

Join Zoom Meeting

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Meeting ID: 863 5089 9172

Passcode: 100719

+1-309-205-3325

TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, February 20, 2024
Town Council Chambers (in person)
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 Animal Care and supplies & Vet fees valued at \$ 135 .00. – Animal Control
2. Topic re: Accept monetary donations totaling \$435.63 and deposit \$186.97 into the friends of the library miscellaneous account to be used to purchase a museum pass and program supplies and deposit \$108.66 into the friends of the library credit card account for the purchase of a museum pass and an adult program prize and deposit \$140.00 into the library agency account for the purchase of children's books in memory of Charlie McCourt. – Berlin-Peck Memorial Library
3. Topic re: Approve John Paul Demko and Max Delorenzo of P & Q Enterprises LLC to charge a registration fee of \$200 for the Central CT Youth Football Camp taking place June 10 – 14, 2024 for approximately 85 children at Scalise Field. – 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 25, 2024, from 8:00 AM to 2:00 PM. The rain date is Sunday, May 26, 2024. – 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 22-26, 2024 from 9:00AM – 12:00PM at Scalise Field. The camp will have approximately 40 children. – Parks and Recreation
6. Topic re: Approve Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2024 – 2025 school year. – Parks and Recreation
7. Topic re: Approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the Hubbard Elementary Pasta Supper and Raffle event. Total value of the donation is \$242. – Golf Course
8. Topic re: Approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the Berlin VFW comedy show fundraiser. Total value of the donation is \$242. – Golf Course

H. NEW BUSINESS:

1. Topic re: Discussion on one polling place to conduct Early Voting in person for the 2024 Presidential Preference Primaries at the Berlin Town Hall. Early Voting will take place on March 26, March 27, March 28 and March 30th. All three polling places will be open for regular voting during the Presidential Preference Primaries on Tuesday, April 2, 2024. – Registrars/Town Clerk
2. Topic re: Presentation on the work being done on the town owned cemeteries. – Cemetery Committee
3. Topic re: Presentation from the YMCA. – Town Manager
4. Topic re: Discussion on Tax Sales – Town Council
5. Topic re: Authorize the Town Manager to: Withdraw the ‘Spruce Brook Road Bridge No 007020 Replacement Project’ from the former State Local Bridge Program which has a 31.41% reimbursement rate and work with Staff and SLR International to submit a new application for funding from the State’s current Local Bridge Program with a 50% reimbursement rate and work with Staff, SLR International and Corporation Counsel to execute a subsequent ‘Commitment to Fund Agreement’ with the Connecticut Department of Transportation following acceptance into the 50% reimbursement program. – Public Works
6. Topic re: Approve the Transfer of \$40,000 from Vehicle Fuel into Auto Parts to cover expenditures due to increases in the cost of parts and larger repair jobs for the remainder of Fiscal Year 2024, pending approval by the Board of Finance. – Fleet Garage
7. Topic re: Appropriate \$31,165.50 from the Sale of Land, Labor, & Materials Revenue Account to the Vehicle Reserve to be used for the purchase of vehicles Account in the Capital Nonrecurring Fund, pending approval by the Board of Finance. – Fleet Garage
8. Topic re: Authorize the Town Manager to issue a request for qualifications for developers for redevelopment of 143 Percival Avenue as affordable senior housing as permitted in section XI. Q. of the Berlin Zoning Regulations and state that development proposals providing more than 50% of

units as affordable and more units affordable at lower income levels will be preferred. – Economic Development

9. Topic re: 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 \$250,000 and that the Town contribute \$50,000 in cash match for the Berlin portion of the project from the fee in lieu of open space account. – Economic Development
10. Topic re: Approve the attached resolution to authorize the Town Manager to apply to the CT DECD for a \$360,000 additional municipal brownfields grant for the 889 Farmington Avenue and, if a grant is offered, to accept the grant, execute a grant proposal, grant agreement and other documents as necessary to secure and carry out the purposes of the grant and to appropriate the grant of up to the amount awarded to the Municipal Brownfields grant account for 889 Farmington Avenue, subject to approval of Corporation Counsel and to appropriate said funds to the Municipal Brownfields Grant account and to refer the appropriation to the Board of Finance. Also, to authorize the Town Manager to enter the seventh amendment to Purchase Agreement with Newport Realty Group LLC to provide that 20% of the units at 55 Steele Boulevard be affordable to households with family income equal to or less than 80% of the area median, for a duration of at least 40m years, subject to review and approval of Corporation Counsel and to approve a \$50,000 Town match for the supplemental Municipal Brownfields grant for 55 Steele Boulevard from the Farmington Ave Development non-grant account (\$50,000). – Economic Development

I. APPOINTMENTS:

1. **Cemetery Committee – Vacancy** – Edward Hornkohl, Jr. (R) has resigned. Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
2. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U.
3. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U (Depending on the above appointment).
4. **Constables – 5 Vacancies** – Terms would be until December 2025. Can be filled with R, D or U with no more than a bare majority to be from one political party (Section 8-6).
5. **Golf Course Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U and must be a non-golfer (per ordinance).
6. **Inland Wetlands & Water Courses Commission – Vacancy – Alternate** - Replacement would be until January 31, 2026. Can be filled with a D, R or U.
7. **Inland Wetlands & Water Courses Commission – Vacancy – Alternate** - Replacement would be until January 31, 2026. Can be filled with a D, R or U. (Depending on the above appointment).

8. **Mattabassett District – Vacancy** – Replacement term would be until September 1, 2026. Can be filled with a D, R or U.
9. **Parks and Recreation Commission – Vacancy** – Replacement would be until January 31, 2027. Can be filled with a D, R or U.
10. **Plainville Area Cable Television Advisory Council (PACTAC) – 2 Vacancies** – New terms would be until June 30, 2025. Can be filled with a D, R or U. There are only two members from Berlin for this board.
11. **Public Building Commission – Vacancy** – Replacement term would be until January 31, 2029. Can be filled with a D, R or U.
12. **Veterans’ Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
13. **Veterans’ Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U (depending on the above appointment).
14. **VNA – Vacancy** – Replacement would be until January 31, 2026. Can be filled with a D, R or U.
15. **VNA – Vacancy** – Replacement would be until January 31, 2026. Can be filled with a D, R or U.
16. **VNA – Vacancy** – Replacement would be until January 31, 2027. Can be filled with a D, R or U.
17. **VNA – Vacancy** - Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
18. **VNA – Vacancy** - Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
19. **VNA – Vacancy** - Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
20. **Water Control Commission – Vacancy** -Term would be until January 31, 2029. Can be filled with a D, R or U.
21. **Water Control Commission – Alternate - Vacancy** -Term would be until January 31, 2026. Can be filled with a D, R or U.
22. **Water Control Commission – Alternate – Vacancy** – Term would be until January 31, 2026. Can be filled with a D, R or U.
23. **Water Control Commission – Alternate – Vacancy** –Term would be until January 31, 2027. Can be filled with a D, R or U (Depending on the above two appointments).

24. Youth Services Advisory Board – Cyndi McKinnon (Service Consumer) term expired January 31, 2024. Reappointment or replacement term would be until January 31, 2027.

J. SPECIAL COMMITTEE REPORTS:

K. COUNCILORS' COMMUNICATION:

L. ACCEPTANCE OF MINUTES: February 6, 2024

M. EXECUTIVE SESSION:

Real Estate – C.G.S.S. Sec. 1-200 (6) (D) discussion of the selection of a site, sale or purchase of real estate by the Town – Wethersfield Road

N. ADJOURNMENT

Consent
Agenda Item No. 1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Aroscha Jayawickrema, Town Manager

DATE: February 14, 2024

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 , 2024 to Feb 9 , 2024	\$ 50.00 (value)	Cat food & litter	Lori Freeland Berlin
	\$ 35.00 (value)	vaccines A.H.O.B.	FOBAC Berlin
	\$ 50.00 (value)	can & dry cat food	FOBAC Berlin

* Unless a name is mentioned, donors requested anonymity

FUNDING:

ACTION NEEDED:

Move to accept donations to the Berlin Animal Control Donation Account for Animal Care and supplies & Vet fees valued at \$ 135 .00.

ATTACHMENTS:

Thank you notes

PREPARED BY:

Janice Lund, Animal Control Officer

JD



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

January 31, 2024

Lori Freeland
324 Berlin Street
East Berlin, CT 06023

Dear Lori,

Thank you very much for the extremely kind and thoughtful donation of the bag of Dry cat food, can cat food, container of Cat Litter. Your thoughtfulness will help the kitties in our care.

Thanks again.

Sincerely,

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



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

Animal Hospital Of Berlin

369 New Britain Rd
Kensington, CT 06037
860-828-1770



FOR: Animal Control Friends Of Berlin
P.O. Box 1
Kensington, CT 06037
()

Printed: 02-07-24 at 12:09p
Date: 02-07-24
Account: 2403
Invoice: 51506

Date	For	Qty	Description	Net Price
02-07-24	Bishop case #23	1	DISCOUNT RESCUE GROUP	-167.10
02-07-24		1	Complimentary Nail Clipping	0.00
02-07-24		1	Rabies 1yr Vaccine Feline	49.50
02-07-24		1	Distemper Booster Vaccine	44.00
02-07-24		1	Medical Waste Disposal Fee	12.90
02-07-24		1	Annual Wellness Physical Examination	95.70
02-07-24			Scratch Payment	-100.00
Old balance				New balance
182.00				117.00
Charges		Payments		
35.00		100.00		

Patient	Total charges
Bishop case #23-0236	35.00

Reminders for: **Bishop case #23-0236** (Weight: 13.3 lbs - Last done

02-06-25	Annual Physical Examination	02-07-24
02-06-25	Rabies 1 Year Vaccine	02-07-24
02-28-24	Distemper Booster Vaccine	02-07-24

Bishop case #23-0236's weight history (in lbs)

02-07-24	13.25
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THANK YOU FOR CHOOSING OUR PRACTICE !!

OUR GOAL IS TO:

- ~Treat each client's pet as if it were our own.
- ~Treat all patients with respect and dignity.
- ~Educate clients so that they can make informed decisions concerning their pet's care.
- ~Provide quality veterinary care at an honest and affordable price.
- ~To always exceed client expectations.

Consent
Agenda Item No. 2
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 9, 2024

SUBJECT: Accept Library Donations

Summary of Agenda Item:

Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	186.97	FOL Misc. Acct.	museum pass, program supplies	Friends of the Library
	108.66	FOL Credit Card Acct.	museum pass, adult program prize	Friends of the Library
	140.00	Library Agency Acct.	books for 1st & 2nd graders in memory of Charlie McCourt	Rebecca Bowman
	435.63			

Funding:

No funding needed

Action Needed:

Move to accept monetary donations totaling \$435.63 and deposit \$186.97 into the friends of the library miscellaneous account to be used to purchase a museum pass and program supplies and deposit \$108.66 into the friends of the library credit card account for the purchase of a museum pass and an adult program prize and deposit \$140.00 into the library agency account for the purchase of children's books in memory of Charlie McCourt.

Attachments:

None

Prepared By:

Carrie Tyszka, 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 12, 2024

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 8, 2024 recommended that John Paul Demko and Max DeLorenzo of P & Q Enterprises LLC be able to charge a registration fee of \$200 for the Central CT Youth Football Camp taking place June 10-14, 2024 for approximately 85 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 \$200 for the Central CT Youth Football Camp taking place June 10 – 14, 2024 for approximately 85 children at Scalise Field.

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 12, 2024

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 8, 2024, 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 25, 2024, from 8:00 AM to 2:00 PM. The rain date is Sunday, May 22, 2024. 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 25, 2024, from 8:00 AM to 2:00 PM. The rain date is Sunday, May 26, 2024.

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 12, 2024

SUBJECT: CFC North, LLC to charge a fee

SUMMARY:

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 8, 2024 recommended that CFC North, LLC be able to charge a registration fee of \$175 for a youth soccer camp, which will take place July 22-26, 2024 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 22-26, 2024 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: Aroscha Jayawickrema, Town Manager

DATE: February 12, 2024

SUBJECT: Berlin High School Boosters Club, approval to sell food, beverages and merchandise at Berlin High School events during the 2024 – 2025 school year.

SUMMARY:

The Berlin Parks and Recreation Commission at its meeting on Thursday, February 8, 2024 recommended approval for the Berlin High School Boosters Club to sell food, beverages and merchandise at Berlin High School events during the 2024 – 2025 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 2024 – 2025 school year.

ATTACHMENTS:

None

PREPARED BY:

Jennifer Ochoa, Director of Community, Recreation and Park Services

Consent

Agenda Item No. 7
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 7, 2024

SUBJECT: Timberlin Golf Course Donation – Hubbard Elementary School

Summary of Agenda Item:

The Timberlin Golf Commission approved the donation of a round of golf for four and two carts to be used for the Hubbard Elementary Pasta Supper and Raffle. The event is on March 26, 2024. Total value of the donation is \$242.

Funding:

No Funding Needed

Action Needed:

Move to approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the Hubbard Elementary Pasta Supper and Raffle event. Total value of the donation is \$242.

Attachments:

- Letter of Donation Request from Hubbard PTO.
- Fee Waiver Form

Prepared By:

Sol Guerrero, PGA – Director of Golf





TOWN OF BERLIN

Request for Fee Waiver

Requesting Organization: Hubbard Elementary School	Date: 2/7/24
Contact Name: Shelley Haley	
Phone Number: 860-828-5195	
Event: Annual Pasta Supper and Raffle	Date of Event: 3/26/24
Location of the Event: Berlin High School	
What fee do you want waived: Round of Golf for four and two carts. Total \$242.	
Identify the hardship incurred: None	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: All proceeds will go towards supporting the Berlin High School students and teachers. The PTO uses the contributions to pay for field trips, books for teachers, educational programs, and classroom supplies.	

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: Hubbard Elementary - Pasta Supper and Raffle

Comments:


Signature

Director of Golf

2/7/24
Date


Town Manager Signature

2/9/24
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.



139 Grove Street

East Berlin, CT 06023

(860) 828-4119

hes.berlinschools.org/pto

HubbardSchoolPTO@gmail.com

January 10, 2024

Dear Friends,

We, the members of the Parent Teacher Organization at Richard D. Hubbard Elementary School in East Berlin, CT, are excited to be preparing for our Annual Pasta Supper and Raffle on March 26, 2024. Every dollar raised at this event goes to support approximately 225 students at our Kindergarten through Fifth grade school by providing field trips, educational programs, classroom supplies and other materials that enhance our children's learning experiences.

We would like to ask for your support in providing us with a donation of a gift certificate, tickets or an item to raffle or put in our silent auction. Your participation will provide you with great business exposure to the Hubbard School and Berlin community. All donors will be recognized at our event and also in our monthly PTO newsletter as well as our social media websites.

I appreciate you taking the time to read this letter and consider making a raffle donation to help support our children's education at Hubbard School. Every donation will help make our Pasta Supper and Raffle a resounding success and ensure that we are able to continue to provide meaningful educational experiences for our students. If you have any questions or need any additional information in order to consider our request, please do not hesitate to contact us.

Thank you in advance for your generous gift!

Sincerely,

EIN #06-1248392

Shelley Haley and Amy Perry
Pasta Supper Committee
860-828-5195

Consent
Agenda Item No. 8
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 7, 2024

SUBJECT: Timberlin Golf Course Donation – Berlin Veteran of Foreign War (VFW)

Summary of Agenda Item:

The Timberlin Golf Commission approved the donation of a round of golf for four and two carts to be used as a raffle for the Berlin VFW comedy show fundraiser. The event is on April 12, 2024. Total value of the donation is \$242.

Funding:

No Funding Needed

Action Needed:

Move to approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the Berlin VFW comedy show fundraiser. Total value of the donation is \$242.

Attachments:

- Email of Donation Request from VFW.
- Fee Waiver Form

Prepared By:

Sol Guerrero, PGA – Director of Golf





TOWN OF BERLIN

Request for Fee Waiver

Requesting Organization: Berlin VFW	Date: 2/7/24
Contact Name: Nancy Barwokowski	
Phone Number: 860-770-3957	
Event: Comedy Show Fundraiser	Date of Event: 4/12/24
Location of the Event: VFW	
What fee do you want waived: Round of Golf for four and two carts. Total \$242.	
Identify the hardship incurred: None	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: All proceeds will go towards the VFW Scholarship Fund. The provide four scholarships to continuing education to use for college or trade school. Berlin High School offers the scholarship.	

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: Berlin VFW - Comedy Show

Comments:



Director of Golf

Signature

2/7/24

Date



Town Manager Signature

2/9/24

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.

Sol Guerrero

From: Nancy Barwikowski <boz7077@yahoo.com>
Sent: Monday, February 5, 2024 12:59 PM
To: Sol Guerrero
Subject: Berlin VFW donation request.

Mr Guerrero

My name is Nancy Barwikowski, event coordinator for the Berlin VFW post 10732 Tax ID. 80-0166517

We are requesting a donation to be used in our raffle at a comedy show fundraiser scheduled at the VFW on April 12, 2024

The profits from the fundraiser will be going to our scholarship fund.

We provide four scholarships for continuing education to use for college or trade school upon graduation.

These scholarships are offered to a Berlin high school, Mercy high school or Xavier High school student.

We look forward to hearing back from you.

Thank you,

Nancy Barwikowski
boz7077@yahoo.com
860-770-3957

Sent from my iPhone

Caution: This is an external email. Do not click links or attachments unless you recognize the sender and know the content is safe.

Agenda Item No. 1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 14, 2024

SUBJECT: Early Voting at One Polling Place

Summary of Agenda Item:

The Registrar of Voters have decided to have Early Voting for the Presidential Preference Primaries at one polling place utilizing the Berlin Town Hall. Under current statute the town does have the option of opening two polling places since Berlin's population is over 20,000 residents. One polling place for Early Voting does seem to be adequate to accommodate both primaries.

Only voters who are registered with the Democratic or Republican parties will be legible to vote in the Primaries. Currently Berlin has 4259 registered Republicans and 4,750 registered Democrats.

Early Voting will take place on March 26th, March 27th, March 28th and March 30th.

All three polling places will be opened for regular voting on Tuesday, April 2nd from 6:00 am to 8:00 pm.

Funding:



Funding is available with the Registrars' Budget.

Action Needed:

Discussion on one polling place to conduct Early Voting in person for the 2024 Presidential Preference Primaries at the Berlin Town Hall. Early Voting will take place on March 26th, March 27th, March 28th and March 30th. All three polling places will be open for regular voting during the Presidential Preference Primaries on Tuesday, April 2, 2024.

Attachments:

None

Prepared By: Christy Miano, Democratic Registrar 
Joan Veley, Republican Registrar
Kate Wall, Town Clerk 

Agenda Item No. 2
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: February 14, 2024
SUBJECT: Cemetery Committee Presentation

Summary of Agenda Item:

The Berlin Cemetery Committee will do a short presentation on the recent work that has been done on the town owned cemeteries.

Funding:

No funding needed.

Action Needed:

Presentation on the work being done on the town owned cemeteries.

Attachments:

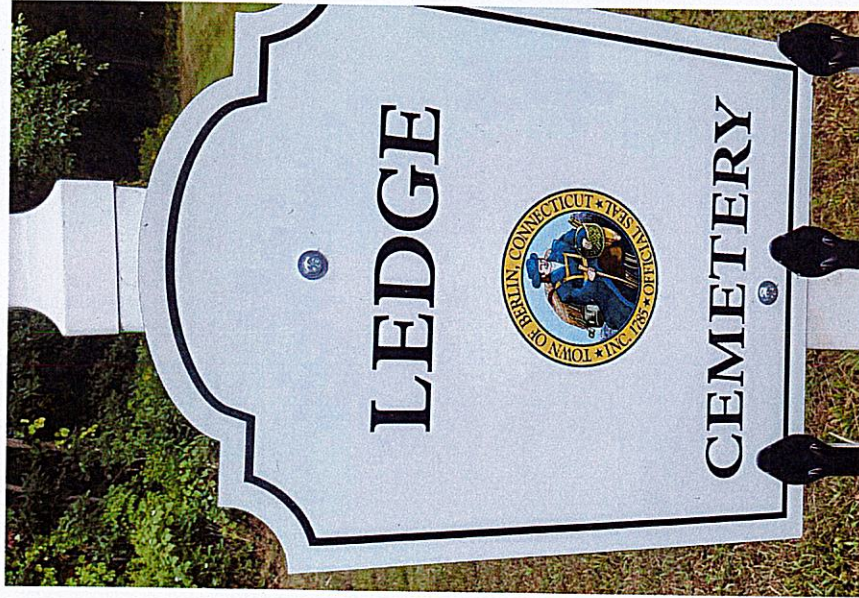
Presentation

Prepared By: Kate Wall, Town Clerk

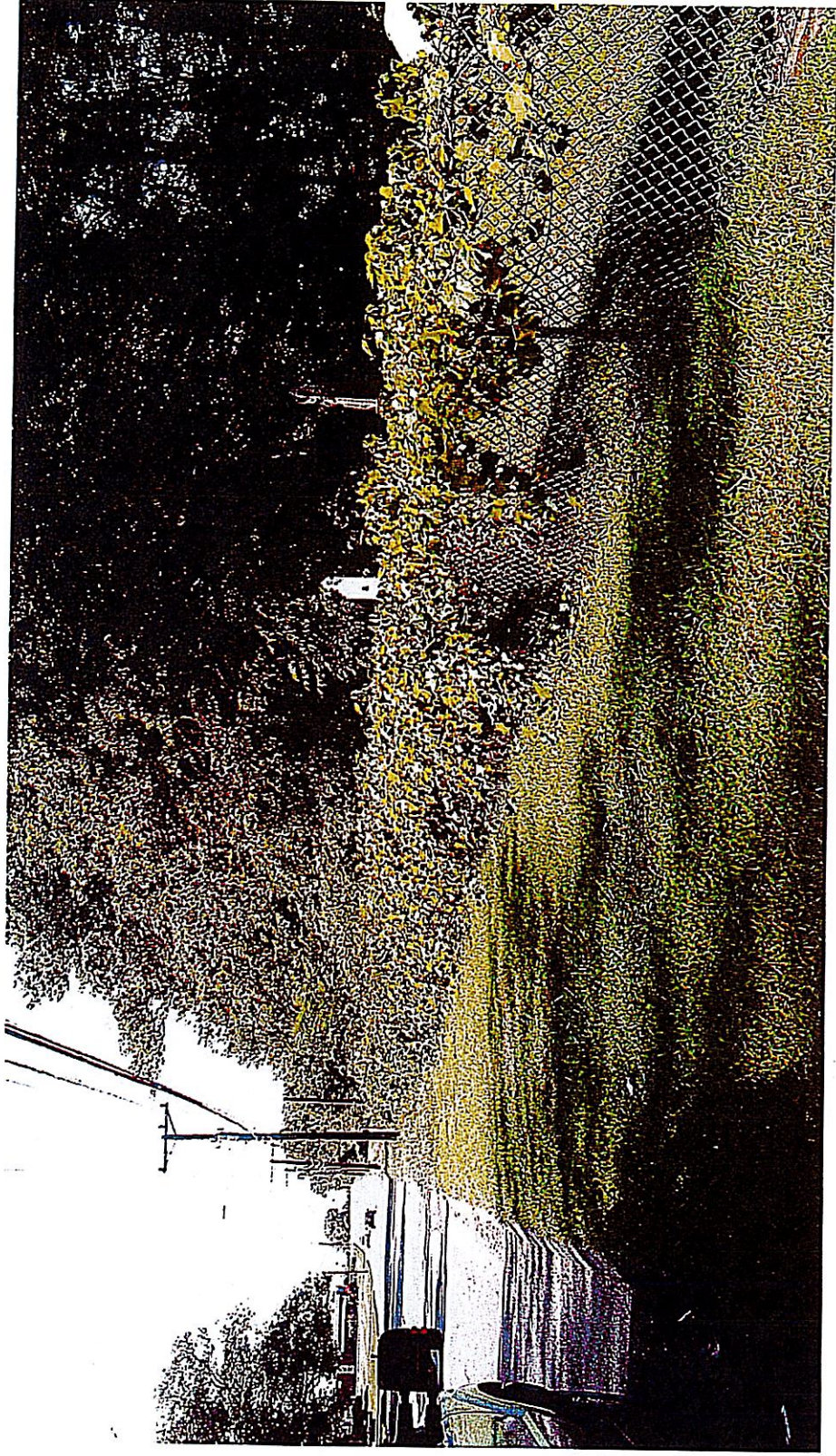


2023 Cleaning & Repair

Beyond The Gravestone



Christian Lane Cemetery– “before”



Town of Berlin - Cemetery Committee



Denison Cemetery – “before”

- Fallen tree limbs
- Damaged grave markers
- General neglect - weed overgrowth



Town of Berlin - Cemetery Committee



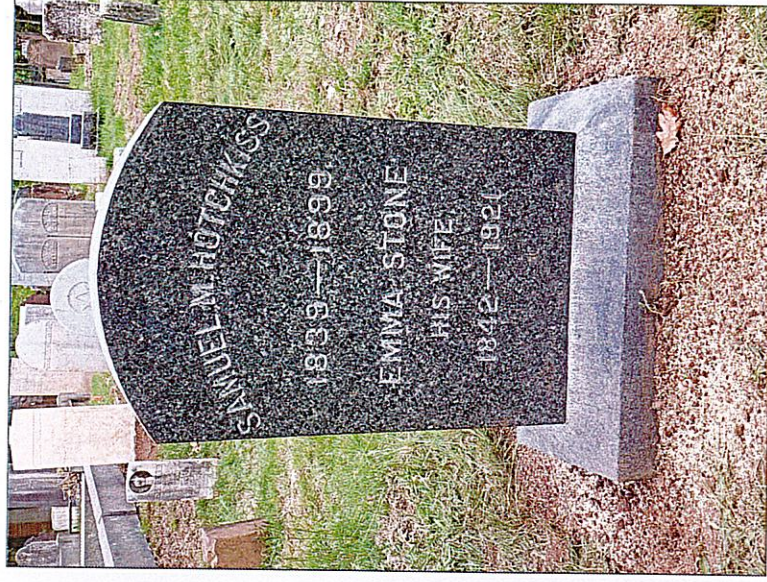
Gravestone #1 Treatment



Before

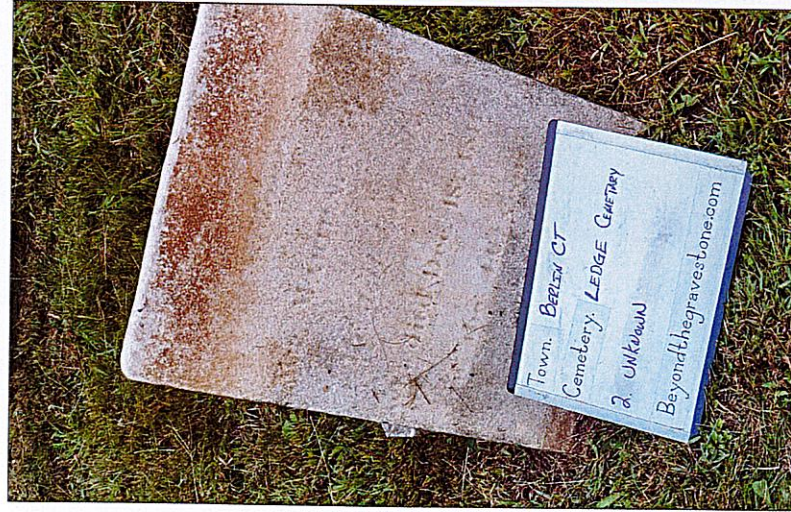


During



After

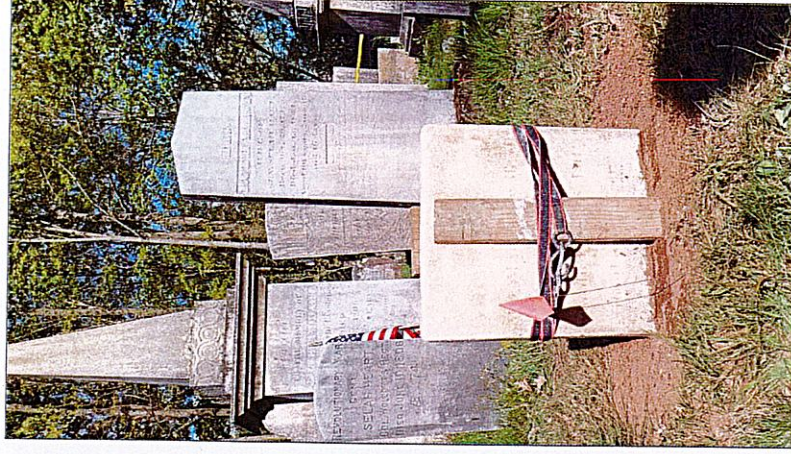
Gravestone #2 Treatment



Before



During



After



Gravestone #4 – Before Repair



Gravestone #4 – During & After Repair



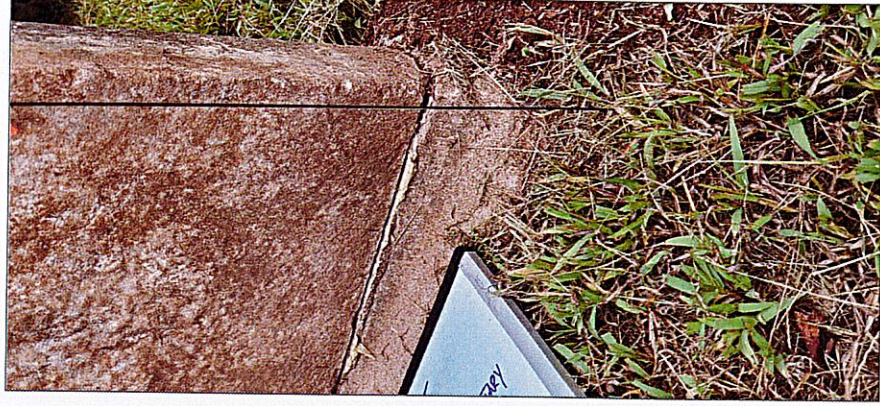
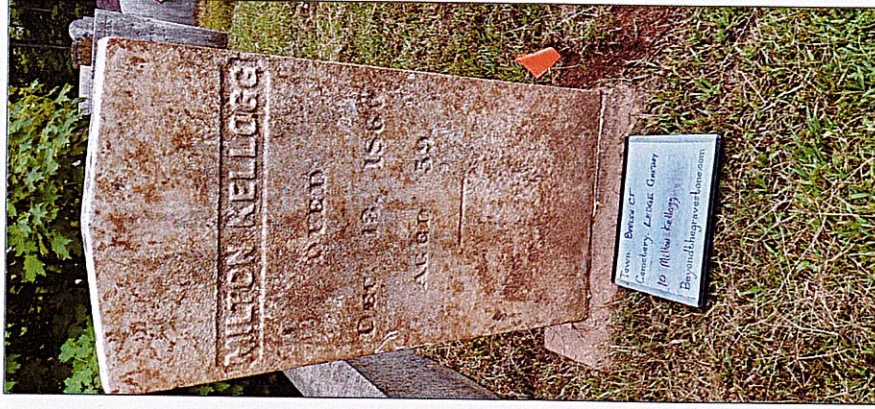
Gravestone #7 Before



Gravestone #7 Repair & Treatment



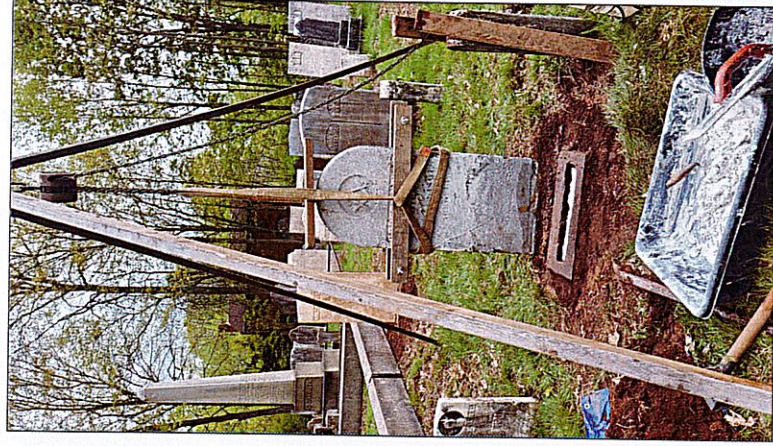
Gravestone #10 Before



Gravestone #10 After Repair & Treatment



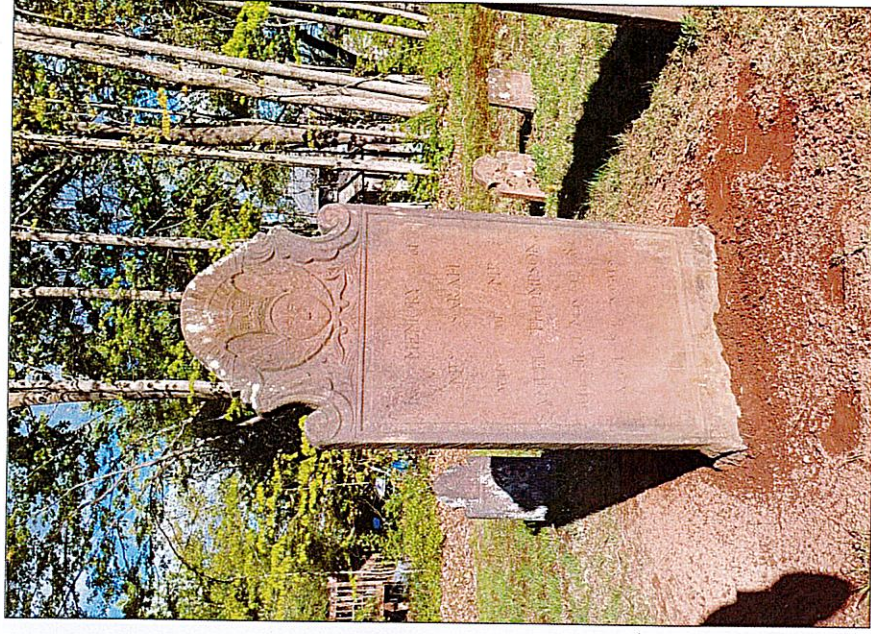
Gravestone #12 During & After Repair



Gravestone #14 Before Treatment



Gravestone #14 After Treatment



Agenda Item No. 3
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: February 12, 2024
SUBJECT: Presentation from the "Y"

Summary of Agenda Item:

The CEO of the Meriden, New Britain, Berlin YMCA, Mr. John Benigni, will discuss the concept of opening a facility in Berlin.

Funding:

N/A

Action Needed:

No action needed

Attachments:

None

Prepared By: Arosha Jayawickrema, Town Manager

Agenda Item No. 4
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: February 14, 2024
SUBJECT: Tax Sales

Summary of Agenda Item:

At the last Town Council meeting, Town Councilors wanted to invite Attorney Cohen to the Council Meeting to discuss the Kensington Fire District Tax Sale.

Funding:

Funding is available within the Outside Legal/Expert Account

Action Needed:

Discussion concerning Tax Sales.

Attachments:

None

Prepared By: Kate Wall, Town Clerk



Agenda Item No. 5
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 12, 2024

SUBJECT: Spruce Brook Road Bridge Replacement – Local Bridge Program

SUMMARY:

As you are aware, the Public Works/Engineering Department is responsible for maintaining local roadways, culverts, and bridges within the community. Over the past several years, the Department has rehabilitated and/or replaced a number of our local bridges. The Town received State and Federal funding in the past to provide for the work. The Spruce Brook Road Bridge had previously been granted funding to be reconstructed under the Local Bridge Program which is administered by the Connecticut Department of Transportation (DOT). The State had previously committed to fund 31.41% of eligible project costs.

SLR International (formerly Milone and MacBroom Engineers) designed a new structure which was required to incorporate several historic features of the former “Simeon North Pistol Factory” (1790) which occupied a portion of the existing site. Due to its historic significance, the new design required review and approval of a number of State and Federal Agencies. Several years passed while these agencies reviewed and commented, requiring design changes and a Memorandum of Understanding between the Town, the Connecticut State Historic Preservation Office, and the United States Army Corps of Engineers. The presently designed bridge replacement is estimated to cost approximately \$2 million.

Recent discussions with the DOT indicate new applications submitted under the local bridge program are receiving a 50% reimbursement. Staff were also advised that this project would be eligible for the increased funding (at 50%) following a re-submission of the project to DOT. An official request from the Town to withdraw the previous application (funding at 31.41%) is required prior to a re-submission into the 50% funding program which would occur by April 1, 2024. DOT indicated that the Town of Bristol and City of Waterbury are doing this for two bridge projects, and DOT is encouraging other municipalities including Bridgeport and Bloomfield to withdraw and re-apply to increase state funding levels. Although SLR will need to prepare additional documents for the re-submission and new program (see attached Old Versus New Procedures), the increased level of reimbursement by the State far outweighs the anticipated increase in engineering fees. Staff will submit SLR’s proposal for this additional work in an upcoming Town Council meeting, once it is received and reviewed.

FUNDING:

Funding has been available in the Spruce Brook Road Bridge Account (140.20.2037.0.54000.00540), with subsequent 50% reimbursement by the State of Connecticut for construction and engineering.

ACTION NEEDED:

Move to authorize the Town Manager to:

1. Withdraw the 'Spruce Brook Road Bridge No 007020 Replacement Project' from the former State Local Bridge Program which has a 31.41% reimbursement rate.
2. Work with Staff and SLR International to submit a new application for funding from the State's current Local Bridge Program with a 50% reimbursement rate.
3. Work with Staff, SLR International and Corporation Counsel to execute a subsequent 'Commitment to Fund Agreement' with the Connecticut Department of Transportation following acceptance into the 50% reimbursement program.

ATTACHMENTS:

DOT Local Bridge Program – Old Versus New Procedures

PREPARED BY:

James P. Horbal, Deputy Director of Public Works
Michael S. Ahern, P.E., Director of Public Works

USA

CONNDOT LOCAL BRIDGE PROGRAM
OLD VERSUS NEW PROCEDURES
FOR LOCAL BRIDGE PROGRAM GRANTS
(Changes effective July 1, 2013)

Old Procedures	New Procedures (APPLIES TO BOTH OLD AND NEW APPLICATIONS)
1. Municipality submits a Preliminary Application to the State by the deadline.	Same
2. ConnDOT reviews the Preliminary Application. If accepted, the State issues a Commitment to Fund to the municipality on or about July 1 of the same year that the application is filed. If rejected, the municipality may reapply in any future fiscal year.	Will be different this year only
3. Municipal official signs and returns the Commitment to Fund letter to the State within 30 days.	Same
4. The municipality requests approval of the hydraulics engineer for the project design.	No longer required
5. The municipality's engineer submits an Environmental Review Request Form via the Administrator of the Local Bridge Program.	No longer required
6. The municipality's engineer submits the project's hydrology study for review and possible approval.	No longer required
7. The Department's Hydraulics and Drainage section reviews the hydrology study, and provides comments on any deficiencies.	No longer required
8. The municipality's engineer submits a response to comments with a revised hydrology study.	No longer required
9. The municipality's engineer submits the project's hydraulics study and scour analysis for review and possible approval.	Same. See Chapter 4.3 of Program Manual for applicability and further information
10. The Department's Hydraulics and Drainage section reviews the hydraulics study and scour analysis, and provides comments on any deficiencies.	No longer required
11. The municipality's engineer submits a response to hydraulics comments with a revised hydraulics study.	No longer required
12. The municipality's engineer prepares plans and specifications for the project. If preliminary plans and specifications were not ready at the time of preliminary application, they should be furnished to the Department when the design is 30% complete. ConnDOT does not "approve" these plans, but may offer suggestions.	Same
13. The municipality's engineer requests comments from DEEP Fisheries through the Office of Environmental Planning.	No longer required
14. The municipality's engineer prepares an initial application for Flood Management Certification (FMC) and forwards it to the Local Bridge Program Administrator for review and comment by ConnDOT.	No longer required
15. Municipal legislative body sets date for public hearing on bridge project. Municipality publishes a legal notice NOT LESS THAN 5 DAYS in advance of the public hearing in a newspaper of general circulation. Legislative body holds public hearing.	No longer required

16. The Department's Hydraulics and Drainage section, and Office of Environmental Planning, review the application for FMC, and provide comments on any deficiencies.	No longer required
17. The municipality's engineer prepares a final application package for Flood Management Certification, with signature pages, incorporating all comments, and forwards two paper copies along with an electronic copy on CD to the Local Bridge Program Administrator.	No longer required
18. When the final design is complete, the municipality submits the Supplemental Application within 270 days of the Commitment to Fund letter, unless a time extension has been granted, along with final plans, final estimates, and a resolution from the municipality's legislative body authorizing the municipal official to submit the Supplemental Application.	Same, except 270 days is changed to 1 year.
19. ConnDOT reviews supplemental application package. When complete, ConnDOT prepares and delivers two copies of a Project Agreement to the municipality.	Same
20. Municipal legislative body votes to approve Local Bridge Project and to authorize the financing in accordance with statutory and charter requirements for issuance of its indebtedness.	Same
21. Authorized Municipal official executes (signs and seals) and returns two copies of the Project Agreement (with attachments) together with the following to the State: (a) Newspaper affidavit of publication of notice of public hearing/informational meeting; (b) Certified minutes of public hearing/informational meeting (word-for-word transcript is not required); (c) Certified copies of authorizing proceedings.	21. Authorized Municipal official executes (signs and seals) and returns two copies of the Project Agreement (with attachments) and authorizing proceedings to the State. Newspaper affidavit of publication of notice of public hearing/informational meeting no longer required.
22. ConnDOT reviews Agreement package and authorizing proceedings. State then creates a purchase order, executes the Project Loan and/or Grant Agreement, and returns one original copy to the municipality.	Same, except no loan agreements
23. Within 180 days from the date of the Project Agreement (unless an extension is granted), the Municipality must submit the following to the State: (a) Certified copies of all contractor's bids; (b) Signed construction contract. (c) Evidence that the Municipality has funds available to pay its share of the total project costs; (d) An inquiry as to whether or not the State has funds available to finance, in part, any increase in cost should the total project cost exceed the total project cost stated in the Supplemental Application.	Same
24. Once all the above requirements have been met, ConnDOT notifies the municipality that the file is ready for closing, and instructs the municipality to have their legal counsel complete and return the closing documents.	Same

<p>25. Counsel to the municipality prepares the following according to forms provided as exhibits to Project Loan and Grant Agreement or Project Grant Agreement, as of the closing date, and returns them to the Local Bridge Program Administrator:</p> <p>(a) For loan and grant (to be prepared by bond counsel):</p> <ul style="list-style-type: none"> i) Opinion of nationally recognized bond counsel; ii) General Obligation Promissory Note; iii) Signature and no litigation certificate and incumbency certificate with bank's certification; <p>(b) For grant only:</p> <ul style="list-style-type: none"> i) Opinion of municipal attorney; ii) Signature and no litigation certificate and incumbency certificate; 	<p>25. The Opinion of Municipal Counsel, and Signature and No Litigation Certificate, are prepared as of the closing date, and sent to the Local Bridge Program.</p>
<p>26. Upon satisfaction of above items, the Assistant Attorney General closes the loan and/or grant. Upon completion of the closing, the funds are released to municipality by ACH transfer.</p>	<p>Same, except no loans</p>
<p>27. The municipality notifies ConnDOT when the project has started construction.</p>	<p>Same</p>
<p>28. At the close of every fiscal year during which expenditures were made on the project, the municipality forwards a copy of its annual single audit, along with supplemental schedules, to ConnDOT.</p>	<p>Same</p>
<p>29. When the project is deemed to be nearly substantially complete, the Town notifies ConnDOT of the date of the semi-final inspection.</p>	<p>Same</p>
<p>30. Within 90 days of the completion of construction, the municipality must certify to ConnDOT that the project has been completed in accordance with the submitted plans and specifications.</p>	<p>Same</p>
<p>31. After the final payment to the contractor has been made, the municipality forwards a final Supplemental Schedule with the total costs of the project to ConnDOT to adjust the grant and/or loan amounts.</p>	<p>Same, except no loans</p>
<p>32. As soon as possible after construction is complete, the municipality (or its Engineer) submits as-built plans to the Local Bridge Program Administrator.</p>	<p>Same</p>
<p>33. ConnDOT reviews the project audit, and notifies the municipality of the findings. If the project costs exceed those in the original agreement, the Department will send a supplemental grant to the municipality if funding is available. If the project costs are less than those in the original agreement, the Department will invoice the municipality for the balance due.</p>	<p>Same</p>

Agenda Item No.: 6
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: February 5, 2024

SUBJECT: Approve the Transfer of \$40,000 from Account # 001.20.2035.0.53106-Vehicle Fuel into Account # 001.20.2035.0.53233.00000-Auto Parts to cover expenditures for the remainder of FY 2024.

Summary of Agenda Item:

Over the course of fiscal year 2023/2024, the Fleet Garage has overspent from the Auto Parts account and now needs to transfer funds from the Vehicle Fuel account to cover the remainder of FY 2024.

The shortage in the Auto Parts account was caused by unanticipated increases in parts and larger jobs that depleted the account earlier during this fiscal year.

Some of those repairs included:

- Transmission in the Highway Department's Large payloaders, MP#0283
- Power Steering Pumps in two of the Fire Dept.'s trucks, MP#0440, MP#0433
- Turbo Charger / Diesel Exhaust filter, Highway Dump Truck, MP#0415
- Turbo Charger, Highway Dump Truck, MP# 0387
- Transmission Water and Sewer, MP#0357

The funding is located within the Fleet Department budget in the Vehicle Fuel account. The additional funds in the Vehicle Fuel account are due to a downturn in the markets along with good timing on awarding contracts for futures.

Funding:

Funds are located in Account # 001.20.2035.0.53106 - Vehicle Fuel, \$40,000.

Action Needed:

Move to Approve the Transfer of \$40,000 from Vehicle Fuel into Auto Parts to cover expenditures due to increases in the cost of parts and larger repair jobs for the remainder of Fiscal Year 2024, pending approval by the Board of Finance.

Attachments:

Budget Change Form

Prepared By: 
James C. Simons, Fleet Manager



TOWN OF BERLIN
BUDGET CHANGE FORM

Section 1: To be completed by Department:

Department:	Fleet Garage	Fiscal Year:	23/24	Date:	2/12/24
To Acct #:	Description:	Amount:	Requested by:		
001.20.2035.0.53233.00000	Auto Parts	\$40,000.00	James Simons		
Are there funds from another account which can be requested: Yes <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>					
From Acct #:	Description:	Amount:	Approved by:		
001.20.2035.0.53106.00000	Vehicle Fuel	\$40,000.00	[Signature]		

Contingency Balance (If applicable):

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

Over the course of fiscal year 2023/2024, the Fleet Garage has overspent from the Auto Parts account and now needs to transfer funds from the Vehicle Fuel account to cover the remainder of the 2024 Fiscal Year. The shortage in Auto Parts account was caused by unanticipated increases in parts and larger jobs that depleted the account during the fiscal year. Some of those repairs included: Transmission in the Highway Department's Large payload MP#283, Power Steering Pumps in two of the Fire Dept's trucks MP#440 and MP#433, Turbo Charger / Diesel Exhaust filter in Highway Dump Truck MP#415, Turbo Charger in the Highway Dump MP#387 and Transmission in Water and Sewer MP#357. The funding is located within the Fleet Department budget in the Vehicle Fuel account. The additional funds in the Vehicle Fuel account are due to the markets along with good timing on awarding contracts for futures.

Section 2: To be completed by Town Manager:

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date:
			2/14/24

Comments:

Section 3a: Town Council action:

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

Section 3b: Board of Finance action:

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

Section 4: To be completed by Finance Department:

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

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: January 23, 2024

SUBJECT: Appropriation of funds from Land, Labor & Materials to Vehicle Reserve Account.

Summary of Agenda Item:

The Town of Berlin has sold surplus items utilizing the online auction site, "Public Surplus", with the proceeds of the sold items deposited to account 500.00.0000.8.45301.00000, Sale of Land, Labor & Materials in the Capital Projects Fund.

During Fiscal year 23/24, the Fleet Department sold various vehicles listed below equaling a net of \$31,165.50. In an effort to assist funding for Capital Vehicle request 2025 Tier 1, Jim Simons, Fleet Manager is requesting to appropriate these proceeds from the Sale of Land, Labor and Materials Revenue Account 500.00.0000.8.45301.00000 to the Vehicle Reserve Account #500.05.0507.0.54000.00012.

2001 International Dump truck	\$6,000
2001 Ford F150 Pickup	\$1,025
2001 Ford Econoline Van	\$4,852
Trailer	\$1,275
2006 Ford Crown Victoria	\$960
2005 Ford Taurus	\$504
2011 Ford Crown Victoria	\$660
2010 Ford Crown Victoria	\$860
2007 Ford Five Hundred	\$494
1994 Ford Ranger Pick up	\$445
2010 Ford Star-trans Bus	\$2,550
2010 Ford Crown Victoria	\$520
2001 International dump Truck	\$2,500
1996 International Dump Truck	\$2,500
1992 Mack dump Truck	\$2,500
1993 Ford F250	\$3,550
Total	\$31,165.50

Funding:

No Funding Needed

Action Needed:

Move to appropriate \$31,165.50 from the Sale of Land, Labor, & Materials Revenue Account to the Vehicle Reserve to be used for the purchase of vehicles Account in the Capital Nonrecurring Fund, pending approval by the Board of Finance.

Attachments:

None

Prepared By:

Jim Simons, Fleet Manager

Agenda Item No. 8
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Aroscha Jayawickrema, Town Manager

DATE: February 6, 2024

SUBJECT: Authorization for the Town Manager to Issue a Request for Qualifications for the Sale for Development of Senior Housing of the former Knights of Columbus Property at 143 Percival Avenue

Summary of Agenda Item:

The Town owns the former Knights of Columbus property at 143 Percival Avenue. The Town Council had previously decided that the property would be a suitable location for affordable Senior Housing. The Town's Affordable Housing Plan and Plan of Conservation support that there is a need in the community for affordable senior housing.

The Town had a longstanding option with the Berlin Housing Authority to sell the property to the Housing Authority for \$1 for the development of affordable senior housing. That option expired on August 16, 2023.

At its February 1, 2024, meeting, the Berlin Planning & Zoning Commission amended the Berlin Zoning Regulations to allow by special permit the development of senior affordable housing in the R-86, R-43, R-21, R-15, R-11, and R-7 zones developed and operated by the Berlin Housing Authority **or by a private for-profit or non-profit entity on land sold by the Town for such purposes. 143 Percival Avenue is in the R-11 zone. The conditions related to senior housing projects are contained in section XI. Q. of the Berlin Zoning Regulations include** *that a minimum of 50% of the units in the development be affordable housing units, subject to binding recorded deeds containing covenants or restrictions that require such dwelling units be sold or rented at, or below, prices that will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. At least half of these affordable units (25% of the total), must be affordable for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (60%) of the median income. The deed restriction must be for a duration of at least ninety-nine years after issuance of the certificate of occupancy for the unit.*

It is difficult to finance affordable housing projects and the Planning & Zoning Commission approved amendment provides an appropriate minimum standard for affordability. The Town's goal is that all the units be affordable and that units be affordable to families at 60% of the area median income, or lower.

Staff proposes that the Town Council authorize the Town Manager to issue a request for qualifications for developers for redevelopment of 143 Percival Avenue as affordable senior

housing as permitted in section XI. Q. of the Berlin Zoning Regulations and state that development proposals providing more than 50% of units as affordable and more units affordable at lower income levels will be preferred.

A portion of the outfield of the Percival Field baseball field is located on the 143 Percival Avenue property so, prior to sale of the property, as approved by the Town Council through a previous CGS section 8-24 review process, a lot line revision will be done to add a 0.25-acre portion of 143 Percival Avenue to Percival Field parcel Map 8-4, Block 54, Lot 69. The site proposed for sale is approximately 4.66 acres.

It is suggested that the proposals submitted pursuant to the request for proposals be reviewed by a staff committee organized by the Town Manager and that the Town Manager report to the Town Council with a recommendation concerning the selection of a developer for the property at 143 Percival Avenue. After the Town Council approves the selected developer, the process would proceed in the same manner as was done for the Berlin TOD project RFQ (Steele Center). That is, the selected developer will first enter into a developer agreement and/or memorandum of understanding with the Town. After coordination with the Town in the planning of the project, completion of due diligence and other requirements, the parties would enter into a purchase and sale agreement with contingencies that will be reviewed and approved by the Town Council.

Funding:

None.

Action Needed:

Move to authorize the Town Manager to issue a request for qualifications for developers for redevelopment of 143 Percival Avenue as affordable senior housing as permitted in section XI. Q. of the Berlin Zoning Regulations and state that development proposals providing more than 50% of units as affordable and more units affordable at lower income levels will be preferred.

Attachments:

1. Section XI. Q. of the Berlin Zoning Regulations.
2. Draft RFQ.

Prepared By:

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

CE

BERLIN PLANNING & ZONING REGULATIONS – SECTION XI. Q:

Q. Housing for elderly persons.

The purpose of this section is to promote the public health, safety and general welfare of the community by providing decent, safe and sanitary housing units for elderly persons (as defined in the Connecticut General Statutes § 8-113a(m)) at reasonable rents, to ensure housing facilities specially adapted for elderly persons as a public use in the public interest, and to allow housing for elderly persons within the town in accordance with the appropriate standards, conditions and safeguards as hereinafter set forth in this section. In order to afford the opportunity to the Berlin Housing Authority to provide “Housing for Elderly Persons” under Connecticut General Statutes § 8-112a et seq. (chapter 128, part VI), housing for the elderly where permitted as a municipal use shall be subject to site plan and a special permit approvals by the Commission in accordance with the requirements of Sections XII and XIII, subject to the following standards, conditions and safeguards set forth below:

1. Permitted uses. Construction of residential dwelling units for the elderly under this section shall be permitted for detached dwellings, semidetached dwellings and attached dwellings such as apartments, garden apartments and townhouses, but not for hotels, motels, rooming houses, boarding houses and lodging houses or tourist homes. No elderly housing unit shall have more than two bedrooms and not more than 50 percent of elderly housing units shall be two-bedroom units. Rooms with closets shall be construed to be bedrooms.
2. Accessory uses. Necessary accessory buildings, structures and uses including community buildings, facilities for maintenance, administration, off-street parking, storage facilities, and those facilities necessary to the operation of utility systems serving the development, may be permitted.
3. Location. All residential buildings shall be connected to public sewer and public water. All sites shall have access to an improved public road.
4. Site area. Each site shall have a minimum lot area of four acres. For each efficiency unit, the lot area shall be not less than 2,800 square feet, for each one-bedroom unit the lot area shall be not less than 3,200 square feet, and for each two bedroom unit the lot area shall be not less than 3,800 square feet. For each accessory building the lot area shall be not less than 5,000 square feet.
5. Setbacks. Setbacks for buildings and other structures shall be at least 50 feet from front and rear property lines. Side yards shall not be less than 20 feet.
6. Height. The maximum building height shall be 40 feet or 3 stories, whichever is less. (See definitions of Building Height)
7. Dwelling unit design. Each dwelling unit shall be designed and constructed to provide the necessary features that contribute to the safety, convenience and aid to the residents.
8. Recreation area. Suitably equipped and adequately maintained recreation and open space shall be provided. A minimum of 150 square feet of usable open space shall be provided per dwelling unit. Recreation areas shall be well designed to impart a sense of containment or security and to provide group privacy.
9. Landscaping and screening. All buildings, structures and off-street parking areas shall be adequately screened from adjoining streets and properties with suitable landscaping and/or walls or fencing.
10. Off-street parking. There shall be provided at least 1.25 parking spaces for each dwelling unit. a. Walks, ramps and driveways shall be designed to meet ADA requirements and to prevent slipping or stumbling. Handrails and ample places for rest shall be provided. Gradients of walks shall not exceed five percent and two percent across slope. b. All parking areas and active recreation areas shall be not less than ten feet from any building or 30 feet from any front lot line and 10 feet from any rear and side lot lines. Open parking areas, including access ways and driveways, shall be paved with hard-top surface upon a suitable subgrade in accordance with sound engineering design practices and town standards. The pavement area shall be adequately drained so as to prevent excessive accumulation of water, snow, and ice. c. There shall be provided a safe and convenient system of drives, service access roads and walks, designed with such items as handrails and ramps. Such facilities shall be adequately lighted.
11. Refuse areas. Refuse and recycling areas shall be established and conveniently located for all units. The collection areas shall be properly screened and supplied with covered receptacles.

Request for Developer Qualifications

Town of Berlin

Senior Housing Development Opportunity

143 Percival Avenue, Berlin, CT

**Issued by:
Town of Berlin, Connecticut**

Date

**LEGAL NOTICE
TOWN OF BERLIN, CONNECTICUT
TOD Opportunity
Developer Request for Qualifications
143 Percival Avenue, Berlin CT**

The Town of Berlin hereby invites proposals for the purchase and development of a 4.66-acre Town owned parcel adjacent at 143 Percival Avenue. Sealed responses containing developer qualifications and project description for the redevelopment of 143 Percival Avenue will be received at the Town Manager's Office, 240 Kensington Road, Berlin, CT until 2:00 p.m. on Thursday, _____.

A copy of the complete RFP package can be obtained from the Town of Berlin website at www.berlinct.gov, Departments, Purchasing, Current Bids and RFPs. Additional information can be obtained from Chris Edge, Economic Development Director 240 Kensington Road, Berlin, CT 06037, 860-828-7005, cedge@berlinct.gov.

The Town of Berlin reserves the right to reject any and all responses to this RFQ, to advertise for new RFQ responses, or to accept any RFQ response deemed to be in the best interest of the Town.

A response to this RFQ should not be construed as a contract nor indicate a commitment of any kind. The RFQ does not commit the Town to pay for the costs incurred in the submission of a response to this RFQ or for any costs incurred prior to the execution of a final contract.

The Town of Berlin is an Affirmative Action/Equal Opportunity Employer. Minority/Women's Business Enterprises are encouraged to apply. This contract is subject to state set-aside and contract compliance requirements.

Date: _____

Town of Berlin, Connecticut

Arosha Jayawickrema Town Manager

DEVELOPER REQUEST FOR QUALIFICATIONS

143 Percival Avenue

INTRODUCTION

Overview

The Town of Berlin is seeking qualified developers for a key redevelopment site located at 143 Percival Avenue, Berlin adjacent to Percival Field. This site is approximately 4.66 acres. The selected developer will first enter into a developer agreement and/or Memorandum of understanding with the Town. After coordinating with the Town in the planning of the project, completing its due diligence and other requirements, it will enter into an agreement to purchase this site to create a high quality affordable senior rental housing project.

Project Objective

To use the experience, scope and talent of a qualified development firm to achieve an affordable senior housing rental project to help address the Town's need for senior affordable housing. The site was previously optioned to the Berlin Housing Authority and approved for 50 units of senior housing, but the Berlin Housing Authority did not obtain financing for the project. The Town of Berlin is seeking a senior housing project that would comply with the provisions of section XI Q of the Town of Berlin Zoning Regulations, including the following.

1. *All units in the development should meet the definition of affordable housing as stated in section II B of the Town of Berlin Zoning Regulations - Affordable housing:* Unless otherwise specified in these regulations, affordable housing units are units subject to binding recorded deeds containing covenants or restrictions that require such dwelling units be sold or rented at, or below, prices that will preserve the units as housing for which persons and families pay thirty percent (30%) or less of income, where such income is less than or equal to eighty percent (80%) of the median income. Such covenant or restriction shall be for a duration of at least ninety-nine (99) years after issuance of a certificate of occupancy for the unit, which shall only be issued upon verification that the required deed covenant or restriction has been filed. In addition, such deed restrictions must at the time of filing comply with the income, rental or sale price limits, duration, and other requirements such that the unit satisfies the definition of an affordable housing unit pursuant Section 8-30g of the Connecticut General Statutes effective at the time of filing.
2. *Additional Affordability requirement.* In addition to affordability requirements that may be imposed by state or federal funding sources, *or section II B of the Town of Berlin Zoning Regulations* at least 25 percent of housing units shall be affordable housing units priced to be affordable to households earning 60 percent or less of the area median income (AMI).
3. A minimum of 10% of dwelling units shall be designed to meet the "Accessible" standard of ICC A117.1 Accessible and Usable Buildings and Facilities. Accessible units shall reflect the unit composition of the development as a whole with respect to unit size and number of bedrooms and should be indicated on relevant plans and drawings.
4. Undertake a project architectural design which will complement and enhance surrounding land uses.
5. Provide a walking path connection to the Town's adjacent Percival Field Park.

Property Information

Infrastructure: The redevelopment site is served by Kensington Water District sewer and water mains. It is anticipated that these facilities will be adequate to support a range of development activities but the selected developer will be expected to conduct its own due diligence. Natural gas is available to the site from Connecticut Natural Gas, electric power is provided to the site by Eversource, and cable from COMCAST or another provider if desired.

Development Guidelines: The site is improved by a vacant, former Knights of Columbus Hall building. Per the attached site survey, the existing footprint of 143 Percival Avenue will be modified such that the Town will retain 10,717 square feet that will be added to the adjacent Percival Field Park. As stated, the net area planned to be sold is 4.66 acres. The Town is seeking a developer to demolish the existing building and construct affordable senior apartments. The approved project scale of 50 units is acceptable but the proposer may suggest a modification to the unit count provided that its development plan will meet zoning requirements. Proposals that offer more units and a greater number of units at lower rental levels will be preferred.

Environmental Reports: Phase I and Limited Phase 2 Environmental Site Assessments have been completed as well as a hazardous materials report have been completed. These are in the complete RFP package can accessed via this link,

<https://loureiro.sharefile.com/public/share/web-s17709b49795f4947812fddb7aeb0cd71>

SELECTED DEVELOPER'S RESPONSIBILITIES

This section describes in general the anticipated responsibilities of the selected preferred developer in the redevelopment of 143 Percival Avenue. Following the selection of the developer, these responsibilities will be more specifically defined and detailed in a development agreement to be negotiated between the Town and the selected developer.

The selected developer will (at a minimum):

1. Negotiate with the Town and present a developer agreement and or MOU within 45 days of selection. The developer agreement/MOU will define a process that will subsequently lead (subject to terms, conditions and approvals), to execution of a purchase and sale agreement for the property.
2. Prepare a project plan or modification to clearly define the proposed development. Is the plan to develop the project as approved and request that the Planning and Zoning Commission extend the existing site plan and special permit approval to clearly define the proposed development or to submit a modified plan to the Planning and Zoning Commission?
3. Develop a project financing plan.

RFQ SUBMISSION REQUIREMENTS AND SCHEDULE

Submission Requirements

The Town intends to select a developer based on review and evaluation of the information submitted in response to this RFQ and interviews of references. As such, the Town is not seeking a detailed redevelopment program currently. Rather, the Town seeks a conceptual development plan and information concerning the respondent firms' accomplishments, capabilities, and experience, together with a planned/proposed financing structure for the project. Respondents should place the required information in a three-ring binder then label and tab each one of the following sections for easy and consistent reference. Each Statement of Qualifications should be organized in the following order:

- 1. Title page.** The title page should show the respondent's name, RFQ title, and date of submittal.
- 2. Letter of introduction.** Within one page, the respondent should include the name, address, and statement of whether the respondent is an individual, partnership, corporation, joint venture, special-purpose entity, or other entity. The letter should also provide the name of the person(s) authorized to make representations for the respondent and his/her phone number and email address. The person authorized to represent the proposal should sign the letter.
- 3. Project approach.** Briefly describe, in general, the respondent's approach to the design, finance, construction and management of projects like 143 Percival Avenue project. Include a discussion of the developer's expectations regarding public financial assistance, if any, and of how the developer will interact with the Town throughout the development process.
- 4. Relevant project experience.** Provide previous project descriptions that include scope, building use(s), cost, and geographic location of each project. The Town is most interested in senior affordable housing projects, particularly projects completed in the past seven years. Identify finance and development partners for each project. Also, describe the role the respondent performed in the development partnership. Emphasis should be placed on experience and involvement in relevant redevelopment projects.
- 5. History of respondent and key team members.** Identify the legal entity that will serve as the principal in the proposed redevelopment with a brief history of that entity and the parent company, if applicable. Provide resumes of the key individuals who will be responsible for managing the project including the level of commitment for each member of the development team. Also, describe any litigation in which the respondent or a major team member was/is a defendant (past 5 years or pending) or any bankruptcy filing by them or any entity they controlled (in the last 10 years).
- 6. Financing capability.** Provide credible current information regarding the respondent's capacity to provide or secure equity capital and financing sufficient to complete the proposed project in a timely basis.
- 7. Project marketing and management expertise.** Provide a summary of the respondent's experience with marketing and on-going management of projects of similar character and complexity to the 143 Percival Avenue project.
- 8. References.** Provide three to five financial and development references (name, title, entity, telephone number, and contractual relationship to respondent) that can be contacted at this time with respect to current and past project development experience. These should include at least two banking references. Before final selection additional financial information will be required.
- 9. Concept plan.** Prepare a detailed concept plan and a discussion of the planned use of the property.
- 10. Price.** The price the developer offers to pay for the property should be stated.
- 11. Contingencies.** State the contingencies of the offer including any financing, environmental, and due diligence contingencies.
- 12. Project Schedule.** Provide a schedule from the time of entering into initial agreement with the Town to projected completion date.

Schedule for Qualification Step

The following is the schedule for this developer RFQ process:

Release of RFQ

Site walk through by appointment (required)

Statements of Qualifications due by 4:30 PM
Potential interviews with respondents

Developer Recommendation to Berlin Town Council

Six (6) complete paper copies of the Statement of Qualifications and one electronic copy, as outlined above, must be submitted to:

Maryssa Tsolis
Purchasing Agent
mtsolis@berlinct.gov
Town of Berlin
240 Kensington Road
Berlin, CT 06037

The submittal package must be received at the above office by 4:30 PM on _____.

Evaluation Process For Qualification Step*

The following criteria will be used to evaluate responses to this RFQ:

1. Demonstrated knowledge of affordable housing financing programs and ability to access and obtain equity and debt for affordable senior housing development projects.
2. Demonstrated quality of design and construction in previous projects.
3. Extent of redevelopment experience of specific individuals assigned by the developer to the proposed project team.
4. Demonstrated experience and financial strength to complete a project of this size and on budget and on schedule.
5. Respondent's proposed project approach, a detailed concept plan and how your development will achieve stated project objectives.
6. Track record of successful projects in Berlin and similar Connecticut communities.
7. Demonstrated success with the on-going management of units in projects of a similar nature and complexity.
8. Price.
9. Proposed timing.
10. References for the respondent and project team.

* Respondents (and related entities) are expected to be current with any tax owed to the Town of Berlin.

The evaluation of submittals in response to this RFQ does not constitute any form of commitment from the Town. It is anticipated that each submittal will be evaluated based on the information submitted plus any other independent information developed by the Town. The Town reserves the right to request clarification or additional information from a respondent if necessary.

LIMITATIONS AND GENERAL CONDITIONS

The Town of Berlin reserves the right to reject any and all responses to this RFQ, to advertise for new RFQ responses, or to accept any RFQ response deemed to be in the best interest of the Town. A response to this RFQ should not be construed as a contract nor indicate a commitment of any kind. The RFQ does not commit the Town to pay for the costs incurred in the submission of a response to this RFQ or for any costs incurred.

Background

In its Affordable Housing Plan approved in 2022, the Town identified a need for additional senior, affordable, rental housing units. The Town previously optioned the 143 Percival Avenue site to the Berlin Housing Authority in 2011 for \$1 for development for affordable senior housing. The option was extended numerous times and expired on August 16, 2023. The Berlin Housing Authority received pre-development funding from the Connecticut Department of Housing and prepared plans for the project. Site plans and special permit for a 50-unit senior housing project were approved by the Berlin Planning and Zoning Commission on February 12, 2015. The original project included an additional parcel that would have used for open space use complimentary to the senior housing project. It was found that this additional parcel, not part of the development footprint, was encumbered by an easement to the State of Connecticut regarding a use restriction that was a contingency of a State grant to improve Percival Field Park. After a considerable period of negotiation, an accommodation was made with the State of Connecticut to allow the Town to lease this additional parcel to the Berlin Housing Authority for continued open space and recreation use (the deed restriction would remain in place). This additional parcel is not part of the previously approved development footprint for the project, and it is not part of the property being offered via this RFQ.

The goal of the RFQ is to attract a developer to undertake a high-quality development project that will help create affordable senior apartments. Pending receipt and review of proposals submitted pursuant to this RFQ, the Town of Berlin reserves the right to reject any and all proposals if it deems such action to be in the best interest of the Town.

The intent of this RFQ is to attract a proposal by a financially qualified development entity that will use its experience, scope, and talent to achieve a viable and comprehensive development of this 4.66-acre parcel.

Community Information

Berlin is an attractive growing suburban community with a population of 20,000+ residents. 21.4% of Berlin's population is 65 or older and 6.5% of the 65 or older population is in poverty based on information from the American Community Survey.

The Town of Berlin is an Affirmative Action/Equal Opportunity Employer. Minority/Women's Business Enterprises are encouraged to apply. This contract is subject to state set-aside and contract compliance requirements.

Maryssa Tsolis

Purchasing Agent

mtsolis@berlinct.gov

Agenda Item No. 9
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 13, 2024

SUBJECT: Authorization for the Town Manager to Participate in a Recreational Trails Grant Application with the City of Middletown for the Lamentation Mountain/Pistol Creek Area and Authorization of the Grant Match

Summary of Agenda Item:

The State of Connecticut issued a request for applications for the Recreational Trails grant program. Applications are due March 11. 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. In 2023 the Town applied for 2 recreational trails grants, one of which was a joint application with Middletown. Neither the Pistol Creek Lamentation Mountain area grant proposal (with Middletown) nor the Hungerford Park grant proposal was funded. Staff received a debrief related to these applications from staff at the Department of Energy and Environmental Protection and the Pistol Creek/ Lamentation Mountain area application point total score for the 2023 application was very close to the funding cutoff score, so we would have a good chance to get funding in 2024. Staff proposes to resubmit the joint Berlin/Middletown Pistol Creek/ Lamentation Mountain area application, with modifications, for funding in the 2024 funding round (applications are due March 11). Application modifications include deleting a connector trail on Town of Middletown property between Atkins Street and the Mattabesett Trail at Lamentation Mountain, trail improvements to Stantack Road right of way in Middletown, a footpath along Atkins Road and a parking area on Atkins Street in Middletown, repaving less cart path area, and adding universal design improvements.

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 that was recently designated as a National Park.

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 additional making improvements including bog bridges on the Mattabesett Trail that in Berlin and Middletown, 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, and parking improvements in Middletown for Pistol Creek.

The estimated project cost for the Berlin portion of the Lamentation Mountain/Pistol Creek grant application is \$250,000 and a 20% local match is required (\$50,000). After prior discussions with the Town Council about the source of matching funds for this grant, staff proposes taking the Town's \$50,000 match from the fee in lieu of open space account #516.10.1014.0.54000.01606.

Funding:

The Town's \$50,000 match would be taken from the fee in lieu of open space account #516.10.1014.0.54000.01606.

Action

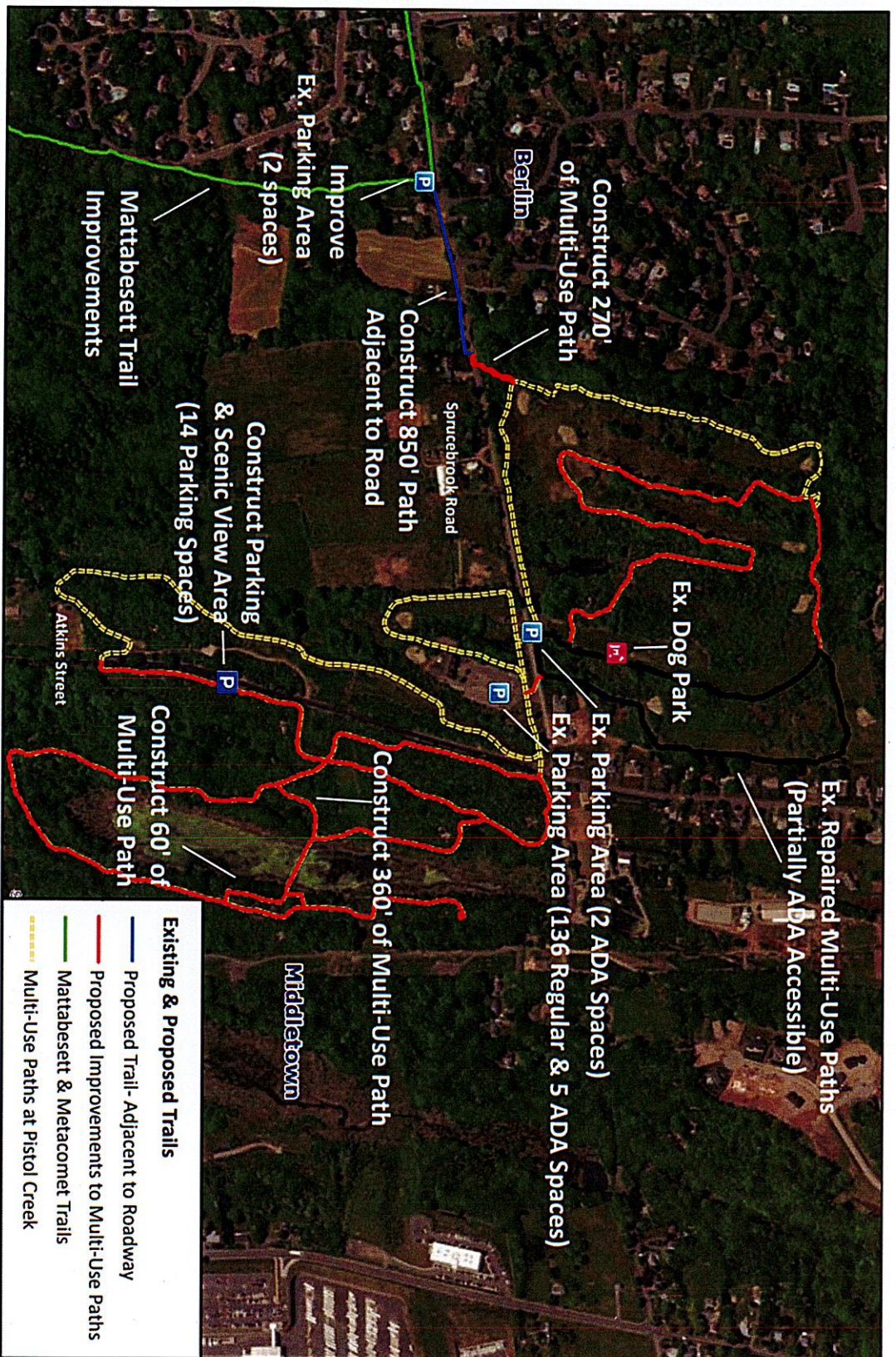
Move to authorize the Town Manager to participate in a grant application to be submitted by the Town of Middletown for the Lamentation Mountain/Pistol Creek Area for a Recreational Trails grant that will include improvements in Berlin at an estimated cost of \$250,000 and that the Town contribute \$50,000 in cash match for the Berlin portion of the project from the fee in lieu of open space account.

Attachments:

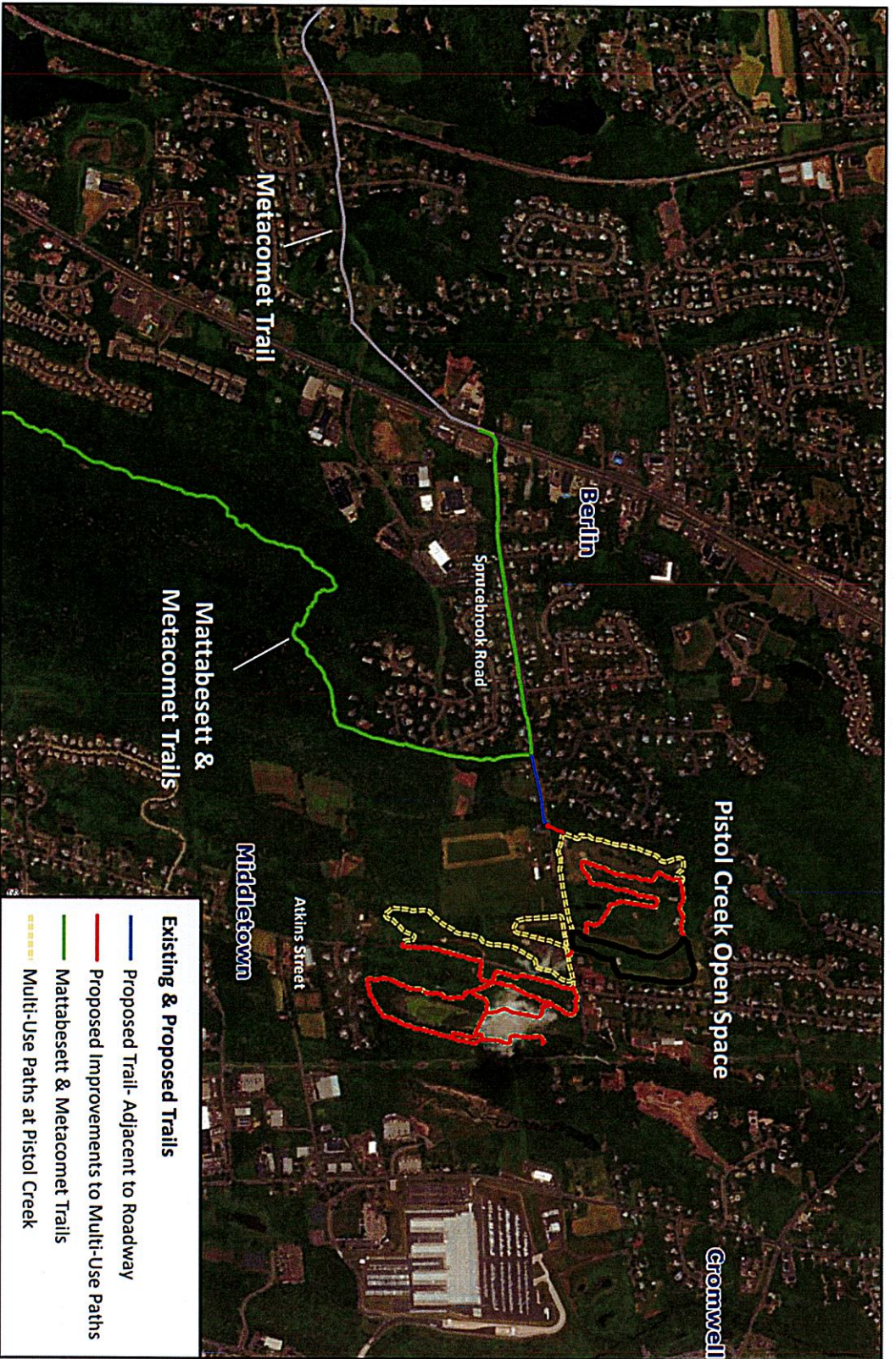
1. Overall project map for Lamentation Mountain/Pistol Creek area.
2. Project Map #2.
3. Spruce Brook Road footpath map.
4. Notice of public meeting held by the Conservation Commission on February 20, 2024.
5. Sufficiency of funds.

Prepared By:

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



Comprehensive Plan:
Multi-Use Trails @ Pistol Creek & Mattabesett Trail Connections
 2024 DEEP Connecticut Recreational Trails Grant Application
 The City of Middletown & The Town of Berlin, Connecticut
 February 2024



Overall Trail Connectivity Plan
Multi-Use Trails @ Pistol Creek & Mattabesett Trail Connections
 2024 DEEP Connecticut Recreational Trails Grant Application
 The City of Middletown & The Town of Berlin, Connecticut
 February 2024





Town of Berlin

Planning and Zoning Department

240 Kensington Road
Berlin, Connecticut 06037
www.town.berlin.ct.us

Planning and Zoning Commission
Zoning Board of Appeals
Conservation Commission
Historic District Commission

CONSERVATION COMMISSION

Special Meeting NOTICE and AGENDA

TUESDAY FEBRUARY 20, 2024 6:00 p.m.

The Town of Berlin, Conservation Commission will hold a special meeting on Tuesday February 20, 2024 at 6:00 p.m. This meeting will be held in person in the Engineering Room 120, 240 Kensington Road, Berlin, CT or remotely by video or telephone as provided below.

Join Zoom Meeting

<https://berlinct.gov.zoom/j/86953064039?pwd=VWpoTmVSeUtiVDhNlICzd5NndHUT09>

Meeting ID: 869 5306 4039 Passcode: PZ100

Join by Telephone US - 1-305-224-1968 Meeting ID: 869 53064039 Passcode: 564603

CALL TO ORDER

Election of Officers

AUDIENCE OF CITIZENS

APPROVAL OF MINUTES: January 9, 2024

I. Public Comment Session

Regarding Connecticut Department of Energy and Environmental Protection Recreational Trails Grant application of the City of Middletown and Town of Berlin to improve and enhance the former Pistol Creek golf course and the Lamentation Mountain hiking and open space area that is traversed by Mattabesett Trail/New England National Scenic Trail. (additional information attached).

II. USE OF TOWN LANDS

- Hatchery Brook Conservation Area – Ct Cycling Advancement Program (CCAP) - BHS Riding Red Coats Bike Race
Annual event proposed for Saturday, June 1, 2024, rain date June 2, 2024
- The Aquatic Invasive Species Control Grant Application for Silver Lake was submitted
- Discussion: Interest in obtaining trail access with State of Connecticut parcels to the east of Blue Hill Conservation area and west of Silver Lake.
- Hatchery Brook Community Garden

PZC APPLICATION COMMENTS

I. Site Plan Application

401 Berlin Street

John Gagas

Stan Chem

II. Site plan Application

127 New Park Road

Kevin Budney Lifetime Trust

COMMISSIONER COMMENTS

COMMUNICATION

ADJOURNMENT

PLEASE EMAIL, MARLO MATASSA, MMATASSA@TOWN.BERLIN.CT.US - IF YOU ARE UNABLE TO ATTEND THE MEETING

Maureen K. Giusti, AICP, Town Planner, 860-828-7060, mgusti@berlinct.gov

Alexa Gorlick, Assistant Town Planner, 860-828-7186, agorlick@berlinct.gov

Paul Morbidelli, Zoning Enforcement Officer, 860-828-7008, pmorbidelli@berlinct.gov

Ashley Castellani, Land Use Administrator, 860-828-7066, acastellani@berlinct.gov



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE 13-Feb-24

Purchase Item or Contract: Recreational Trails Grant Local Match		Requested by: Jim Mahoney	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	Recreational Trails Grant Local Match	\$50,000.00	\$50,000.00
			\$0.00
			-
			-
			-
			-
TOTAL			\$50,000.00

Account No. 516.10.1014.0.54000.01606 Fee in lieu of open space


Budgeted Amount.....	\$58,652.77	Available balance.....	\$57,402.77
Encumbrances to Date.....	\$1,044.03	Amount Needed for This Package.....	\$50,000.00
Expenditures to Date.....	\$205.97	Available Balance After Purchase.....	\$7,402.77

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

Agenda Item No. 10
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: February 12, 2024

SUBJECT: Authorization for the Town Manager to Apply for and Enter Into Brownfields Grant Agreements Related to the 55 Steele Boulevard/889 Farmington Avenue Property and to Appropriate the Grant and to Authorize the Matching Funds, and to Enter into a Seventh Amendment to the 55 Steele Boulevard Purchase Agreement with Newport Realty Group LLC

Summary of Agenda Item:

The State of Connecticut issued a request for applications for the Municipal Brownfields grant program. Applications are due March 1. The Berlin 889 Farmington Avenue/55 Steele Boulevard Engineered Control project is being undertaken to remediate a site adjacent to the Berlin Train Station that the Town acquired by foreclosure. This site is part of the larger Steele Center TOD redevelopment being undertaken by Newport Realty Group LLC on sites adjacent to the Berlin Train Station. This project is being done in coordination with Newport Realty Group as it installs foundations and utilities for its future 50-unit residential building on the site. The units may be leased or sold. When the remediation project is done, the site will be transferred to Newport for the development of 50 residential units. Due to design changes including due to unsuitable materials discovered through excavations, the cost of the project has increased, and the contingency funds will be depleted. Geopiers need to be added to support the buildings (estimate cost for geopiers is \$160,000, including a 10% contingency). There are \$410,000 in projected added project costs, \$160,000 for the geopiers, \$155,125 to restore the construction contingency to the original \$172,000 amount, \$50,000 for added environmental consulting costs related to project design changes, and \$44,875 in added contingency. The State will also be expecting the Town to contribute toward the added project costs. Staff recommends that the Town provide a local match of \$50,000 and apply for a Municipal Brownfields Grant in the amount of \$360,000 for the project. In this Brownfields Grant funding round, an additional requirement has been added that at least 20% of residential units be affordable to households with income at 80% or less of the area median. The Town's Purchase Agreement for the property with Newport Realty Group, LLC will need to be amended to add that Newport will provide these affordable units. The Town's proposed contribution of \$50,000 is proposed to be taken from the Farmington Ave Non-Grant, account # 504.10.1017.0.54000.01624.

Environmental remediation projects are challenging. In this case, it requires cooperation between multiple parties, the State, Town, and Newport realty Group LLC. The Town of Berlin is fortunate to have Newport Realty Group LLC as its partner in this endeavor. Newport has demonstrated its commitment to overcome challenges to finish the Steele Center project that was recently

recognized by the Connecticut Home Builders Associations as the TOD Project of the Year. Newport has already completed a significant portion of the Steele Center project, including the construction of mixed-use buildings at 9 and 10 Steele Boulevard with 14,000 square feet of commercial space and 30 apartments. At this date there is only one vacancy in the first-floor commercial space (that vacancy is at the recently completed 10 Steele Boulevard). Newport also completed and tenanted a project involving the renovation of 861 Farmington Avenue, it has signed a lease and commenced construction of 29 Steele Boulevard and it acquired the mixed-use Newport Center property (848 Farmington Avenue) and filled all the long vacant first floor commercial space.

Funding:

The Town's \$50,000 match would be taken from the Farmington Ave Non-Grant account, subject to Board of Finance approval of a non-budgeted appropriation transfer for this purpose. Newport Realty Group, LLC will contribute by agreeing to provide 20% of the units as affordable to households with family income equal to or less than 80% of the area median.

Action

Move to approve the attached resolution to authorize the Town Manager to apply to the CT DECD for a \$360,000 additional municipal brownfields grant for the 889 Farmington Avenue and, if a grant is offered, to accept the grant, execute a grant proposal, grant agreement and other documents as necessary to secure and carry out the purposes of the grant and to appropriate the grant of up to the amount awarded to the Municipal Brownfields grant account for 889 Farmington Avenue, subject to approval of Corporation Counsel and to appropriate said funds to the Municipal Brownfields Grant account and to refer the appropriation to the Board of Finance.

Move to authorize the Town Manager to enter the seventh amendment to Purchase Agreement with Newport Realty Group LLC to provide that 20% of the units at 55 Steele Boulevard be affordable to households with family income equal to or less than 80% of the area median, for a duration of at least 40m years, subject to review and approval of Corporation Counsel.

Move to approve a \$50,000 Town match for the supplemental Municipal Brownfields grant for 55 Steele Boulevard from the Farmington Ave Development non-grant account (\$50,000), subject to Board of Finance approval of a non-budgeted appropriation transfer for this purpose.

Attachments:

Authorizing resolution.

Prepared By:

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

CC

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
STATE OF CONNECTICUT
(AN EQUAL OPPORTUNITY EMPLOYER)
CERTIFIED RESOLUTION OF THE GOVERNING BODY

I, _____, _____, certify that below is a true and correct copy of a

(Name of Official)

(Title of Official)

resolution duly adopted by _____

(Name of the Applicant)

at a meeting of its _____

(Governing Body)

duly convened on _____ and which has not been rescinded or modified in

(Meeting Date)

any way whatsoever and is at present in full force and effect.

(Date)

(Signature and Title of Official)

SEAL

WHEREAS, pursuant to Connecticut General Statutes ("C.G.S.") Sec. 32-763 (for Brownfield Grant) the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest

that the Town of Berlin make an application to the State for a supplemental grant of \$394,278 in order to undertake the 889 Farmington Avenue/55 Steele Boulevard Municipal Brownfields Project per the Town's Grant Application and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BERLIN TOWN COUNCIL

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Connecticut General Statutes ("C.G.S.") Sec. 32-763 (for Brownfield Grants),
2. That the filing of an application for State financial assistance by THE TOWN OF BERLIN in an amount not to exceed \$360,000 is hereby approved and that Aroscha Jayawickrema, Town Manager, is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of THE TOWN OF BERLIN.



Please return application to:

Town Clerk's Office - Room 107 - 240 Kensington Road - Berlin, CT 06037

TOWN OF BERLIN

Application for Appointments to Boards and Commissions

I, the undersigned am interested in community service and provide this information for the use of the Town Council in considering my qualifications for appointments to a Town board or commission.

Please list your Board/Commission preference below:

1. VNA Board 2. Youth Services

****NOTE:** If applying for the **GOLF COURSE COMMISSION**, please list any current golf club membership below (Men's Club, Ladies' Club, Lady Niners Club, Senior Men's Club) or Non-Golfer:

Name: Cyndi McKinnon

Telephone No.: 860-798-0039

Home Address: 46 Deerfield Dr
(Note: To apply, you must be a Registered Voter in Berlin)

Number of years in Berlin: 30

Email Address: McKinnonc@comcast.net

Are you a Registered Voter? yes
(Note: To apply, you must be a Registered Voter in Berlin)

Party Affiliation: Democrat

RN/BSN, BA, Master Health Admin
Educational Background (optional)

Hartford Healthcare - Hospital Central CT
Present Employment (company/position/address)

Current and Past Civic/Community Involvement: VNA Board, Youth Service Board,
Kensington Under Club, many sports coaching

Tell us why you feel qualified for this appointment: RN/ Home care nurse
(past); youth involvement past/present

Can you think of any reason that a conflict of interest could arise if you were appointed? NO

Signature: Cyndi McKinnon Date: 2/12/2024

1. We encourage you to attend meetings of any board or commission that you are interested in joining and request information about the specific duties and responsibilities involved.
2. The information that you provide will be used by the Town Council in making appointments and may be used in news releases if you are appointed.
3. If you have additional information that you want to provide, please attach extra pages.
4. If appointed, please remember the importance of attending the meetings. By Charter, the Town Council may remove a board member if three consecutive meetings are missed without justifiable cause. The Council shall make final determination as to what constitutes justifiable cause in considering such removal.

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2024 FEB 12 PM 3:44

Katrina Givens

BERLIN, CT

Join Zoom Meeting

<https://berlinct-gov.zoom.us/j/83310096756?pwd=bBFibH57RaeqDaGwOctpoaBMDFFv4N.1>

Meeting ID: 833 1009 6756

Passcode: 027380

+1-301-715-8592 (Washington DC)

**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, February 6, 2024
Town Council Chambers (in person)
Remote Meeting
7:00 P.M.**

A. CALL TO ORDER:

Mayor Kaczynski called the Town Council meeting to order at 7:01 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Those in attendance were:

Councilor Kate Atkinson
Councilor Sandra Coppola
Mayor Mark Kaczynski
Councilor Charles Paonessa
Councilor Mark Pruzin
Councilor Peter Rosso
Councilor Donna Veach

Also in attendance:

Town Manager Aroscha Jayawickrema
Corporation Counsel Jeffrey Donofrio

Add Agenda Item #1a

Councilor Paonessa made a motion to add agenda item #1a – Discussion on West Lane Cemetery.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

D. AUDIENCE OF CITIZENS:

None

E. MAYOR'S UPDATE:

Mayor Kaczynski stated read the following Proclamation for Black History Month.

PROCLAMATION
In Recognition of
BLACK HISTORY MONTH

Whereas: During Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and

Whereas: Black History Month grew out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

Whereas: the observance of Black History Month calls our attention to continue to battle racism and build a society that lives up its democratic ideals; and

Whereas: the Town of Berlin continues to be an inclusive community in which all citizens are respected and recognized for their contributions to our community and country; and

Whereas: to honor Dr. Martin Luther King, Jr. for his work for equal rights and as the most important voice of the American Civil Rights Movement for which he was awarded the Noble Peace Prize in 1964; and

Whereas: the Town of Berlin is proud to honor the history and contributions of African Americans in our community, throughout the state, and our nation.

NOW, THEREFORE, BE IT RESOLVED, that I, Mark H. Kaczynski, Mayor of the Town of Berlin, Connecticut does officially recognize February 2024 as **BLACK HISTORY MONTH**

Dated this 6th day of February 2024 at Berlin, Connecticut
Mark H. Kaczynski, Mayor

Mayor Kaczynski shared news that Water Control Commission member Barry Fairwood passed away unexpectedly yesterday. The Mayor and Town Council send their condolences to Mr. Fairwood's family.

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

G. CONSENT AGENDA:

1. Topic re: Approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the Berlin High School Music and Theater Department Jazz with Pizzazz event. Total value of the donation is \$242. – Golf Course
2. Topic re: Approve the donation of a round of golf for four and two carts to be used as a raffle prize/silent auction item during the St. Paul School Garden Gala. Total value of the donation is \$242. – Golf Course

3. **Topic re: accept the Timberlin Golf Course Men's Club donation of \$1300 towards the repair of the 1998 EZ GO cart known as the Goosenator. – Golf Course**
4. **Topic re: Accept donations to the Berlin Animal Control Donation Account for \$ 350.00 for Animal Care and supplies & Vet fees valued at \$ 322 .00. - Animal Control**
5. **Topic re: Accept the donations of \$125 and appropriate the funds to the Supplies Expenditure Account. – Police Department**
6. **Topic re: Accept the donation of \$100.00 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**
7. **Topic re: Approve the appointments of PZC Commissioner Timothy Zigmont to the Regional Planning Commission and Alternate PZC Commission member John Diakun as alternate to the Regional Planning Commission. – Planning and Zoning Commission**

Councilor Paonessa moved to accept the Consent Agenda as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

H. NEW BUSINESS:

1a. Discussion on West Lane Cemetery. – Mayor Kaczynski

Michael Munson of 658 Edgewood Road stated that West Lane Cemetery is out of money, they cannot pay their insurance, and they do not have any more open area to sell however there are a few plots available for sale. The cemetery has been run by his family for many years and the current active West Lane Cemetery Association consists only of his aunt, uncle, and himself. Mr. Munson added that he and his family are willing to continue to run the cemetery they just need a little financial assistance.

Many of the plots were sold in the 1970s for \$100 apiece and the Association has worked off the interest of that money. Over the years the cemetery would reach out to the Majorie Moore Fund for assistance as she is buried there, however now that the fund is managed by Bank of America, they want a sign posted stating that the bank is funding the cemetery which does not seem appropriate.

Mayor Kaczynski requested that Corporation Counsel Donofrio speak on State Statutes that govern municipalities taking over public cemeteries.

Corporation Counsel Donofrio stated that this statute allows municipalities, under specific circumstances, to take over abandoned cemeteries which are cemeteries with no burials in the previous forty years and the graves have not been maintained in the last ten years. Therefore, West Lane Cemetery does not qualify as abandoned.

The Town's Charter does not address taking over a privately owned cemetery and there is nothing in the Municipal Powers Act that fits this situation. Corporation Counsel Donofrio added that if the

Town were to consider acquiring the property it would require an 8-24 review from Planning and Zoning Commission. Liabilities would also need to be considered to determine what the Town would be taking on.

Mr. Munson stated that he has researched that they could dissolve the Association and turn the records over to the Town and at that point the Town could deem it an historical site as there are Civil War veterans buried there and not allow anymore burials there, however there are still lots that are bought and paid for which should continue to be available to the owners.

Councilor Veach inquired if the Town's Cemetery Committee could assist with maintenance and upkeep of West Lane Cemetery. Corporation Counsel stated that it is a private cemetery and Cemetery Committee liaison Kate Wall stated that the committee takes care of town owned cemeteries and they have a budget for that. They also rely on the Town's Public Grounds department for the maintenance equipment needed.

Councilor Veach suggested that possibly the Marjorie Moore Fund would be willing to provide a grant to assist with the current insurance expense and possibly a small plaque at the cemetery would be sufficient for the bank. She added that possibly the Berlin Historical Society would be able to help considering Marjorie Moore is buried there, or possibly obtaining a contribution from the Berlin Lions. Councilor Veach added that she would be willing to work with Mr. Munson on those options. Corporation Counsel Donofrio added that there are possibly Federal and State grant opportunities also available.

NO ACTION NEEDED

1. Topic re: Presentation of the Central Connecticut Health District Annual Report. – CCHD

Town Manager Jayawickrema introduced Central Connecticut Health District (CCHD) Director of Health Charles Brown who will be presenting the District's Annual Report.

Mr. Brown introduced Berlin's CCHD members Dr. Patrica Checko and Cynthia Mitchell who were in attendance to support the presentation, as well as Lecia Paonessa who was unable to attend tonight's meeting.

Mr. Brown stated that the CCHD was founded in 1996 and is one of 20 regional public health departments in Connecticut and serves Berlin, Newington, Rocky Hill, and Wethersfield with a combined population of over 98,000 residents.

The CCHD Central office is located at 2030 Silas Deane Highway in Rocky Hill and has 15 full-time employees and over 50 active professional and lay volunteers. Oversight is provided by a 14-member Board of Health appointed by the member towns.

The CCHD revenues for 2022-2023 are fairly balanced between Town Contributions at \$7.00 per capita, Program Revenues which include licensing fees and fees from insurance companies, and Federal, State, and other Grants. Expenditures for 2022-2023 are made up of Salaries, Employee Benefits, Professional Services, and Program/Operating expenses.

Mr. Brown explained that public health's primary focus is looking at the population as a whole. They assess, develop policies, and assure that those policies are carried out. While health care for individuals looks at the management of patient care, public health looks at the environment and human behavior. The goal is to maintain a healthy community. While traditionally the ten essential public health services centered around research, they now center on equity being the hub of all that they do when assessing, developing policies, and providing assurance.

Through grants made available due to Covid the CCHD was able to bring on epidemiologist Christine Gacek who provides weekly reports to town managers and school superintendents providing data to aid in decision making. Items that are studied include influenza and Covid-19 surveillance.

Data surveillance becomes important for not only respiratory viruses, but for STIs, opioids, and mental health issues. Food borne illness and tick-borne illnesses are also studied and the epidemiologist works with school nurse supervisors and regional and state-wide local epidemiologists.

The CCHD Environmental Health Division provides over 1,500 inspections annually. Also providing plan reviews, permits and inspections for septic systems and water supply wells, and responding to 223 complaints working with state agencies as well as local town's Social Services to address complex issues such as hoarding and housing complaints.

The CCHD Community Health Division works on prevention in a variety of ways including a Preventative Health Block Grant that was received from the State which deals with chronic disease prevention and prevention through health promotion like the four-town walking competition.

Programs and services offered by the District include vaccination programs such as the flu clinics held each October and Covid vaccination clinics, as well as asthma education and home visits. The flu clinics also provide revenue to the agency by billing insurance for vaccinations.

The new Clinical Health Services located at 506 Cromwell Avenue in Rocky Hill provides flu shots via mass clinics and also offers individual appointments for a variety of immunizations. Testing and screenings for hepatitis C and blood pressure as well as rapid PCR Covid testing are available. CommunityCTWiz, the State's immunization registry, offers educational classes to assure access to vaccination information.

CCHD has been the convener of local response agencies for our towns in the opioid crisis and currently they have workgroups addressing prevention, response, and recovery. They have been awarded an additional grant to work regionally with other local health departments to assist persons suffering from addiction.

In preparation for the future a Strategic Plan was recently adopted which is good through 2028. As part of that a Community Health Assessment which will be used to help with their Community Improvement Plan, assisting the District with how they approach improving the health of the communities they serve.

Mr. Brown thanked the Town of Berlin for their continued support of the Central Connecticut Health District.

NO ACTION NEEDED

2. Topic re: Approve the 2024 Timberlin Golf Course Rates. – Golf Course

Director of Golf Sol Guerrero stated that at the recent Golf Course Commission meeting the Commission recommended to keep the golf course rates the same for another year. The Commission along with Finance developed a budget to reflect that and to meet the requirements of the Golf Course Commission ordinance where revenue must equal expenses. Mr. Guerrero added that the course has been hitting a nice revenue trend for the past few years.

Councilor Paonessa moved to approve the 2024 Timberlin Golf Course Rates.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

3. Topic re: Adopt the 2024 Town of Berlin fee schedule and allow amendments to the fee schedule to include updated Regional Health District and any Statutory-based fees, if necessary. – Finance

Finance Director Kevin Delaney stated that this is the annual process at the start of the budget to establish the Town's fee schedule for the year. Several fees are statutorily based which are imbedded throughout various departments on the schedule, the Central Connecticut Health District (CCHD) determines their fees which are also a part of the schedule, and there are local rates which are developed with input from department managers in consultation with their respective commissions where applicable and with consideration of cost changes and current economic conditions.

Mr. Delaney added that the 2024 Fee Schedule was given to the Town Council in their agenda packets and noted that any fee changes were highlighted in yellow. There were no new fees proposed from any Town departments, however the CCHD fees have been updated based on changes they implemented on July 1, 2023, the Senior Center is requesting to increase fees for new non-resident memberships, there are a few minor increases in Parks and Recreation fees which include minimum wage increases, and the Water Control Commission has requested to update their permit and connection charges which have not been done in a few years.

This item also requests amendments be allowed to include updated CCHD and statutory-based fees if necessary.

Councilor Paonessa moved to adopt the 2024 Town of Berlin fee schedule and allow amendments to the fee schedule to include updated Regional Health District and any Statutory-based fees, if necessary.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

4. **Topic re: Approve the attached resolution to authorize the Town Manager to apply to the CT DECD for a \$200,000 additional municipal brownfields grant for the 889 Farmington Avenue and, if a grant is offered, to accept the grant, execute a grant proposal, grant agreement and other documents as necessary to secure and carry out the purposes of the grant and to appropriate the grant of up to the amount awarded to the Municipal Brownfields grant account for 889 Farmington Avenue, subject to approval of Corporation Counsel and to appropriate said funds to the Municipal Brownfields Grant account and to refer the appropriation to the Board of Finance. Also, to authorize the Town Manager to enter into a shared cost agreement with Newport Realty Group LLC to provide that it will install the geopiers at 55 Steele Boulevard as needed to support the planned buildings, subject to review and approval of Corporation Counsel. Also, to approve a \$50,000 Town match for the supplemental Municipal Brownfields grant for 55 Steele Boulevard from the Farmington Ave Development non-grant account (\$50,000), subject to Board of Finance approval of a non-budgeted appropriation transfer for this purpose. – Economic Development**

Town Manager Jayawickrema requested that this item be tabled as the DECD released new requirements that need to be incorporated into the proposal. It will be brought to the next Town Council meeting.

ITEM TABLED

5. **Topic re: Approve the waiver of the town's purchasing requirements for Environmental Services Inc. (ESI) to mitigate firefighting foam for an amount not exceed \$30,000, since this is in the best interest of the town. All funds will be reimbursed by the State of Connecticut. – Fire Administrator**

Fire Administrator Jim Simons explained that firefighting foam containing PFAS chemicals was previously used and stored in tanks on five of the town's firetrucks. Following guidance from the State of Connecticut's Fire Administrator and Department of Energy and Environmental Protection (DEEP), the Town of Berlin sealed these tanks so that an accidental leakage would not occur. At that time there was no State plan to remove, decontaminate and dispose of this foam.

The State has since developed a plan to mitigate the foam and reimburse towns for the expense. There is approximately 200 gallons of this foam on the five trucks. Environmental Services, Inc is on the DEEP's preferred vendor list to mitigate and dispose of hazardous chemicals. Funds from the Vehicle Reserve fund will be used and then reimbursed by the State.

Councilor Paonessa moved to approve the waiver of the town's purchasing requirements for Environmental Services Inc. (ESI) to mitigate firefighting foam for an amount not exceed \$30,000, since this is in the best interest of the town. All funds will be reimbursed by the State of Connecticut.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

6. **Topic re: Approve a transfer of \$16,200 from the Development Services Clerical Personnel account to the Development Services Contractual Services account, both in the General Fund, pending approval by the Board of Finance and to waive the Town's purchasing guidelines and**

authorize the Town Manager to hire Planimetrics for consulting work in support of the settlement plan of Little House Living LLC, since this is in the best interest of the town. – Planning and Zoning

Town Planner Maureen Giusti stated that the Planning and Zoning Commission (PZC) has pending litigation regarding denial of the application of Little House Living LLC for a multi-family development at 1676 Berlin Turnpike. Affordable Housing applications were then submitted pursuant to CGS §8-30g after the denial.

The PZC engaged a planning consultant, at the applicant's expense, for third party technical assistance for review of the 8-30g applications. During the review of the applications the Commission, along with staff and Corporation Counsel simultaneously worked on a settlement relating to the pending litigation. The professional services provided by the consultant, Planimetrics, evolved into analysis and assistance with a settlement plan.

The consultant settlement services are separate from the third-party review and are not subject to payment by the applicant. Therefore, consultant services fees of \$16,200 are due to Planimetrics for PZC assistance relating to the settlement plan of Little House Living LLC. The settlement plan was approved by the PZC at its December 20, 2023 special meeting and is currently subject to court review.

With recent department vacancies in the Planning and Zoning office there are unencumbered funds available in the Development Services Clerical Personal account to cover these expenses.

Councilor Paonessa moved to approve a transfer of \$16,200 from the Development Services Clerical Personnel account to the Development Services Contractual Services account, both in the General Fund, pending approval by the Board of Finance.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to waive the Town's purchasing guidelines and authorize the Town Manager to hire Planimetrics for consulting work in support of the settlement plan of Little House Living LLC, since this is in the best interest of the town.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

7. Topic re: Report out on responses concerning questions raised from Tax Sale at 0 Christian Lane. - Corporation Counsel

Town Manager Jayawickrema stated that this item is continued discussion from the previous Town Council Meeting.

Corporation Counsel Donofrio stated that the questions transmitted to Attorney Adam Cohen regarding the tax sale of 0 Christian Lane were straight forward and his answers were quite clear.

Attorney Cohen stated that the tax sale in question was not conducted by the Town but by the Kensington Fire District.

Councilor Paonessa stated that he does not believe that is true.

It was agreed that this item also pertains to agenda item #8 so discussion will continue there.

NO ACTION NEEDED

8. Topic re: Discussion only concerning 0 Christian Lane property and related tax sale timeline. - Town Manager

Discussion continued from item #7.

Corporation Counsel Donofrio confirmed that Attorney Adam Cohen takes direction from the Town Revenue Collector as they have statutory jurisdiction as to when to conduct a tax sale but that is in general and not specific to this situation.

Councilor Paonessa stated that what he takes issue with is that a tax sale was conducted by the Town, but it was not advertised. He added that in the emails submitted to him there is a negotiation between the Town Manager, the Revenue Collector, and Mr. O'Mahony with Attorney Cohen involved.

Councilor Paonessa added that when he inquired about the sale with the Town Revenue Collector, he was told to submit an FOI request for that information. And when Councilor Paonessa spoke with the Town Manager about the sale, he was told that he was not aware of any sale yet emails show that negotiations were being made at that time.

Councilor Paonessa stated that the Town's Ethics Policy is very clear that no one should be given an unfair advantage, and he believes that setting a price in advance with one bidder would be giving that person an advantage.

Councilor Atkinson stated that because the Kensington Fire District was conducting the tax sale that the Town of Berlin then became a junior lien holder and they do have the right to negotiate that debt with the potential purchaser without notice to the public. Corporation Counsel Donofrio agreed that was correct.

Councilor Paonessa explained that Economic Development Director Chris Edge expressed to the Town Council that an RFP on the property was going to be put out to solicit ideas for the property as a large amount of back taxes were owed. However, the Town did not own the property it was still owned by the family. Three businesses, including Councilor Paonessa's company, were interested in purchasing the property however, the Economic Development Commission told them to not approach the owner as it was going out for an RFP to have an environmental study done.

For over a year the three businesses waited to hear the status of the RFP until Mr. Edge called Councilor Paonessa 24 hours before the tax sale auction was scheduled to be held in Bridgeport to inquire if he was still interested in purchasing it. Councilor Paonessa attended the auction and bid on the property however there was someone submitting bids on the phone which he believed was Mr.

O'Mahony. Councilor Paonessa stated that he bid more than Mr. O'Mahony for the property based on the Kensington Fire District taxes owed but was told by Attorney Cohen that Mr. O'Mahony won that bid and they would move on to the Town of Berlin's auction. Councilor Paonessa questioned how that could be held if no notice was given. He added that the other two businesses that were originally also interested in the property had no knowledge of this tax sale occurring in Bridgeport.

In the end the property owners redeemed the property, and it did not transfer. The Town and the Fire District collected the taxes they were due from the property owner. Councilor Paonessa stated that he believes the Town should no longer use Attorney Cohen and should no longer use the tax sale procedure because it can lead to abuses as this has shown.

Corporation Counsel Donofrio stated that to change from a local tax sale to a judicial tax sale the first thing to do would be to determine how many accounts are placed for foreclosure in a typical year. In the judicial foreclosure process all fees incurred by a town are recovered through the foreclosure sale.

Town Manager Jayawickrema stated that Revenue Collector Deb Swan has done an excellent job which is proven with a tax collection rate of over 99%, and that nine out of ten times when a tax sale is scheduled to be held the taxpayer comes through with the tax payment adding to that high collection rate. He stated that the Town should not move too quickly to stop tax sales for this reason.

Mayor Kaczynski questioned how the average person would know that the Town tax sale was also being held if only the Kensington Fire District tax sale was advertised.

Town Manager Jayawickrema suggested having Attorney Cohen at a future Town Council meeting to provide his point of view on the sale in his own words. Councilor Paonessa suggested having the Revenue Collector also attend.

The Town Manager went over the chronological order of the emails that were provided to the Town Council to confirm the order of events and discussions in those emails.

Corporation Counsel Donofrio stated that the one thing about this practice to look closer at is the idea of negotiating. The statutory debt is principal and interest and in the context of the sale of a lien a municipality through its' legislative body has jurisdiction by statute to negotiate whatever that amount is going to be. In the context of a judicial tax foreclosure or tax sale the municipality should be seeking a bid of at least the taxes' principal and interest. A judicial tax foreclosure also requires at least two appraisals, one by the foreclosing plaintiff and one by the Committee. He added that the tax sale is a very effective mechanism to collect taxes as has been proved by the Revenue Collector's collection rate.

Town Manager Jayawickrema stated that Councilor Paonessa had claimed that there were emails between both the Town Manager and Revenue Collector with the other bidder. Upon examination of those emails presented to the Town Council it was determined that there were no emails. Councilor Paonessa apologized to the Town Manager and stated that he misinterpreted the information he read in the emails.

Town Manager Jayawickrema added that he takes offense that Councilor Paonessa has implied that secret deals were being made and there was wrongdoing by the Town. Councilor Paonessa stated that the emails showed that Town staff was involved in negotiating with the bidder and the Town Manager knew that a deal was being made.

There was discussion regarding the discounting of debt and who was responsible for making that decision. Corporation Counsel Donofrio stated that there could be several very good reasons why the Town would discount the debt including environmental contamination, a long history of unsuccessful tax sales, or low appraisal. His only concern is who makes that decision because there is not one town that he has every worked for that allows the attorney or tax collector unilaterally make that decision.

It was decided that Attorney Cohen would be asked to attend a future Town Council meeting to discuss this matter.

NO ACTION NEEDED

I. APPOINTMENTS:

- 1. Berlin-Peck Memorial Library Board – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U.

Councilor Paonessa placed in nomination the name of Katharine Shaskus (D) of 19 Cross Creek Drive for appointment to the Berlin-Peck Memorial Library Board.

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 Katharine Shaskus (D) to serve on the Berlin-Peck Memorial Library Board. Term ending January 31, 2027.

- 2. Berlin-Peck Memorial Library Board – Lilian Ulan (U)** term expires January 31, 2024. Replacement term would be until January 31, 2027. Can be filled with a D, R or U.

Councilor Paonessa placed in nomination the name of Derrik Bosse (U) of 606 Toll Gate Road for appointment to the Berlin-Peck Memorial Library Board.

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 Derrik Bosse (U) to serve on the Berlin-Peck Memorial Library Board. Term ending January 31, 2027.

- 3. Board of Ethics – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a R or U.

Councilor Paonessa placed in nomination the name of Nick Nesci (R) of 104 Brooke Meadow Road for appointment to the Board of Ethics - Alternate.

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 Nick Nesci (R) to serve on the Board of Ethics - Alternate. Term ending January 31, 2026.

4. **Cemetery Committee – Vacancy** – Edward Hornkohl, Jr. has resigned. Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
5. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U.
6. **Conservation Commission – Vacancy – Alternate** – Term would be until January 31, 2026. Can be filled with a D, R or U (Depending on the above appointment).
7. **Constables – 5 Vacancies** – Terms would be until December 2025. Can be filled with R, D or U with no more than a bare majority to be from one political party (Section 8-6).
8. **Golf Course Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U and must be a non-golfer (per ordinance).
9. **Inland Wetlands & Water Courses Commission – Vacancy – Alternate** - Replacement would be until January 31, 2026. Can be filled with a D, R or U.
10. **Inland Wetlands & Water Courses Commission – Vacancy – Alternate** - Replacement would be until January 31, 2026. Can be filled with a D, R or U. (Depending on the above appointment).
11. **Mattabassett District – Vacancy** – Replacement term would be until September 1, 2026. Can be filled with a D, R or U.
12. **Parks and Recreation Commission – Vacancy** – Replacement would be until January 31, 2027. Can be filled with a D, R or U.
13. **Plainville Area Cable Television Advisory Council (PACTAC) – 2 Vacancies** – New terms would be until June 30, 2025. Can be filled with a D, R or U. There are only two members from Berlin for this board.
14. **Public Building Commission – Vacancy** – Replacement term would be until January 31, 2029. Can be filled with a D, R or U.

15. **Veterans' Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U (depending on the above appointment).
16. **Veterans' Commission** – Adam Revoir (U) term expires on January 31, 2024. Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
17. **VNA – Vacancy** –Replacement would be until January 31, 2026. Can be filled with a D, R or U.
18. **VNA – Vacancy** –Replacement would be until January 31, 2026. Can be filled with a D, R or U.
19. **VNA – Vacancy** –Replacement would be until January 31, 2027. Can be filled with a D, R or U.
20. **VNA –Vacancy** - Replacement would be until January 31, 2027. Can be filled with a D, R or U.
21. **VNA –Vacancy** - Replacement would be until January 31, 2027. Can be filled with a D, R or U.
22. **VNA –Vacancy** - Replacement would be until January 31, 2027. Can be filled with a D, R or U.
23. **Water Control Commission – Alternate - Vacancy** -Term would be until January 31, 2026. Can be filled with a D, R or U.
24. **Water Control Commission – Alternate – Vacancy** – Term would be until January 31, 2026. Can be filled with a D, R or U.
25. **Water Control Commission – Alternate – Vacancy** –Term would be until January 31, 2027. Can be filled with a D, R or U (Depending on the above two appointments).
26. **Youth Services Advisory Board** – Cyndi McKinnon (Service Consumer) term expires January 31, 2024. Replacement term would be until January 31, 2027.

J. TOWN MANAGER'S REPORT:

- The Senior Housing generator installation will require a lot of work so the Town Manager will be creating an RFP, and he will return to the Town Council with more information when it is received.
- Zoning, Inland Wetlands, and Attorney Jennifer Coppola have determined that there was a violation at Silver Island regarding the removal of trees on the property. They will be reaching out to the HOA and the homeowners to ask for a restoration plan to be provided to the Town.
- The Planning and Zoning Commission approved the revisions related to the Senior Housing project. Economic Development Coordinator Jim Mahoney has been developing an RFP with modified language stating that at least fifty percent of the units must be affordable for residents with eighty percent or less of the median income. In addition, within that fifty

percent, half of the units must be for residents with sixty percent or less of the median income.

Staff is proposing to have flexibility in the language because the more affordable you go fewer people will bid on the units because the financing becomes more difficult. The Town Manager will return to the Town Council with language to review for the RFP.

- IT Specialist Cindy Moore is retiring after 38 years with the Town of Berlin.

K. SPECIAL COMMITTEE REPORTS:

The Ordinance Committee met this evening at 6:00 p.m.

L. COUNCILORS' COMMUNICATION:

Councilor Paonessa spoke with Mike Ahern and Jim Horbal regarding the Mattabassett Watershed Sub Committee and a meeting will be held soon.

M. ACCEPTANCE OF MINUTES:

January 23, 2024

Councilor Paonessa moved to accept the Special Town Council Meeting minutes of January 23, 2024 as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Councilor Paonessa moved to accept the Town Council Meeting minutes of January 23, 2024 as presented.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

N. ADJOURNMENT:

Councilor Paonessa moved to adjourn at 9:31 p.m.

Seconded by Councilor Veach.

Vote being 7-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2024 FEB 12 AM 11:26

Kathryn J. Wall
BERLIN, CT.