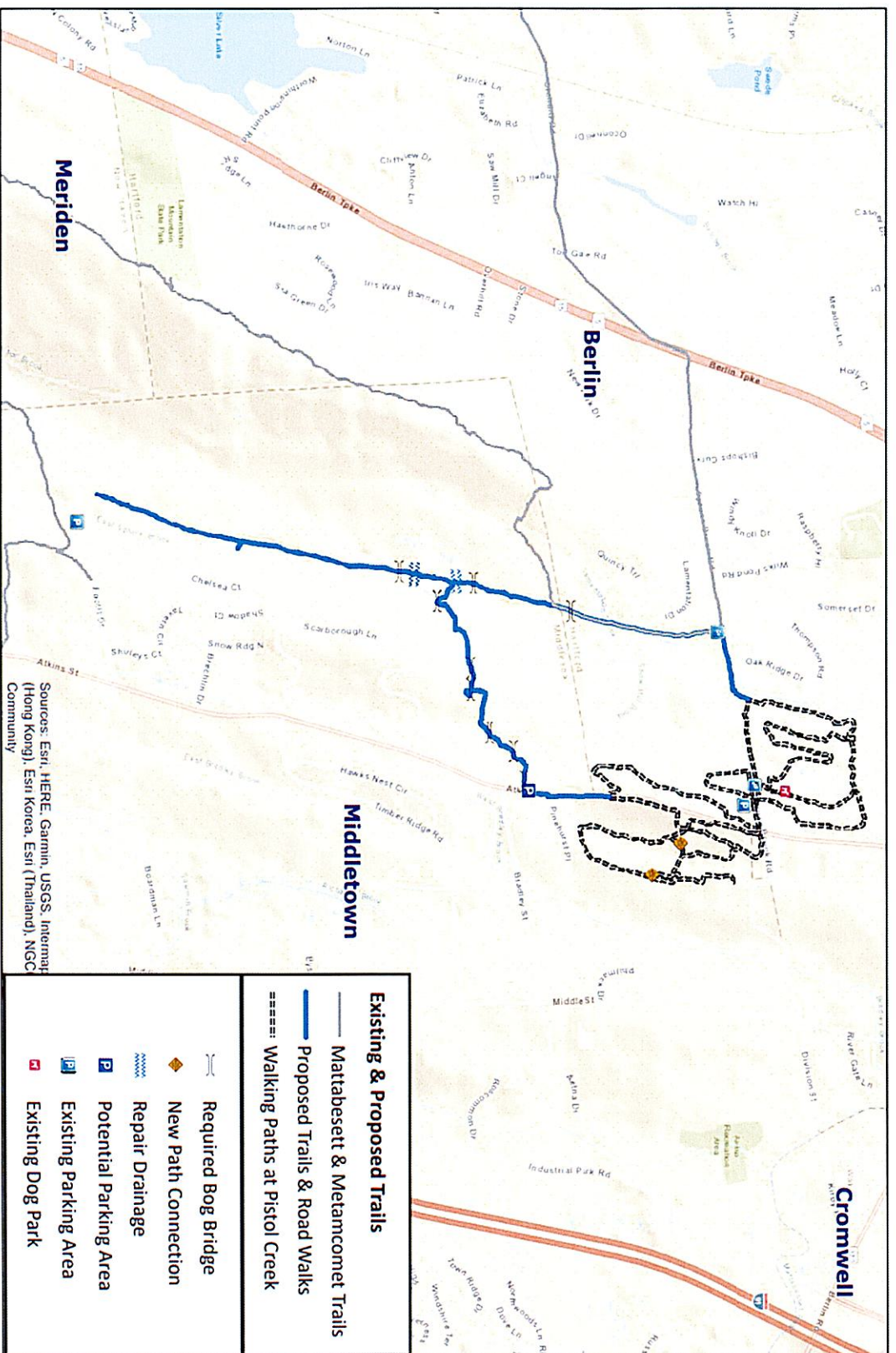


- Municipal Property
- Land Trust Property
- Municipal Acquisition Pending
- Private Property
- State Property

0 1,400 2,800  
Feet







## Proposed Mattabesett Trail Connections & Walking Path Restoration at Pistol Creek

The City of Middletown & The Town of Berlin, Connecticut  
February 2023



# Pistol Creek Area Map (Proposed)



**Trail Ratings**

- E - Easy
- M - Moderate
- D - Difficult

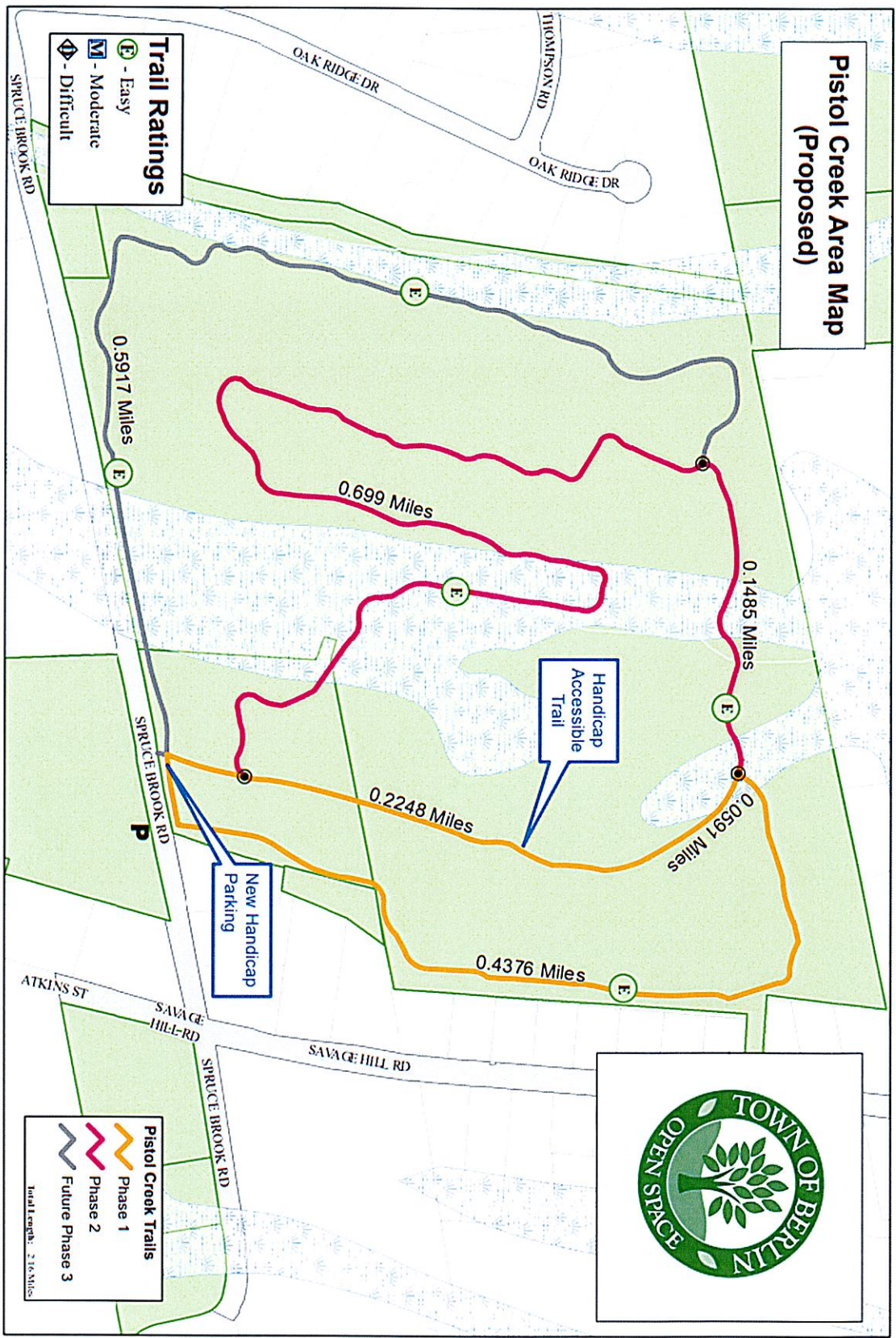
**Pistol Creek Trails**

- Phase 1
- Phase 2
- Future Phase 3

Total Length: 2.16 Miles



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



This Map is for illustrative purposes only







**TOWN OF BERLIN**  
**CERTIFICATION OF SUFFICIENCY OF FUNDS**  
(Sec. 6-10-2 of the Town Charter)

DATE 13-Feb-23

Purchase Item or Contract		Recreational Trails Grants	Requested by: Jm Mahoney	
QUANTITY	DESCRIPTION		PRICE PER UNIT	\$ AMOUNT
1.00	Hungerford Nature Center trails grant - Town match		\$5,000.00	\$5,000.00
1.00	Lamentation Mtn./Pistol Creek trails grant - Town match		\$40,000.00	\$40,000.00
				-
				-
				-
				-
Account No. 516.10.1014.0.54000.01606 Open Space (in lieu fee)			TOTAL	\$45,000.00

Account No. 516.10.1014.0.54000.01606 Open Space (in lieu fee)

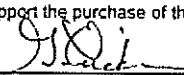
Budgeted Amount.....	\$58,652.77	Available balance.....	\$58,652.77
Encumbrances to Date.....	\$0.00	Amount Needed for This Package.....	\$45,000.00
Expenditures to Date.....	\$0.00	Available Balance After Purchase.....	\$13,652.77

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





# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 13-Feb-23

Purchase Item or Contract: Recreational Trails Grants		Requested by: Jim Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Hungerford Nature Center trails grant - Town match	\$5,000.00	\$5,000.00
1.00	Lamentation Mtn./Pistol Creek trails grant - Town match	\$40,000.00	\$40,000.00
			-
			-
			-
			-
TOTAL			\$45,000.00

Account No. 516.10.1014.0.54000.01606 Open Space (in lieu fee)

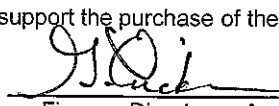
Budgeted Amount.....	\$58,652.77	Available balance.....	\$58,652.77
Encumbrances to Date.....	\$0.00	Amount Needed for This Package.....	\$45,000.00
Expenditures to Date.....	\$0.00	Available Balance After Purchase.....	\$13,652.77

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:** February 13, 2023

**SUBJECT:** Transfer from Hubbard Playground and McGee Air Quality account in the Capital Non-Recurring Fund to the Buildings & Renovations account in the Police Station Construction Fund.

**Summary of Agenda Item:**

As part of clearing the current Board of Education (BOE) storage area in the lower level of Town Hall for renovations to the Police Station, the BOE will incur costs to move items off-site and create alternative storage on-site. The projected cost to complete this work is \$40,000 (including a \$5,000 contingency for the BOE material movement phase). Specifically,

- (1) Custodial & IT staff overtime to remove material, files, equipment, and furniture from current location and deliver/reassemble at Willard School. (\$7,000)
- (2) Purchasing various storage cabinets and replacing two existing desks for Central Office to free up space for storage cabinets. (\$18,000)
- (3) Twenty percent contingency. (\$5,000)
- (4) Funding is also required to remove existing storage cages and reassemble in relocated area. The cost to complete both tasks is projected to be \$10,000.

Funding is available in two previously approved capital projects that were completed below budget – Hubbard School Playground and McGee Air Quality Units. This request is to transfer \$30,153.66 from the Hubbard Playground account (500.35.3561.0.54000.00773) and \$9,846.34 from the McGee Air Quality account (500.35.3561.0.54000.00320), both in the Capital Non-Recurring Fund, to the Buildings & Renovations account (538.15.1532.0.54000.00300) in the Police Construction Fund.

**Action Needed:**

Move to approve the transfer of \$30,153.66 from the Hubbard Playground account and \$9,846.34 from the McGee Air Quality account, both in the Capital Non-Recurring Fund, to the Buildings and Renovations account in the Police Construction Fund, pending approval by the Board of Finance.

**Attachments:**

Sufficiency of Funds  
Budget Transfer Form

**Prepared By:**

Kevin Delaney, Finance Director



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 13-Feb-23

Purchase Item or Contract: Transfer to Bldg. & Renov. - Police Construc.		Requested by: Kevin Delaney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Trans. To Bldg. & Renov. (from McGee Air Quality)	\$9,846.34	\$9,846.34
			\$0.00
			-
			-
			-
			-
			-
TOTAL			\$9,846.34

Account No. 500.35.3561.0.54000.00320 McGee Air Quality

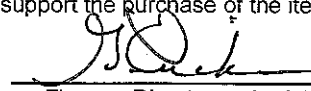
Budgeted Amount.....	\$47,103.80	Available balance.....	\$13,077.60
Encumbrances to Date.....	\$6,052.23	Amount Needed for This Package.....	\$9,846.34
Expenditures to Date.....	\$27,973.97	Available Balance After Purchase.....	\$3,231.26

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





# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 13-Feb-23

Purchase Item or Contract: Transfer to Bldg. & Renov. - Police Construc.		Requested by: Kevin Delaney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Trans. To Bldg. & Renov. (from Hubbard Playground)	\$30,153.66	\$30,153.66
			\$0.00
			-
			-
			-
			-
			-
TOTAL			\$30,153.66

Account No. 500.35.3561.0.54000.00773 Hubbard Playground

Budgeted Amount.....	\$84,000.00	Available balance.....	\$30,153.66
Encumbrances to Date.....	\$0.00	Amount Needed for This Package.....	\$30,153.66
Expenditures to Date.....	\$53,846.34	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.

  
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



# TOWN OF BERLIN

## BUDGET CHANGE FORM

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

Department: <b>Schools</b>	Fiscal Year: <b>FY2023</b>	Date: <b>2/13/23</b>
To Acct #: <b>538.15.1532.0.54000.00300</b>	Description: <b>Buildings &amp; Renovations</b>	Amount: <b>\$40,000.00</b>
		Requested by: <b>J. Cugno</b>

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

From Acct #: <b>500.35.3561.0.54000.00773</b> <b>500.35.3561.0.54000.00320</b>	Description: <b>Hubbard Playground</b> <b>McGee Air Quality</b>	Amount: <b>\$30,153.66</b> <b>\$9,846.34</b>	Approved by: 
-----------------------------------------------------------------------------------	--------------------------------------------------------------------	-------------------------------------------------	--------------------------------------------------------------------------------------------------

**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 clearing the current Board of Education (BOE) storage area in the lower level of Town Hall for renovations to the Police Station, the BOE will incur costs to move items off-site and create alternative storage on-site. The projected cost to complete this work is \$40,000 (including a \$5,000 contingency for the BOE material movement phase). Specifically,

- (1) Custodial & IT staff overtime to remove material, files, equipment, and furniture from current location and deliver/reassemble at Willard School. (\$7,000)
- (2) Purchasing various storage cabinets and replacing two existing desks for Central Office to free up space for storage area. (\$18,000)
- (3) 20% contingency. (\$5,000)
- (4) Funding is also required to remove existing storage cages and reassemble in relocated area. The cost to complete both tasks is projected to be \$10,000.

This transfer will be executed using the Transfer to/from accounts. As written above, the money is moving between two different funds, but this is to display the final location of this transfer.

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

Request approved ☒ Disapproved ☐ Partially Approved ☐ Date: **2/13/23**

Comments:

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

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

Comments:

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

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

Comments:

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

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

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema

DATE: February 13, 2023

SUBJECT: Percival Soccer Field Renovation – BID #2023-12

**Summary of Agenda Item:**

The Town of Berlin recently went out to bid for the renovation of Percival Soccer Field. The field is one of the primary Berlin Youth Soccer fields, however it is also used by McGee Middle School, St. Paul's School and some adult soccer groups.

Bid No. #2023-12 was advertised on January 18, 2023 and the bid opening was held on February 2, 2023. Bids were received at the Town Manager's Office from seven vendors. The committee then did a scope review with the three lowest bidders. Through the scope reviews and reference checks, the committee feels it is in the best interest of the Town to award the bid to the lowest bidder, US Pitchcare, LLC for an amount not to exceed \$442,774. This cost includes the base bid amount (\$429,000), and a contingency amount of \$13,774. We have worked previously with US Pitchcare on the Sage 1 project that was a very successful project.

**Action Needed:**

Move to authorize Town Manager, Arosha Jayawickrema, to enter into contract with US Pitchcare LLC. for the renovation of Percival Soccer Field in an amount not to exceed \$442,774 which includes \$13,774 contingency.

**Attachments:**

- Bid Results
- Sufficiency of Funds

**Prepared By:**

Jennifer Ochoa, Director Community, Recreation & Park Services  
Steven T. Wood, Superintendent of Parks and Grounds

Bid Opening  
February 2, 2023, 2:00 p.m.

**Percival Soccer Field Renovations**  
**Bid # 2023-12**  
Berlin, CT

Bid Documents dated January 17, 2023  
Addendum #1 dated January 23, 2023  
Addendum #2 dated January 27, 2023

**Bid Results:**

Contractor	Add #1	Add #2	Base Bid	Alt. No. 1	Bid Bond (5%)
EARTH CONTRACTORS	✓	✓	538,300	12,000	✓
LYGANT			500,000	15,000	✓
SUNSET VALLEY	✓	✓	470,000	11,000	✓
DELTA	✓	✓	648,000	28,700	✓
MOUNTAIN VIEW	✓	✓	897,250	20,250	✓
STONEEDGE	✓	✓	590,000	12,800	✓
US PITCHERS	✓	✓	429,000	38,920	✓



# TOWN OF BERLIN

## CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 13-Feb-23

Purchase Item or Contract: Public Grounds/Parks & Recreation		Requested by: J Ochoa	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Renovation of Percival Field	\$442,774.00	\$442,774.00
			-
			-
			-
			-
TOTAL			\$442,774.00

Account No. 500.25.2545.0.54000.00747

Budgeted Amount..... \$478,274.17

Available balance..... \$442,774.17

Encumbrances to Date..... \$12,500.00

Amount Needed for This Package..... \$442,774.00

Expenditures to Date..... \$23,000.00

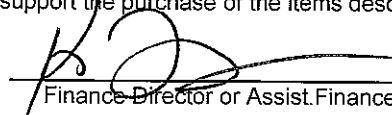
Available Balance After Purchase..... \$0.17

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. 5**  
**Request for Town Council Action**

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

**FROM: Arosha Jayawickrema, Town Manager**

**DATE: February 13, 2023**

**SUBJECT: Discussion of Possible Uses of Pistol Creek**

**Summary of Agenda Item:**

The following are current uses of Pistol Creek as well as ideas on how it may be used in the future:

**Current Uses of the Pistol Creek Grounds and Club House:**

Dog Obedience Classes: Currently, the Parks and Recreation Department uses the clubhouse year-round for dog obedience classes.

Summer Camp: During late June, July and the beginning of August, we hold our Summer Fun camp with approximately 90 kids, 4 Junior Counselors and 12 staff. The Town doesn't have another facility that can accommodate these two programs, and both are very popular.

Storage: Upstairs of the Club House is used to store outdoor summer program equipment used for caving, camping, rock climbing, canoeing equipment, etc.

Berlin Upbeat uses a room upstairs that stores their picnic supplies for annual picnic, Camp Woodstock supplies, activity supplies, and cleaning supplies. The space in the downstairs is used for the bigger items – Big wood cutouts, holiday displays for around town, large games for picnic, Xmas tree lot supplies (metal and PVC piping and tree mesh wrapper equipment, mobile stairs for trailer).

The basement is used for the overflow of Food Pantry items and for the eviction storage.

Holiday Distributions: September - January, the Social Services Department starts delivering and setting up for the two holiday distributions, Thanksgiving and Christmas are two very popular programs and greatly needed in Town. This is a perfect location for them being a somewhat remote facility and the long driveway is helpful to get a lot of the traffic off the road. We use the front room and back room the entire time period

Afterschool programming is done on the deck: Amazing Race – Community wide Scavenger Hunt. Common Ground – (Soft Skills – Social Skills – Use of trails and activities on deck).

Cross Country Races: The grounds are used for the High School and Middle School cross country races.

Leash-free dog park: A fenced-in dog park of approximately 49,200 square feet.

Rentals: Parks and Rec. get numerous calls about renting the facility and in the past, we have rented it for picnics, baby showers, birthday parties, graduation parties, wedding showers and wedding receptions.

Walking Trails: The cart paths at the Pistol Creek area north of Spruce Brook Road very popular area for walking and other outdoor activities. The Town received a State grant and repaved a section of the cart paths, leveled a section of the cart paths for handicapped accessibility and created handicap parking. Berlin owns additional cart paths on the southwest and southeast sides of the Spruce Brook Road, Atkins Street intersection. These areas are less used currently. Middletown owns the balance of the former Pistol Creek golf course (east of Atkins Street) and generally uses the parcel as open space. Middletown and Berlin are working on a State Recreational Trails application to improve cart paths in both Towns and to connect Pistol Creek with the Mattabesett Trail/New England National Scenic Trail (NET) in the Lamentation Mountain area.

#### **Future Options for discussion:**

- Consider an RFP to sell all or part of the property without use restrictions to maximize sale price. For any RFP, keep in mind zoning restrictions because the properties are in the R-21 and R-43 zones. From a zoning perspective, we may have more flexibility for use if the Town retains ownership.
- Deed restrict part or all the site for open space.
- Develop playing fields on part of the site.
- Reserve the whole property for a combo of Town uses; current uses, office, open space, playing fields etc. If this option is chosen, it would be best to do a master plan to identify the use for each area of the property.
- Consider an RFP for sale of part or all of the property for affordable housing. This RFP could be limited to owner occupied, senior housing because that was a priority of the Affordable Housing Plan. Could set maximum densities subject to P&Z approval.
- Potential for keeping a portion of the parcel(s) for a small 9-hole course with high-end single-family homes (was done at a former Country Club in Southington)
- Consider an RFP with restrictions or preferences as to uses that are defined in the RFP and consider proposals based on price and proposed use.

- Donate part of the site in partnership with an organization like Habitat for Humanity to develop some affordable housing.
- RFP for clubhouse only (sale or lease)
  - Use by non-profit like YMCA
  - Use as a dining and banquet venue. We have received inquiries about once a year with an interested in buying/leasing the facility for this use.
- Maintain & Expand on current services and use with P&R, Social & Leisure Services.
- Update kitchen for event revenue.
- Easter “soup kitchen” for town residents.
- Afterschool Programs – Adult Classes.
- Use the Club House for meeting space

### **Timing**

Is the Town interested in making decisions on the future use of some or all of the property at this time? The Town Council could decide that does not want to make any changes at this time. It could also commission a master plan study of the property that would include an effort to get public input on future uses of the property.

### **NOTES:**

- Keep in mind that the property abuts single family residences on Savage Hill and Circlewood Drive.
- Talk to Middletown about their plans - they plan to leave their portion in open space use.
- Any RFP could dictate that all or part of the cart paths and dog park be either retained by the Town or deed restricted for those uses. We may have to reimburse the Recreational Trails Grant we got for cart path repaving and north of Spruce Brook Road parking if those areas are converted to another use.
- With capital projects, Police DB pension and the uncertainty of local share for State grants, selling a portion of the property would likely yield into the millions. The original purchase removed a \$3.5 million assessed value (at the time) piece of property and the recent purchase removed a \$1.2 million assessed value (current value) off the tax rolls. If the Town were to sell half the property it should yield \$2 million+. This would still leave considerable acreage for trails, leash-free area, clubhouse, and recreational uses.



- One thing to consider, the Town purchased the original property (including the clubhouse) with tax-exempt bonds. The bonds will be retired in 2026. Until the bonds are retired, the Town will need to maintain at least 90% governmental purpose as use of the property or call the bonds. Calling the bonds using the proceeds of a sale may be self-funding but calling the bonds for a purpose that is not governmental and does not yield cash will result in an additional cash outlay for the Town.

**First Questions:**

Is the Town interested in selling any portion of the property for private use?

Is the Town interested in leasing any portion of the property for private use?

Note: The Town has rarely sold or leased Town property for private use in the past so it may be useful to first decide if private uses will be entertained.

**Action Needed:**

No action needed. Discussion ONLY.

**Attachments:**

None.

**Prepared By:**

Town Staff and Aroscha Jayawickrema, Town Manager

Join Zoom Meeting

<https://berlingt-gov.zoom.us/j/87995016551?pwd=YXA1M0dBQ295M1NKcDduWnl1Sms2QT09>

Meeting ID: 879 9501 6551

Passcode: 677616

+1 929 205 6099 US (New York)

**TOWN OF BERLIN  
TOWN COUNCIL MEETING  
Tuesday, February 7, 2023  
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 Casey Foster  
Mayor Mark Kaczynski  
Councilor Charles Paonessa  
Councilor Donna Risolo  
Councilor Peter Rosso  
Councilor Donna Veach

Also in attendance:

Town Manager Arosha Jayawickrema  
Corporation Counsel Jeffrey Donofrio

**D. AUDIENCE OF CITIZENS**

***Rich Slisz, 67 Sea Green Drive*** – Mr. Slisz stated that he represents the Timberlin Senior League and he wanted to know why for the third year in a row the Town Council has not appointed a member of the Senior League to the Golf Commission. One member applied in 2021, and two members submitted applications in 2022 and none of those applicants were considered.

Members of the Men's Club, the Lady Niners, and the Lady Eighteen Hole Leagues all have representation on the Golf Commission and the Senior League should also have representation. As appointments have already been made for this year, he would like the Town Council to consider adding a ninth member to the Golf Commission via ordinance.

**David Fox, 15 Streamside Lane** – Mr. Fox stated that he also wished to speak on the Senior League's representation on the Golf Commission. There are approximately 115 members of the Senior League with 40-45 playing Monday and Tuesday mornings. When the Golf Commission was formed there was a Senior League member but after his term ended, he was not replaced with another Senior member. Mr. Fox added that he does not believe the Commission is doing a poor job he just believes Senior League members should have representation.

**William Richards, 811 Orchard Road** – Mr. Richards stated that he is the Vice-President of the Timberlin Senior League. The Senior League members bring substantial income to Timberlin but have no input into the golf course operations, policies, and improvements. For the past two years he has attended the Golf Commission meetings monthly because he has a deep desire to be on the Commission and guide the future direction of the course. He recommends adding more members to the Golf Commission to include Senior members and possibly adding term limits, so the same members are not just rolled over from term to term.

Mr. Richards added that there are currently five members of the Men's Club as well as two members of the Lady Niners and Lady Eighteen Hole Leagues represented on the Commission.

**Liam Mitchell, 1005 Kensington Road** – Mr. Mitchell stated that he has been on the Water Control Commission for three years, first as an alternate and now as a full member. He was recently appointed to the Mattabassett District as one of three Berlin representatives.

For several years the Town has been running into a very frustrating situation having three water districts. There are currently 3400 customers in the Kensington water district, 1200 in the Worthington water district, and 2900 in the Berlin Water Control district. Last year it cost the Town \$2 million as the Kensington and Worthington districts refused to pay their bills for I.N.I. into the Berlin Water district. By consolidating the districts, the Town could save millions of dollars. A consolidation study done a number of years ago was inconclusive.

**Tim Grady, 580 Beckley Road** - Mr. Grady stated that more people are looking to raise chickens and they are running into an issue with the Town's requirement of a minimum of 10 acres for chickens. The minimum used to be two acres, but it was changed in 2016.

Mayor Kaczynski stated the Town would investigate what surrounding towns are requiring for chickens.

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

None

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

#### **G. CONSENT AGENDA:**

- 1. Topic re: Accept monetary donations totaling \$1,385.17 and deposit \$1,385.17 into the library agency account for the libraries greatest need, the purchase of books for second through**

**fourth graders in memory of Charlie McCourt, the purchase of children's graphic novels and the purchase of diversity books by African American and Latinx authors. – Berlin-Peck Memorial Library**

- 2. Topic re: Approve donating eight wooden chairs from the children's department to a neighboring library. Approximate value of eight chairs is \$20.00. – Berlin-Peck Memorial Library**
- 3. Topic re: Accept the donation of \$150.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**
- 4. Topic re: Accept donations to the Berlin Animal Control Donation Account for \$220.00 for Animal Care and supplies valued at \$35.00 – Animal Control**

Councilor Paonessa moved to approve the Consent Agenda as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

#### **H. NEW BUSINESS:**

- 1. Topic re: Appropriate the FY23 Municipal Revenue Sharing Grant of \$403,000 to the Buildings & Renovations account in the Police Construction Fund, pending approval by the Board of Finance. Also authorize the Town Manager to enter into an agreement with ScanOptics of Manchester, CT to scan Town and Board of Education documents utilizing State contract 19PSX0006AE, pending approval of the non-budgeted appropriation by the Board of Finance. – Finance**

Town Manager Jayawickrema stated that this item was the topic of tonight's Town Meeting. Documents currently stored in the lower level of Town Hall need to be scanned in order to be removed for the Police Department renovation project.

Councilor Paonessa moved to appropriate the FY23 Municipal Revenue Sharing Grant of \$403,000 to the Buildings & Renovations account in the Police Construction Fund, pending approval by the Board of Finance.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to authorize the Town Manager to enter into an agreement with ScanOptics of Manchester, CT to scan Town and Board of Education documents utilizing State contract 19PSX0006AE, pending approval of the non-budgeted appropriation by the Board of Finance.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

2. **Topic re: Approve the purchase of a used 1-ton dump truck, for an amount not to exceed \$35,000 with the noted approvals, as this is in the town's best interests. Approve the purchase of a used pull tractor, for an amount not to exceed \$40,000 with the noted approvals, as this is in the town's best interest. – Municipal Garage/Golf Course**

Town Manager Jayawickrema introduced this item stating that fiscal year 2022 surplus funding contained approval for the purchase of a used one-ton dump truck and a used 40 horsepower pull tractor. Fleet Manager Jim Simons is requesting pre-approval on these two items as it is difficult to purchased used vehicles and equipment when the Town's approval process may take a few weeks. This will allow the purchase process to move quickly.

Councilor Paonessa moved to approve the purchase of a used 1-ton dump truck, for an amount not to exceed \$35,000 with the noted approvals, as this is in the town's best interests.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to approve the purchase of a used pull tractor, for an amount not to exceed \$40,000 with the noted approvals, as this is in the town's best interest.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

3. **Topic re: Waive the bidding procedure and purchase chemicals from Harrell's & Winfield United, in the amount not to exceed \$115,254.50 as this is in the best interest of the Town of Berlin. The chemical purchases are through the Early Order Programs of BASF, Syngenta, Bayer, SePRO, and Corteva Chemical Companies. – Golf Course**

Town Manager Jayawickrema introduced this item stating that this request for chemical purchases through the Early Order Program is done every year. This program allows for the purchase of name brand products at a discounted price.

Mayor Kaczynski inquired as to why brand-named products are used when non-branded products are typically made by the same manufacturer.

Golf Course Superintendent Jerry Salvio explained that many chemicals are mixed before application, so you need to know what inert ingredients are in the chemicals and how they react to the active ingredients and the other chemicals. Off-brand products also do not participate in the early order programs due to their built-in lower cost which is generally attributed to the use of lower grade inert compounds.

Councilor Paonessa moved to waive the bidding procedure and purchase chemicals from Harrell's & Winfield United, in the amount not to exceed \$115,254.50 as this is in the best interest of the Town

of Berlin. The chemical purchases are through the Early Order Programs of BASF, Syngenta, Bayer, SePRO, and Corteva Chemical Companies.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**4. Topic re: Approve the 2023 Timberlin Golf Course Rates. – Golf Course**

Town Manager Jayawickrema stated that the Director of Golf, Jerry Salvio, the Golf Commission, and Golf Professional, Marc Bayram, were very involved with the rates revision.

Director of Golf Sol Guerrero stated that it was a team effort to determine the 2023 rates. Resident and Non-Resident rates were increased to cover increasing expenses. The increases were not an overall percentage increase, but each line was looked at and increased individually. These new rates would put Timberlin in the middle of surrounding golf course rates.

Councilor Veach inquired about non-resident taxpayers, and it was shown on the proposed rate schedule that those taxpayers with \$1,000 of personal property taxes paid in current year are entitled to resident rates. Finance Director Kevin Delaney added that a more detailed description is made part of the 2023 Fee Schedule (agenda item #5).

Mayor Kaczynski inquired about a \$4,000 deposit for a laser show for Timberlin's 50<sup>th</sup> Anniversary Celebration that had been cancelled due to COVID. Town Manager Jayawickrema explained that after COVID the company did not have the funds available to refund the deposit but offered to do a laser show.

Golf Course Superintendent Jerry Salvio stated that he believes the contract stated that if neither party was able to perform due to extenuating circumstances the Town was entitled to a refund of the deposit. Mayor Kaczynski asked Corporation Counsel Donofrio to review the contract. Corporation Counsel added that he believes at that time there were guidelines preventing large gatherings due to COVID, not a governmental order and therefore force majeure would not pertain.

Councilor Paonessa moved to approve the 2023 Timberlin Golf Course Rates.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**5. Topic re: Adopt the 2023 fee schedule and allow amendments to the 2023 fee schedule to include updated Regional Health District fees, if necessary. – Finance**

Town Manager Jayawickrema introduced this item stating that the 2023 fee schedule was provided to the Town Council for review prior to tonight's meeting.

Councilor Paonessa moved to adopt the 2023 fee schedule and allow amendments to the 2023 fee schedule to include updated Regional Health District fees, if necessary.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

6. **Topic re: Authorize the Town Manager to retain the services of Pullman & Comley to prepare bond authorization documents in the amount of \$6,500,000 for the addition and renovations of the Berlin Police Station, and to authorize the Town Manager to schedule and advertise for a Public Hearing to be held Tuesday, February 21, 2023, at 7:00 p.m. on an ordinance entitled, "AN ORDINANCE APPROPRIATING \$6,500,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION AND AUTHORIZING THE ISSUE OF \$6,500,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE". – Finance**

Finance Director Kevin Delaney stated that in February 2022 the projected cost of the Police Station renovation project was \$5.2 million. Given actual 2022 and expected 2023 inflation, as well as supply chain conditions since the original estimate was developed, the 2022 estimate is considered significantly low.

The plan is to go out to bid in May, open bids in June, and start construction in July. The worst case scenario would be opening the bids and finding the original amount authorized is not sufficient to begin construction in July.

Adoption of an ordinance exceeding \$5 million requires automatic referendum approval by voters. The requested amount for the bond ordinance is \$6,500,000. The actual amount bonded will be determined after the project is awarded and potential allocation of fiscal year 2023 surplus funds is considered.

To have funding in place by the planned June award date and to avoid costs associated with a separate referendum, the vote on the proposed ordinance must be added to the April 2023 Budget Referendum ballot. The ordinance process must begin now in order to make the April ballot deadline and comply with all notice requirements.

Councilor Paonessa inquired about the idea of doing the project in phases to spread the cost over several years as was previously discussed. Finance Director Delaney stated that the entire cost of the project must be looked at and it cannot be phased out to avoid going to referendum. It will also be put out to bid as one complete project.

Councilor Paonessa moved to authorize the Town Manager to retain the services of Pullman & Comley to prepare bond authorization documents in the amount of \$6,500,000 for the addition and renovations of the Berlin Police Station, and to authorize the Town Manager to schedule and advertise for a Public Hearing to be held Tuesday, February 21, 2023, at 7:00 p.m. on an ordinance entitled, "AN ORDINANCE APPROPRIATING \$6,500,000 FOR ADDITION AND RENOVATIONS TO THE BERLIN POLICE STATION AND AUTHORIZING THE ISSUE OF \$6,500,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE".

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**7. Topic re: Approve and authorize the Town Manager to execute the Amended Extension of Employment Agreement with Chief of Police, Matthew McNally, from November 1, 2022 – October 31, 2026. – Human Resources**

Town Manager Jayawickrema stated that the initial one-year contract agreement with Chief of Police Matthew McNally contained language stating that his base salary reflects payment from the Town in consideration of his waiver of participating in the Town's health insurance plan.

The contract extension that was recently agreed upon was for the Chief to keep everything the same as in his first-year employment however the Extension of Employment Agreement did not include language as to the insurance waiver payment.

At the January 25, 2023 Berlin Police Commission meeting the full commission went into executive session to discuss this matter. When they came out of executive session a motion was made to amend the Chief's contract extension and reinstate the payment for waiver of health insurance.

The Amended Extension of Employment Agreement with Chief McNally contains corrected language in Section B, Subsection 4 Fringe Benefits - Health Insurance.

Councilor Paonessa moved to approve and authorize the Town Manager to execute the Amended Extension of Employment Agreement with Chief of Police, Matthew McNally, from November 1, 2022 – October 31, 2026.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**8. Topic re: Approve awarding the contract to MHQ Inc. for the transfer, purchase, and installation of equipment for four police vehicles under State Contract # 12PSX0194 for an amount not to exceed \$38,427.63. – Police Department**

Deputy Police Chief Chris Ciuci stated that four new police vehicles have been received and need to be outfitted with equipment. The Town has worked with MHQ Inc of Middletown, CT for several years and the Police Department is satisfied with their work, they also offer State contract pricing.

Councilor Paonessa moved to approve awarding the contract to MHQ Inc. for the transfer, purchase, and installation of equipment for four police vehicles under State Contract # 12PSX0194 for an amount not to exceed \$38,427.63.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)



- 9. Topic re: Approve a transfer of \$12,000 from the VNA Pension account to the VNA Computer equipment account, both in the general fund, for the purchase of computers, tablets, and associated software and equipment for VNA staff. – VNA**

Berlin VNA Administrator Alea Piatek stated that five older desktop computers need to be replaced based on recommendations from IT. Also, the VNA per-diem staff that work with patients in the field had been instructed by previous administration to use their personal devices which will be replaced by six tablets providing better protection against possible HIPPA violations.

Ms. Piatek explained that the use of “forfeited remaining funds” in the Pension Fund comes from a previous employee that left employment with the Town before becoming fully vested in the pension plan.

Councilor Paonessa moved to approve a transfer of \$12,000 from the VNA Pension account to the VNA Computer equipment account, both in the general fund, for the purchase of computers, tablets, and associated software and equipment for VNA staff.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

- 10. Topic re: Authorize the Town Manager to contract with Fuss & O'Neill of Manchester CT to provide Design Services During Construction for the LOTCIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, for an amount not to exceed \$41,000.00, as this is in the best interest of the Town. – Public Works**

Public Works Director Mike Ahern stated that Tilcon Connecticut Inc was awarded the construction contract for this project, and SLR International Corporation was awarded the construction administration and inspection contract.

Fuss & O'Neill completed their original scope of work once the construction contract was awarded to Tilcon. Staff is requesting to extend Fuss & O'Neill's roll into the design phase as the original designer for this project they are best suited to address design related requests from Tilton, Town staff and SLR during construction.

Councilor Paonessa moved to authorize the Town Manager to contract with Fuss & O'Neill of Manchester CT to provide Design Services During Construction for the LOTCIP Road Project to reconstruct Christian Lane, Deming Road and Porters Pass, for an amount not to exceed \$41,000.00, as this is in the best interest of the Town.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

- 11. Topic re: Approve a tax abatement for Priority LLC for the construction of a 9,500 square foot building at 1865 Orchard Road of 50% in year 1, 40% in year 2, 30% in year 3, 20% year 4 and 10% in year 5 per the town's tax abatement policy. – Economic Development**

Economic Development Director Chris Edge stated that Priority Electric has submitted an application for the construction of a 9,500 square foot industrial building at 1865 Orchard Road. The Economic Development Commission recommends that Town Council approve this tax abatement request.

Councilor Paonessa moved to approve a tax abatement for Priority LLC for the construction of a 9,500 square foot building at 1865 Orchard Road of 50% in year 1, 40% in year 2, 30% in year 3, 20% year 4 and 10% in year 5 per the town's tax abatement policy.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**12. Topic re: Approve a tax abatement for Quantum of Berlin II LLC for the construction of a 22,500 square foot building at 500 Four Rod Road of 50% in year 1, 40% in year 2, 30% in year 3, 20% in year 4 and 10% in year 5 per the town's tax abatement policy. – Economic Development**

Economic Development Director Edge stated that Quantum of Berlin II LLC has submitted an application for the construction of a 22,500 square foot indoor basketball facility at 500 Four Rod Road. The Economic Development Commission recommends that Town Council approve this tax abatement request.

Councilor Paonessa moved to approve a tax abatement for Quantum of Berlin II LLC for the construction of a 22,500 square foot building at 500 Four Rod Road of 50% in year 1, 40% in year 2, 30% in year 3, 20% in year 4 and 10% in year 5 per the town's tax abatement policy.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**13. Topic re: Approve a tax abatement for Bocada 250 Webster Square LLC for the construction of a 32,000 square foot building at 250 Webster Square Road of 50% in year 1, 50% in year 2, 40% in year 3, 40% year 4, 30% in year 5, 20% in year 6 and 10% in year 7 per the town's tax abatement policy. – Economic Development**

Economic Development Director Edge stated that the application submitted is for the construction of a state of the art 32,000 square foot commercial Automotive Service and Sales Center. This is the first being constructed in New England and will be bringing a lot to the tax rolls between the building and equipment. The Economic Development Commission recommends that Town Council approve this tax abatement request.

Councilor Paonessa moved to approve a tax abatement for Bocada 250 Webster Square LLC for the construction of a 32,000 square foot building at 250 Webster Square Road of 50% in year 1, 50% in year 2, 40% in year 3, 40% year 4, 30% in year 5, 20% in year 6 and 10% in year 7 per the town's tax abatement policy.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**14. Topic re: Refer the relocation of a portion of the town right of way for an abandoned section of Wigwam Road to the Planning and Zoning Commission for a report pursuant to section 8-24 of the Connecticut General Statutes and to the Police Department for its review. - Economic Development**

Economic Development Director Edge stated that in 2022 the Town acquired property on Reservoir Road which creates a potential opportunity to make a connection between Timberlin Park and Ragged Mountain.

While investigating this opportunity it was determined that when a portion of Wigwam Road was abandoned part of the road right of way was conveyed to the City of New Britain Water Department, but the Town of Berlin retained rights including those for public access. A portion of that right of way is submerged under Lower Hart's Pond therefore the City of New Britain would need to agree to relocate a section of the public access right of way.

The next step in pursuing this opportunity is to initiate a Section 8-24 referral to the Planning and Zoning Commission.

Councilor Paonessa moved to refer the relocation of a portion of the town right of way for an abandoned section of Wigwam Road to the Planning and Zoning Commission for a report pursuant to section 8-24 of the Connecticut General Statutes and to the Police Department for its review.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**15. Topic re: Appoint Donna Risolo to the Audit Committee, Town Manager's Evaluation Committee, and Ordinance Committee. – Town Clerk**

Town Manager Jayawickrema stated that prior Town Council member Jack Fazzino served on various subcommittees and since he has resigned there are now openings on those committees that new Town Council member Donna Risolo could fill.

Councilor Paonessa moved to appoint Donna Risolo to the Audit Committee, Town Manager's Evaluation Committee, and Ordinance Committee.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**I. APPOINTMENTS:**

- 1. Berlin-Peck Memorial Library Board – Sharon Powell (U) (does not want to be reappointed) term expires on January 31, 2023. Reappointment term would be until January 31, 2026. Can be filled with a D, R or U.**

2. **Commission for Persons with Disabilities – Vacancy**- Term expires on January 31, 2023. Replacement term would be until January 31, 2026. Can be filled with a R or U.
3. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U.
4. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U – depends on the above appointment.
5. **Constables – 3 Vacancies** -Terms would be until December 2023. Can be filled with D, R, or U with no more than a bare majority to be from one political party (Section 8-6).
6. **Economic Development Commission – Vacancy** (Richard Chasse resigned) - Term would be until January 31, 2025. Can be filled with a D, R or U.

Councilor Paonessa placed in nomination the name of Vincent J. Fortunato (R) of 86 Misty Mountain Road for appointment to the Economic Development Commission.

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

Vote being 7-0 in favor of Vincent J. Fortunato (R) to serve on the Economic Development Commission. Term ending January 31, 2025.

7. **Inland Wetlands & Water Courses Commission – Vacancy** – Term would be until January 31, 2024. Can only be filled with a D or U.

Councilor Paonessa placed in nomination the name of John M. Russo, Jr (U) of 17 Edgewater Circle for appointment to the Inland Wetlands & Water Courses Commission.

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

Vote being 7-0 in favor of John M. Russo, Jr (U) to serve on the Inland Wetlands & Water Courses Commission. Term ending January 31, 2024.

8. **Inland Wetlands & Water Courses Commission** – Frederick White (U) term expires on January 31, 2023. Reappointment or replacement would be until January 31, 2026. Can only be filled with a D or U.

Councilor Paonessa placed in nomination the name of Frederick White (U) of 90 Sherry Lane for appointment to the Inland Wetlands & Water Courses Commission.

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

Vote being 7-0 in favor of Frederick White (U) to serve on the Inland Wetlands & Water Courses Commission. Term ending January 31, 2026.

9. **Inland Wetlands & Water Courses Commission** – Alternate – Steve Biella, Jr. (U) (does not want to be reappointed) term expires on January 31, 2023. Replacement would be until January 31, 2026. Can be filled with a D, R or U.
10. **Inland Wetlands & Water Courses Commission** – Alternate - John Russo, Jr. (U) term expires on January 31, 2023. Reappointment or replacement would be until January 31, 2026. Can be filled with a D, R or U. (Depend on the above appointment).
11. **Parks and Recreation Commission – Vacancy** (Legnani resigned) – Term would be until January 31, 2024. Can be filled with a D, R or U.
12. **Parks and Recreation Commission – Vacancy** – Term would be until January 31, 2025. Can be filled with a D, R or U.
13. **Parks and Recreation Commission** – Anthony Butrimas (R) term expires on January 31, 2023. Reappointment or replacement would be until January 31, 2026. Can be filled with a D or U if above both filled with a R.
14. **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.
15. **Planning and Zoning Commission – Vacancy** - Alternate (Legnani resigned) - Term would be until January 31, 2024. Can be filled with a D, R or U.
16. **Public Building Commission** – James Ouellette (D) term expires on January 31, 2023. (Does not want to be reappointed) Replacement would be until January 31, 2028. Can be filled with a R, D or U.
17. **VNA** – Frances Geschimsky (R) term expires on January 31, 2023. Reappointment or replacement would be until January 31, 2026. Can be filled with a D, R or U.
18. **VNA** – Andrew Legnani (D) term expires on January 31, 2023. (He does not wish to be reappointed.) Replacement would be until January 31, 2026. Can be filled with a D, R or U.
19. **VNA** – Peter Zarabozo (U) term expires on January 31, 2023. (He does not want to be reappointed) Replacement would be until January 31, 2026. Can be filled with a D, R or U.
20. **VNA** – Donna Rutkowski (U) term expires on January 31, 2023. Reappointment or replacement would be until January 31, 2026. Can be filled with a D, R or U.
21. **Water Control Commission – Vacancy** - Alternate – Term would be until January 31, 2024. Can be filled with a D, R or U.

22. **Water Control Commission –Vacancy** - Alternate – New term would be until January 31, 2026. Can be filled with a D, R or U.
23. **Water Control Commission – Vacancy** - Alternate – New term would be until January 31, 2026. Can be filled with a D, R or U. (Depending on the above two appointments).
24. **Youth Services Advisory Board – Youth - Vacancy** – New term would be until January 31, 2026.
25. **Youth Services Advisory Board – Service Consumer** – Donald Geschimsky term expires on 1/31/2023. Reappointment or replacement would be until January 31, 2026.
26. **Zoning Board of Appeals– Vacancy** – Alternate - Term would be until January 31, 2024. Can be filled with a D, R or U.

**J. TOWN MANAGER’S REPORT:**

- Fleet Manager Jim Simons was able to lock in 45,000 gallons of diesel for the Town Fleet and the Golf Course at \$3.47 per gallon. The pricing is good from February 1, 2023 to June 30, 2024.
- A joint meeting was held between Town Council and the Planning and Zoning Commission regarding cannabis. During that meeting Mayor Kaczynski had requested that an informational public meeting be held, and after discussion Thursday March 30<sup>th</sup> at 6:00 p.m. was agreed upon by Council members.
- After the revaluation the Grand List shows an overall increase of 18%. The breakdown being 21.1% for real estate, 8.7% for personal property, and 5% for motor vehicles.

At the budget hearing the fiscal year 2023 expenses will be used as the base to determine the adjusted mil rate. The Finance Director is working on a mechanism for taxpayers to use to determine what their actual taxes will be once the mil rate is set by the Board of Finance.

- The law firm hired to provide labor counsel for the Police Department Pension Plan has not been able to begin work as Radius has not supplied the required documents that comply with Federal standards and the firm is not comfortable moving forward. The Town Manager reached out to the law firm of Reid & Riege and they have agreed to begin work without those Radius documents. Their rates will be in line with the previous firm’s rates.
- The Finance and Payroll Departments have been working on the timesheet automation project. This web-based system is being rolled out on Monday February 6<sup>th</sup> for most employees with Blue Collar Union and the Police Department rolling out next.
- The Town has been having some administrative issues with Mission Square, the retirement plan fund manager, due to system upgrades and personnel changes. As it has been a while

since that service has been put out to bid an RFP has been created to obtain information from other vendors.

**K. SPECIAL COMMITTEE REPORTS:**

The Ordinance Committee will be meeting at 6:00 p.m. on February 21<sup>st</sup> to discuss a noise ordinance.

**L. COUNCILORS' COMMUNICATION:**

None

**M. ACCEPTANCE OF MINUTES:**

**January 17, 2023**

Councilor Paonessa moved to accept the Town Council Meeting Minutes of January 17, 2023.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

**N. EXECUTIVE SESSION:**

**Upon 2/3 vote, convene in executive session pursuant to C.G.S. sections 1-200(6)E) and 1-210(b)(5)(A) and (B): Berlin water system.**

Councilor Paonessa moved to go into Executive Session pursuant to C.G.S. sections 1-200(6)E) and 1-210(b)(5)(A) and (B): Berlin water system at 8:50 p.m. Invited in: Town Manager Arosha Jayawickrema, Corporation Counsel Jeffrey Donofrio, Finance Director Kevin Delaney, Public Works Director Mike Ahern, Deputy Director of Public Works Jim Horbal, and Water Control Manager Ray Jarema.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Executive Session ended at 9:45 p.m.

**O. ADJOURNMENT:**

Councilor Paonessa moved to adjourn at 9:45 p.m.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall  
Clerk of the Meeting