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Meeting ID: 880 5491 7309

Passcode: 721004

+1-312-626-6799

TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, July 9, 2024
Town Council Chambers (in person) and
Remote Meeting
7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. AUDIENCE OF CITIZENS

E. MAYOR'S UPDATE

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

G. CONSENT AGENDA:

1. Topic re: Approve the Economic Development Department in coordination with Berlin-Peck Memorial Library to apply for a Supporting Arts Grant for FY24-25. Upon receipt grant funds are to be deposited into the Special Grant Fund account. - Economic Development/Berlin-Peck Memorial Library
2. Topic re: Transfer \$316,000, as detailed on the accompanying spreadsheet to be attached to the minutes, to cover year-end transfers in identified accounts. - Finance
3. 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 Chris Lagassey 1st Annual Memorial Golf Tournament. Total value of the donation is \$242. – Golf Course
4. Topic re: Accept monetary donations totaling \$200 and deposit \$200 into the library agency account to be used to purchase young adult books in memory of Noah Paul Bourdon. Move to accept the donation of dvds with an approximate value of \$15 and books with an approximate value of \$28 to be added to the appropriate department collections. – Berlin-Peck Memorial Library

5. Topic re: Approve permission for CCC (Central CT Conference) to charge a fee of \$5 for adults and \$3 for students/seniors for their soccer tournament taking place at Scalise Field on October 26 and October 29, 2024. – Parks and Recreation
6. Topic re: Approve waiving estimated field and light fees not to exceed an amount of \$960 for the CCC (Central CT Conference) soccer tournament at Scalise Field, Sage Park on October 26 and October 29, 2024. – Parks and Recreation
7. Topic re: Approve waiving the police fees in the approximate amount of \$ 3,150.20, for the police services provided on June 8, 2024 at Berlin High School. The fees for June 9, 2024 will be paid by Dance Steps, LLC in the amount of \$ 2,114.20. - Police
8. Topic re: Authorize the Town Manager to enter into a farm use License Agreement with Ryan Matson for the portion of the property across from Berlin High School on Patterson Way, and the property off Orchard Road that is appropriate for farm use. – Town Manager

H. PUBLIC HEARINGS

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, July 9, 2024, at 7:00 p.m. for the purpose of holding a public hearing on the proposed ordinance of the Town, as follows:

Noise Ordinance

“Declaration of purpose. Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of Berlin and a detriment to their quality of life. Therefore, this Chapter is enacted, in accordance with the Connecticut General Statutes, to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of Berlin through the control, reduction, and prevention of excessive sound and vibration.”

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

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, July 9, 2024, at 7:00 p.m. for the purpose of holding a public hearing on the proposed amendment to the Golf Course Commission ordinance of the Town, as follows:

Golf Course Commission Ordinance

The first amendment is to change election of a Chairperson and a Vice Chairperson in February instead of January, and to change the hiring of a Secretary from the first meeting of its full year to the second meeting of its full year.

The second amendment adds back the requirement to set the projected revenues to meet the current expenses in the budget adopted by the Town Council and for the Golf Commission to present a plan to the Town Council within forty-five days after the end of the fiscal year if the actual revenues fall short of the expenses at the end of the said fiscal year.

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

I. NEW BUSINESS:

1. Topic re: Move that “AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.” be adopted. Refer the Athletic Facility Improvements Project (2024) to Planning and Zoning for a Section 8-24 of the General Statutes review. Also refer the Athletic Facility Improvements Project (2024) to the Public Building Commission for a review of this project. – Town Clerk
2. Topic re: Move that “AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE.” be adopted. Refer the Town Roof Replacements (2024) to Planning and Zoning for a Section 8-24 of the General Statutes review. Also refer the Town Roof Replacements (2024) to the Public Building Commission for a review of this project. – Town Clerk
3. Topic re: Accept the amendments to the Golf Course Commission Ordinance as noted in the attachment. – Town Manager
4. Topic re: Accept the proposed Noise Ordinance. – Town Manager
5. Topic re: Rescind the previous motion to approve the waiving of the police fees in the approximate amount of \$34,500.00 for traffic control and direction for the Berlin Fair that will be held September 12-15, 2024, at the Berlin Fairgrounds and approve waiving the police fees in the approximate amount of \$ 41,472.00, for traffic control and direction for the Berlin Fair that will be held September 12-15,2024 at the Berlin Fairgrounds. – Police
6. Topic re: Authorize the Town Manager to schedule and advertise a Special Town Meeting to be held on Tuesday, July 23, 2024, at 6:45 pm, for the purpose of approving a FY25 non-budgeted appropriation of \$140,000 from the General Fund for a Town-wide Water and Sewer System Study. – Water Control
7. Topic re: Approve a bid waiver and proposal from Wiss, Janney, Elstner Associates, Inc of Shelton, CT, for an amount not to exceed \$31,000, which includes a \$1,500 contingency, for upper slab and floor tile and adhesive analysis related to the Berlin High School slab-on-grade moisture project as previously approved by the Public Building Commission, as this is in the best interest of the Town. – Public Building Commission
8. Topic re: Authorize the Town Manager to execute the seventh amendment to Purchase Agreement with Newport Realty Group LLC, such amendment to provide that (1) 20% of the units shall be affordable to households making 80% of area median income (AMI) with deed-restricted for not less than 30 years or (2) 30% of the units shall be affordable with 10% of the units affordable to

households making 80% of area median income (AMI) with deed-restrictions for not less than 40 years and 20% affordable to households making 80% to 120% of area median income (AMI) as required by the Build4CT financing Program of the Connecticut Housing Finance Authority and (3) Newport shall pay to the Town the \$40,000 cash match. Also authorize the Town Manager to execute additional change order(s) in an amount not to exceed \$340,759 with B and W Paving for the 55 Steele Boulevard Engineered Control Project, retaining the remaining portion of the previously authorized owner contingency, subject to review and approval of Corporation Counsel. – Economic Development

J. APPOINTMENTS:

1. **Cemetery Committee – Vacancy – Alternate** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
2. **Constables – 4 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).
3. **Housing Authority – Vacancy (Resident/Commissioner)** Term would be until March 31, 2029. Can be filled with a D or U.
4. **Inland Wetlands & Water Courses Commission – Vacancy – Alternate** - Replacement would be until January 31, 2026. Can be filled with a D, R or U.
5. **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).
6. **Mattabassett District – Vacancy** – Replacement term would be until September 1, 2026. Can be filled with a D, R or U.
7. **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.
8. **Public Building Commission – Vacancy** – Replacement term would be until January 31, 2029. Can be filled with a D, R or U.
9. **Veterans’ Commission – Vacancy** – Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
10. **VNA – Vacancy** - Replacement term would be until January 31, 2027. Can be filled with a D, R or U.
11. **VNA – Vacancy** - Replacement term would be until January 31, 2027. Can be filled with a D, R or U.

Consent
Agenda Item No. 1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: June 27, 2024

SUBJECT: Authorization to Apply for an FY24-25 Supporting Arts grant from the Connecticut Office of the Arts

Summary of Agenda Item:

Staff applied for a Supporting Arts Grant from the Connecticut Office of the Arts in FY22-23 receiving a grant of \$1,000 and also applied in FY23-24 receiving an award of \$6,623.00. In order to accept the grant, The Arts & Culture Ad Hoc Committee was formed in late 2023 with 5 members from the community (and 2 staff liaisons) to oversee and determine the best use of the funds.

The Arts & Culture Ad Hoc Committee has been informed that a new grant round is opening in August and requests that the Economic Development Department in coordination with Berlin-Peck Memorial Library be given permission to pursue a Supporting Arts Grant for FY24-25. Funds, if received, will be deposited in the Supporting Arts Grant Account which is 504.10.1017.0.53474.00000.

Action:

Move to approve the Economic Development Department in coordination with Berlin-Peck Memorial Library to apply for a Supporting Arts Grant for FY24-25. Upon receipt grant funds are to be deposited into the Special Grant Fund account.

Attachments:


Copy of email announcing FY25 Supporting Arts Grant is open and accepting applications.

Prepared By:

Chris Edge, Economic Development Director *CE*
Carrie Tyszka, Library Director, Berlin-Peck Memorial Library

Chris Edge

From: Connecticut Office of the Arts <rhonda.olisky@ct.gov>
Sent: Thursday, June 13, 2024 1:41 PM
To: Chris Edge
Subject: Supporting Arts Grant Program is Accepting Applications



Connecticut Office of the Arts

Supporting Arts Grants

The FY25 Supporting Arts grant program is open and accepting applications.

The Supporting Arts grant program provides general operating support to help Connecticut's arts organizations and municipal arts departments cover programmatic costs associated with their mission-related work. This type of grant is flexible and gives the grantee the ability to use the funds where they are most needed.

Click [HERE](#) for more information about the Supporting Arts grant program, including eligibility, how to apply, important dates and more.

Deadline to Apply: Monday, August 12, 2024 at 11:59 PM

Agenda Item No. Consent 2
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 1, 2024

SUBJECT: Budget Transfers

Summary of Agenda Item:

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

Action Needed:

Move to transfer \$316,000, as detailed on the accompanying spreadsheet to be attached to the minutes, to cover year-end transfers in identified accounts.

Attachments:

Budget Adjustments spreadsheet
Budget Change forms

Prepared By:

Kevin Delaney, Finance Director

**Budget Adjustments
July 9, 2024**

<u>Department</u>	<u>GL Account #</u>	<u>From</u>	<u>To</u>	<u>Explanation</u>
Police	001.15.1532.0.51140.00000			
	001.15.1532.0.51185.00000	\$5,000.00	\$110,000.00	
	001.15.1532.0.52235.00000	\$5,000.00		
	001.15.1532.0.51811.00000	\$25,000.00		
	001.15.1532.0.51400.00000	\$20,000.00		Due to staffing levels many officers were required to work on holidays throughout the year. The Police contract allows officers to be paid for the holiday time at year-end. The number of payout elections created a shortfall in the FY24 budget for the Police Personnel line.
	001.15.1532.0.52220.00000	\$35,000.00		
	001.15.1532.0.53903.00000	\$5,000.00		
	001.35.3561.0.53102.00000	\$5,000.00		
	001.15.1532.0.51420.00000	\$10,000.00		
			\$35,000.00	\$35,000.00
Public Works	001.20.2036.0.53823.00000			
	001.25.2542.0.51530.00000	\$35,000.00		
Golf Course	001.25.2543.0.51160.00000			
	001.25.2543.0.51510.00000	\$6,000.00	\$12,000.00	Due to Course activity, the starters/rangers.cart haulers account is higher than budgeted.
	001.25.2543.0.52110.00000	\$6,000.00		
VNA	001.30.3053.0.51145.00000			
	001.30.3053.0.53819.00000	\$12,000.00	\$12,000.00	Due to overtime driven by lower staffing levels, the nurses budget line was higher than budgeted.
VNA	001.30.3053.0.51145.00000			
	001.30.3053.0.53819.00000	\$5,000.00	\$5,000.00	Due to vacation payouts and overtime driven by lower staffing levels, the Clerical budget line was higher than budgeted.
GENERAL FUND TOTAL		<u>\$174,000.00</u>	<u>\$174,000.00</u>	
Mid-Managers Meters	843.50.5092.0.51125.00000			
	843.50.5084.0.56803.00000	\$12,000.00	\$12,000.00	Due to issue-driven overtime throughout the fiscal year, the labor lines in Water are overbudget.
Mid-Managers Seal Manholes	844.55.5592.0.51125.00000			
	844.55.5588.0.58108.00000	\$10,000.00	\$10,000.00	Due to issue-driven overtime throughout the fiscal year, the labor lines in Sewer are overbudget.
Purchased Water Water Main Relining	843.50.5081.0.56501.00000			
	843.50.5088.0.58105.00000	\$85,000.00	\$85,000.00	Increased volume of purchased water from New Britain and Cromwell.
Purchased Power - Pumping Update to Sewer Pump Station	844.55.5583.0.56709.00000			
	844.55.5588.0.58062.00000	\$35,000.00	\$35,000.00	
WATER CONTROL TOTAL		<u>\$142,000.00</u>	<u>\$142,000.00</u>	
CAPITAL PROJECTS TOTAL		<u>\$0.00</u>	<u>\$0.00</u>	
GRAND TOTAL		<u>\$316,000.00</u>	<u>\$316,000.00</u>	



TOWN OF BERLIN
BUDGET CHANGE FORM

Section 1: To be completed by Department:

Department: **Police** Fiscal Year: **FY2024** Date: **6/30/24**

To Acct #: 001.15.1532.0.51140.00000	Description: Police Personnel	Amount: \$110,000.00	Requested by: D. Gallupe
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Are there funds from another account which can be requested: Yes No Partially Don't Know

From Acct #:	Description:	Amount:	Approved by:
001.15.1532.0.51185.00000	Dispatchers	\$5,000.00	
001.15.1532.0.52235.00000	Health Insurance	\$5,000.00	
001.15.1532.0.51811.00000	In Lieu of Sick (retiree)	\$25,000.00	
001.15.1532.0.51400.00000	Overtime	\$20,000.00	
001.15.1532.0.52220.00000	Insurance, Life	\$35,000.00	
001.15.1532.0.53903.00000	Copiers	\$5,000.00	
001.35.3561.0.53102.00000	Electricity	\$5,000.00	
001.15.1532.0.51420.00000	Grant Overtime	\$10,000.00	

Contingency Balance (If applicable):

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

Due to staffing levels many officers were required to work on holidays throughout the year. The Police contract allows officers to be paid for the holiday time at year-end. The number of payout elections created a shortfall in the Fy24 budget for the Police Personnel line.

Request approved Disapproved Partially Approved Date: **7/1/24**
 Comments:

Section 3a: Town Council action:

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

Section 3b: Board of Finance action:

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

Section 4: To be completed by Finance Department:

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

Section 1: To be completed by Department:

Department: **Public Works** Fiscal Year: **FY2024** Date: **6/30/24**

To Acct #: 001.20.2036.0.53823.00000	Description: Refuse Disposal	Amount: \$35,000.00	Requested by: M. Ahearn
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Are there funds from another account which can be requested: Yes No Partially Don't Know

From Acct #: 001.25.2542.0.51530.00000	Description: Recreation Program Help	Amount: \$35,000.00	Approved by: 
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Contingency Balance (If applicable):

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

Due to an increase in tipping fees and higher volume, refuse disposal is projected to be higher than budgeted.

Request approved Disapproved Partially Approved Date: **7/1/24**
 Comments: 

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:


Section 4: To be completed by Finance Department:

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

Section 1: To be completed by Department:

Department: Golf Course		Fiscal Year: FY2024	Date: 6/30/24
To Acct #: 001.25.2543.0.51160.00000	Description: Starters, Rangers, Cart Haulers	Amount: \$12,000.00	Requested by: S. Guerrero
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>			
From Acct #: 001.25.2543.0.51510.00000	Description: Part-time Employment	Amount: \$6,000.00	Approved by: 
001.25.2543.0.52110.00000	Unemployment	\$6,000.00	

Contingency Balance (If applicable):

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

Due to Course activity, the starters/rangers.cart haulers account is higher than budgeted.

Request approved Disapproved Partially Approved Date: **7/1/24**

Comments:

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:

Section 4: To be completed by Finance Department:

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

Section 1: To be completed by Department:

Department: **Nurses** Fiscal Year: **FY2024** Date: **6/28/24**

To Acct #: 001.30.3053.0.51145.00000	Description: Nurses	Amount: \$12,000.00	Requested by: E. Halas
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Are there funds from another account which can be requested: Yes No Partially Don't Know

From Acct #: 001.30.3053.0.53819.00000	Description: Medical Services	Amount: \$12,000.00	Approved by: 
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Contingency Balance (If applicable):

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

Due to overtime driven by lower staffing levels, the nurses budget line was higher than budgeted.

Request approved Disapproved Partially Approved Date: **7/1/24**

Comments:

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:


Section 4: To be completed by Finance Department:

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

Section 1: To be completed by Department:


Department: Nurses		Fiscal Year: FY2024	Date: 6/28/24
To Acct #: 001.30.3053.0.51145.00000	Description: Clerical	Amount: \$5,000.00	Requested by: E. Halas
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>			
From Acct #: 001.30.3053.0.53819.00000	Description: Medical Services	Amount: \$5,000.00	Approved by: 

Contingency Balance (If applicable):

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

Due to vacation payouts and overtime driven by lower staffing levels, the Clerical budget line was higher than budgeted.

Request approved Disapproved Partially Approved Date: **7/1/24**

Comments: 

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:


Section 4: To be completed by Finance Department:

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


Section 1: To be completed by Department:

Department: Water Control		Fiscal Year: FY2024	Date: 6/30/24
To Acct #: 843.50.5092.0.51125.00000	Description: Mid-Managers	Amount: \$12,000.00	Requested by: R. Jarema
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>			
From Acct #: 843.50.5084.0.56803.00000	Description: Meters	Amount: \$12,000.00	Approved by: 

Contingency Balance (If applicable):

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

Due to issue-driven overtime throughout the fiscal year, the labor lines in Water are overbudget.

Request approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	Partially Approved <input type="checkbox"/>	Date: 7/1/24
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"/>
Comments:				

Section 3b: Board of Finance action:

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


Section 4: To be completed by Finance Department:

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


Section 1: To be completed by Department:

Department: Water Control		Fiscal Year: FY2024	Date: 6/30/24
To Acct #: 844.55.5592.0.51125.00000	Description: Mid-Managers	Amount: \$10,000.00	Requested by: R. Jarema
Are there funds from another account which can be requested: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> Don't Know <input type="checkbox"/>			
From Acct #: 844.55.5588.0.58108.00000	Description: Seal Manholes	Amount: \$10,000.00	Approved by: 

Contingency Balance (If applicable):

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

Due to issue-driven overtime throughout the fiscal year, the labor lines in Sewer are overbudget.

Request approved Disapproved Partially Approved Date: **7/1/24**
 Comments: 

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:

Section 4: To be completed by Finance Department:

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

BUDGET CHANGE FORM

Section 1: To be completed by Department:

Department: WATER CONTROL Fiscal Year: 23/24 Date: 6/17/2024

To Acct #: 843.50.5081.0.56501.00000 Description: PURCHASE WATER Amount: \$85,000 Requested by: RAY JAREMA

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

From Acct #: 843.50.5088.0.58105.00000 Description: WATER MAIN RELINING Amount: \$85,000 Approved by: [Signature]

Contingency Balance (If applicable):

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

NEED TO COVER COST OF PURCHASED WATER FROM NEW BRITAIN WATER DEPT. AND CROMWELL FIRE DISTRICT

Section 2: To be completed by Town Manager:

Request approved Disapproved Partially Approved Date: 7/1/24

Comments:

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:

Section 4: To be completed by Finance Department:

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

TOWN OF BERLIN
BUDGET CHANGE FORM

Section 1: To be completed by Department:

Department: WATER CONTROL Fiscal Year: 23/24 Date: 6/20/2024

To Acct #: <u>844.55.5583.0.56709.00000</u>	Description: <u>Compensate xtra power cost</u>	Amount: <u>35,000</u>	Requested by: <u>Romy JAREMA</u>
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Are there funds from another account which can be requested: Yes No Partially Don't Know

From Acct #: <u>844.55.5588.0.58062.00000</u>	Description: <u>from update to sewer pump station</u>	Amount: <u>35,000</u>	Approved by: <u>[Signature]</u>
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Contingency Balance (If applicable):

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

This transfer is necessary because of rising power cost from our electrical provider (Eversource).

Section 2: To be completed by Town Manager:

Request approved Disapproved Partially Approved Date: 7/1/24

Comments:

[Signature]

Section 3a: Town Council action:

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

Comments:

Section 3b: Board of Finance action:

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

Comments:

Section 4: To be completed by Finance Department:

Budget Change # :	JE#	Approved by Town Meeting	Date approved:
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TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 1, 2024
SUBJECT: Timberlin Golf Course – Chris Lagassey Memorial

Summary of Agenda Item:

The Timberlin Golf Commission, at its meeting on June 20, 2024, approved the donation of a round of golf for four and two carts to be used for the Chris Lagassey 1st Annual Memorial Golf Tournament. The Fundraiser is on September 21, 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 Chris Lagassey 1st Annual Memorial Golf Tournament. Total value of the donation is \$242.

Attachments:

- Event Flyer from Lagassey Family.
- Fee Waiver Form

Prepared By:

Sol Guerrero, PGA – Director of Golf

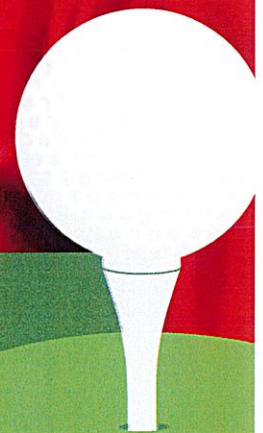
Chris Lagassey

1ST ANNUAL MEMORIAL Golf Tournament

09-21 SEPT
2024

TUNXIS COUNTRY CLUB

- Solo \$175
- Foursome \$650



WAYS TO PARTICIPATE

Make a Monetary Donation
Register a Foursome
Donate to the Raffle
Sponsor a Hole
Volunteer day of

AGENDA

8:30 - 10:00 AM	Golf Registration & Lite Breakfast
10:00 - 10:15 AM	Shotgun Start
12:00 - 1:00 PM	Lunch available at the turn
3:00 - 5:00 PM	Awards, Food, Raffle and Happy Hour

THANK YOU

Direct all inquiries to: LagasseyMemorial@gmail.com



TOWN OF BERLIN Request for Fee Waiver

Requesting Organization: Chris Lagassey Memorial Board	Date: 7/1/24
Contact Name: Kevin Lagassey	
Phone Number:	
Event: Chris Lagassey 1st Annual Golf Memorial	Date of Event: 9/21/24
Location of the Event: Tunxis Country Club	
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 Chris Lagassey's kids education.	

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: Chris Lagassey Memorial

Comments:



Director of Golf

7/1/24

Signature

Date



Town Manager Signature

7/2/24

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.

Consent

Agenda Item No. 4
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: June 28, 2024
SUBJECT: Accept Library Donations



Summary of Agenda Item:


Accept donations to the Berlin-Peck Memorial Library

Category	Amount	Description	Purpose	Donor
Cash	200.00	Library Agency Account	young adult books in memory of Noah Paul Bourdon	Marie T. Bogdanski
	200.00			
Equip/Merch	15.00	DVDs	add to appropriate department collection	Various patrons
	28.00	Books	add to appropriate department collection	Various patrons
	43.00			

Funding:
No funding needed

Action Needed:
Move to accept monetary donations totaling \$200 and deposit \$200 into the library agency account to be used to purchase young adult books in memory of Noah Paul Bourdon. Move to accept the donation of dvds with an approximate value of \$15 and books with an approximate value of \$28 to be added to the appropriate department collections.

Attachments:
n/a

Prepared By:
Carrie Tyszka, Director 

Consent
Agenda Item No. 5
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: June 25, 2024
SUBJECT: Permission for CCC (Central CT Conference) to charge a fee for CCC Tournament

SUMMARY:

The Berlin Parks and Recreation Commission at its meeting on Thursday, June 13, 2024 recommended permission for CCC (Central CT Conference) to charge a fee of \$5 for adults, \$3 for students/seniors for their soccer tournament to take place at Scalise Field, Sage Park on October 26, 2024 and October 29, 2024.

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

FUNDING:

No funding needed

ACTION NEEDED:

Move to approve permission for CCC (Central CT Conference) to charge a fee of \$5 for adults and \$3 for students/seniors for their soccer tournament taking place at Scalise Field on October 26 and October 29, 2024.

ATTACHMENTS:

None

PREPARED BY:

Jennifer Ochoa, Director of Community, Recreation & Parks Services

Consent
Agenda Item No. 6
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: June 25, 2024
SUBJECT: CCC (Central CT Conference) Soccer Tournament – Waiver of Field and Light Rental Fees

SUMMARY:

The Berlin Parks and Recreation Commission at its meeting on Thursday, June 13, 2024 recommended waiving field usage and light fees not to exceed an amount of \$960 for the CCC (Central CT Conference soccer tournament taking place at Scalise Field, Sage Park on October 26 and October 29, 2024. Berlin High School athletes hosts this event and will have teams in it.

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

FUNDING:

No funding needed

ACTION NEEDED:

Move to approve waiving estimated field and light fees not to exceed an amount of \$960 for the CCC (Central CT Conference) soccer tournament at Scalise Field, Sage Park on October 26 and October 29, 2024.

ATTACHMENTS:

Fee Waiver Request Form

PREPARED BY:

Jennifer Ochoa, Director of Community, Recreation & Parks Services



Sent for to see ~~5/19~~ 5/19

CCC Tourney

TOWN OF BERLIN Request for Fee Waiver

Requesting Organization: <i>CCC Conference</i>	Date: <i>5/8/24</i>
Contact Name: <i>David Francalugia</i>	
Phone Number: <i>860 841 1659</i>	
Event: <i>CCC Soccer Championships</i>	Date of Event: <i>10/26 + 10/29</i>
Location of the Event: <i>Sunrise - Turf - Sage Park</i>	
What fee do you want waived: <i>All - CCC Conference Tourney... \$960</i> <i>(various sports)</i> <i>All schools that host CCC tourney do not charge...</i>	
Identify the hardship incurred: <i>Helping Berlin students / CCC relations -</i>	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: <i>All aspects of life - school community</i> <i>- CCC Conference</i> <i>- Rector Billy</i>	

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: _____

Comments:



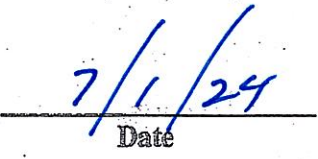
Signature



Date



Town Manager Signature



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.

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 1, 2024
SUBJECT: Police Fees 35th Dance Recital

Summary of Agenda Item:

Dance Step LLC, Maria Pagliarulo DeConti was granted use of the Berlin High School on June 8 and June 9, 2024. Due to miscommunication officers were hired on both of these dates however June 8, 2024 was only a dress rehearsal attended by dancers and a few parents. Dance Steps, LLC is requesting the June 8, 2024 police fees be waived.

Funding:

Officers assigned to this event would be paid from the extra duty account #001.15.1532.0.51440.00000.

Action Needed:

Move to approve waiving the police fees in the approximate amount of \$ 3,150.20, for the police services provided on June 8, 2024 at Berlin High School. The fees for June 9, 2024 will be paid by Dance Steps, LLC in the amount of \$ 2,114.20.

Attachments:

Request for Fee Waiver Form

Prepared By:

Lieutenant Michael Jobes, Berlin Police Department



mjobes@berlinpd.org
860 828-7088



TOWN OF BERLIN Request for Fee Waiver

Requesting Organization: Dance Step LLC	Date: 6/26/24
Contact Name: Maria Pagliaroli DeConti.	
Phone Number: 860-829-0703	
Event: 35th Dance Recital Dress Rehearsal	Date of Event: 6/8/24
Location of the Event: Berlin High School	
What fee do you want waived: Fee For Saturday 6/8. No officers were required For this date, due to miscommunication between the BOE, police department, unnecessary services were dispatched. \$150 ⁰⁰	
Identify the hardship incurred: This large un-expected fee was planned for other expences, such as our town taxes and payment to eversource.	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: We have been enriching the lives of local children and families by providing a creative space to learn; grow through the art of dance. DSPC provides community out-reach to senior centers. We provide dance scholarships to students	

whose families would otherwise be unable to participate.

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: Dance Step LLC

Comments:

Maria Pagliaro De Costa
Signature

6/26/2024
Date

[Handwritten Signature]
Town Manager Signature

7/3/2024
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.

Consent
Agenda Item No. 8
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: June 26, 2024

SUBJECT: Approval of Licenses for Haying/Farm Use of portion of property across from Berlin High School on Patterson Way and Orchard Road.

Summary of Agenda Item:

The Town of Berlin owns the field across from Berlin High School on Patterson Way. The Public Grounds crew is responsible for the mowing and care of the field if it is not used for haying. In past years, a local farmer, Ryan Matson, of Savage Hill Road proposed that he be allowed to utilize the field as a hay field and keep it neat and maintained. He has done this and is willing to continue to maintain and hay this field. This would ease the workload of Public Grounds, potentially cutting down the need for some overtime resulting in a savings to the Town. There are other areas in Town where this occurs, most notably property off Orchard Road. It is recommended that the Town Council authorize the Town Manager to enter into a farm use Agreement (in the form per attached sample) with Ryan Matson for the portion of the property that is appropriate for haying.

Action Needed:

Move to authorize the Town Manager to enter into a farm use License Agreement with Ryan Matson for the portion of the property across from Berlin High School on Patterson Way , and the property off of Orchard Road that is appropriate for farm use.

Attachments:

License Agreement

Prepared By:

Arosha Jayawickrema, Town Manager

LICENSE AGREEMENT

This AGREEMENT (the "Agreement") made effective this ____ day of _____, 2024, by and between the **TOWN OF BERLIN**, a municipal corporation with a principle office located at 240 Kensington Road, Berlin, County of Hartford, State of Connecticut (hereinafter referred to as "The Town"), and Ryan Matson, with principle office located at 369 Savage Hill Road, Berlin, County of Hartford and State of Connecticut (hereinafter referred to as "Licensee").

WITNESSETH:

WHEREAS, the Town is the owner of certain real property located at Patterson Way and off Orchard Road (known as the Scheer Property) in Berlin, Connecticut (hereinafter referred to as the "Premises"); and

WHEREAS, the Licensee needs hay for farming purposes; and

WHEREAS, portions of the property on Patterson Way and off Orchard Road (as generally defined on Field Cards, Map ID: 15-2 and 9-4, Block 99 Lots 9 & 9A, and Map ID: 20-3, Block 71, and Lot 26, attached hereto as Exhibit A) are deemed suitable by the Licensee for haying; and

WHEREAS, although the Town is not currently using the Premises, future use may include recreational activities; and

WHEREAS, the Town would benefit from having the Premises mowed periodically.

NOW, THEREFORE, in consideration of the mutual promises and undertakings contained herein, the parties agree, as follows:

1. For One (\$1.00) Dollar and other valuable consideration, the Town agrees to allow the Licensee to periodically mow and bale hay on both Premises commencing immediately upon execution of the Agreement for the Patterson Way property and after August 1, 2024 for the property off Orchard Road, until December 31, 2024.
2. The Licensee shall have access to the Premises to mow and take unlimited quantities of hay during the license period. In exchange for the right to obtain hay from the Premises, the Licensee agrees to the following:
 - A. At all times during the term of this Agreement the Licensee, its employees or agents and all motor vehicles shall be covered by commercial general liability, commercial automobile and, where applicable, Workers' Compensation insurance. The general liability insurance shall be in a minimum amount of at least \$1,000,000.00 per occurrence. The Licensee shall cause the Town

to be named as an additional insured on the general liability policy, shall maintain all insurances in active standing during the term of this agreement and shall give certificates and proof of said insurance to the Town prior to the execution of this Agreement and shall maintain said policies of insurance in full force and effect during the entire term of this Agreement;

- B. The Licensee shall not use pesticides or herbicides in the conduct of its haying operation;
- C. The Licensee shall wash its equipment prior to haying on the Premises so as to minimize the risk of pesticide and herbicide contamination and the spread of invasive plants;
- D. The Licensee shall indemnify, defend and hold the Town harmless from and against any and all claims, actions, losses or damage arising out of the Licensee's mowing and haying operations. The Town makes no representations as to the quality or quantity of hay and the Licensee accepts all hay "as is" and without representation by the Town as to the suitability of such hay for any particular purpose;
- E. The Licensee shall not cause any damage to the Premises or leave behind any litter or debris from its mowing/haying operations;
- F. The Licensee recognizes that there may be recreational use of the Premises in the future and will conduct its activities in such a way as to minimize disruption to such use;
- G. The Licensee shall provide the Town with reasonable amounts of hay, upon request, for its occasional use at Town sponsored functions or events;

3. Either party may terminate this Agreement upon thirty (30) days written notice without any further liability or obligations to the other party.

Dated this _____ day of _____, 2024.

TOWN OF BERLIN

By: _____
Aroscha Jayawickrema, Town Manager

LICENSEE

By: _____
Ryan Matson

Public Hearing

1. Call to Order -- Mark Kaczynski, Mayor (time)
2. Purpose of Public Hearing
3. Public Comments
4. Town Council Comments
5. Close Public Hearing at (time)

NOTICE OF PUBLIC HEARING
THE TOWN OF BERLIN

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, July 9, 2024, at 7:00 p.m. for the purpose of holding a public hearing on the proposed ordinance of the Town, as follows:

Noise Ordinance

“Declaration of purpose. Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of Berlin and a detriment to their quality of life. Therefore, this Chapter is enacted, in accordance with the Connecticut General Statutes, to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of Berlin through the control, reduction, and prevention of excessive sound and vibration.”

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

Dated at Berlin, Connecticut this 18th day of June 2024.

Kathryn J. Wall
Town Clerk

Publication date: July 1, 2024

NOTICE OF PUBLIC HEARING
THE TOWN OF BERLIN

The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, July 9, 2024, at 7:00 p.m. for the purpose of holding a public hearing on the proposed amendment to the Golf Course Commission ordinance of the Town, as follows:

Golf Course Commission Ordinance

The first amendment is to change election of a Chairperson and a Vice Chairperson in February instead of January, and to change the hiring of a Secretary from the first meeting of its full year to the second meeting of its full year.

The second amendment adds back the requirement to set the projected revenues to meet the current expenses in the budget adopted by the Town Council and for the Golf Commission to present a plan to the Town Council within forty-five days after the end of the fiscal year if the actual revenues fall short of the expenses at the end of the said fiscal year.

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

Dated at Berlin, Connecticut this 18th day of June 2024.

Kathryn J. Wall
Town Clerk

Publication date: July 1, 2024

Agenda Item No. 1
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: June 18, 2024

SUBJECT: AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Summary of Agenda Item:

Our Bond Counsel, Attorney Jessica G. Kennedy, has prepared the attached bonding authorization entitled "AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE."

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

As stated in the bond ordinance:

"Section 1. "The Town of Berlin, Connecticut (the "Town") appropriates the sum of \$2,000,000 for the design, planning, acquisition and construction of Athletic Facility Improvements (2024) in the Town (the "Project"). The Project shall consist of such facilities and locations as determined by the Town Council, including, but not limited to Timberlin Golf Course, such improvements to include, but not be limited to, sod and other field improvements, drainage installation, new or renovated athletic buildings or facilities associated with athletic fields, equipment, and all work related and appurtenant thereto, and administrative, advertising, printing, legal and financing costs related thereto."

As a reminder, our Charter states that:

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

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

Action Needed:

1. Move that "AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE." be adopted.
2. Move to refer the Athletic Facility Improvements Project (2024) to Planning and Zoning for a Section 8-24 of the General Statutes review.
3. Move to refer the Athletic Facility Improvements Project (2024) to the Public Building Commission for a review of this project.

Attachments:

Proceedings from Bond Counsel, Jessica G. Kennedy.
Ordinance

Prepared By: Kate Wall, Town Clerk



FIRST PERSON VERSION

TOWN COUNCIL - ORDINANCE ACTION

The Town Council will now consider and take action with respect to the \$2,000,000 Athletic Facility Improvements Project (2024) appropriation and bond ordinance. A copy of the ordinance is available from the Town Clerk.

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

Is there a motion to waive Rule 7?

Moved by _____, seconded by _____.

Those in favor?

Those opposed?

The motion passes.]

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

“AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, be adopted.

Moved by _____, seconded by _____.

[Council Discussion]

Those in favor?

Those opposed?

I declare the ordinance adopted.

AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The Town of Berlin, Connecticut (the "Town") appropriates the sum of \$2,000,000 for the design, planning, acquisition and construction of Athletic Facility Improvements (2024) in the Town (the "Project"). The Project shall consist of such facilities and locations as determined by the Town Council, including, but not limited to Timberlin Golf Course, such improvements to include, but not be limited to, sod and other field improvements, drainage installation, new or renovated athletic buildings or facilities associated with athletic fields, equipment, and all work related and appurtenant thereto, and administrative, advertising, printing, legal and financing costs related thereto.

Section 2. To meet said appropriation, \$2,000,000 bonds of the Town or so much thereof as may be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date, or later date as may be allowed by the Connecticut General Statutes, Revision of 1958, as amended (the "Statutes") or other applicable law. Said bonds may be issued in one or more series as determined by a majority of the Mayor, the Town Manager and the Director of Finance (such majority hereafter, the "Town Officials"), and the amount of bonds of each series to be issued shall be fixed by the Town Officials. Said bonds shall be issued in the amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds, and capitalized interest thereon. Capital project revenues, including bid premiums and income derived from the investment of proceeds from bonds issued pursuant to this ordinance (and net investment income derived from the investment of note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid therefrom. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Town Officials, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Town Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Town Officials, and be approved as to their legality by Pullman & Comley, LLC or such other nationally recognized bond counsel ("Bond Counsel"). Such bonds shall bear such rate or rates of interest as shall be determined by the Town Officials. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other sources. In connection with the issuance of any bonds or notes

authorized herein, the Town may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Town Council. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Town Officials in accordance with the Statutes. In order to meet the capital cash flow expenditure needs of the Town, the Town Manager and Director of Finance are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the Town outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes herein authorized.

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

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

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Treasury Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this ordinance in the maximum amount and for the

capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the original expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance, or designee, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. The Town Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution, if issued on a tax-exempt basis.

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

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

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

Agenda Item No. 2
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: June 18, 2024

SUBJECT: AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE

Summary of Agenda Item:

Our Bond Counsel, Attorney Jessica G. Kennedy, has prepared the attached bonding authorization entitled “AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE.”

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

As stated in the bond ordinance:

“Section 1. “The Town of Berlin, Connecticut (the “Town”) appropriates the sum of \$1,100,000 for the Town Roof Replacements Project (2024) for the replacement of roofs at Town Hall and Berlin Peck Memorial Center, such costs to include, but not limited to, bidding, planning, design, disposal, materials, site improvements, engineering services, architectural services and project management services related to the repair, improvement, restoration and replacement of the roofs, acquisition and construction, project inspection and oversight and installation of new roofs, as well as, building repairs needed as a result of damage, or any other work related to such roof and building improvements, and all work related and appurtenant thereto, and administrative, advertising, printing, legal and financing costs related thereto (the “Project”). The Town Council may reallocate the appropriation among the Project and reduce or modify the scope of the Project if funds are insufficient to complete the Project, so long as the aggregate amount of the appropriation is not increased.”

As a reminder, our Charter states that:

“Section 6-10-6. (c) Bonds, notes or other obligations shall be authorized upon adoption by the Council of an ordinance authorizing the project, the issuance of the obligations, and appropriating the proceeds thereof and approved in its entirety by the Board of Finance. Notice of passage of the ordinance as approved by the Board of Finance and the Council shall be


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

Action Needed:

1. Move that "AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE." be adopted.
2. Move to refer the Town Roof Replacements (2024) to Planning and Zoning for a Section 8-24 of the General Statutes review.
3. Move to refer the Town Roof Replacements (2024) to the Public Building Commission for a review of this project.

Attachments:

Proceedings from Bond Counsel, Jessica G. Kennedy.
Ordinance

Prepared By: Kate Wall, Town Clerk 

FIRST PERSON VERSION

TOWN COUNCIL - ORDINANCE ACTION

The Town Council will now consider and take action with respect to the \$1,100,000 Town Roof Replacements Project (2024) appropriation and bond ordinance. A copy of the ordinance is available from the Town Clerk.

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

Is there a motion to waive Rule 7?

Moved by _____, seconded by _____.

Those in favor?

Those opposed?

The motion passes.]

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

“AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”, be adopted.

Moved by _____, seconded by _____.

[Council Discussion]

Those in favor?

Those opposed?

I declare the ordinance adopted.

AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE

Section 1. The Town of Berlin, Connecticut (the "Town") appropriates the sum of \$1,100,000 for the Town Roof Replacements Project (2024) for the replacement of roofs at Town Hall and Berlin Peck Memorial Center, such costs to include, but not limited to, bidding, planning, design, disposal, materials, site improvements, engineering services, architectural services and project management services related to the repair, improvement, restoration and replacement of the roofs, acquisition and construction, project inspection and oversight and installation of new roofs, as well as, building repairs needed as a result of damage, or any other work related to such roof and building improvements, and all work related and appurtenant thereto, and administrative, advertising, printing, legal and financing costs related thereto (the "Project"). The Town Council may reallocate the appropriation among the Project and reduce or modify the scope of the Project if funds are insufficient to complete the Project, so long as the aggregate amount of the appropriation is not increased.

Section 2. To meet said appropriation, \$1,100,000 bonds of the Town or so much thereof as may be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date, or later date as may be allowed by the Connecticut General Statutes, Revision of 1958, as amended (the "Statutes") or other applicable law. Said bonds may be issued in one or more series as determined by a majority of the Mayor, the Town Manager and the Director of Finance (such majority hereafter, the "Town Officials"), and the amount of bonds of each series to be issued shall be fixed by the Town Officials. Said bonds shall be issued in the amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing, financing and legal costs of issuing the bonds, and capitalized interest thereon. Capital project revenues, including bid premiums and income derived from the investment of proceeds from bonds issued pursuant to this ordinance (and net investment income derived from the investment of note proceeds) are authorized to be credited by the Director of Finance to the project account and expended to pay project expenses customarily paid therefrom. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Town Officials, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Town Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Town Officials, and be approved as to their legality by Pullman & Comley, LLC or such other nationally recognized bond counsel ("Bond Counsel"). Such bonds shall bear such rate or rates of interest as shall be determined by the Town Officials. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the

extent not paid from other sources. In connection with the issuance of any bonds or notes authorized herein, the Town may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Town Council. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Town Officials in accordance with the Statutes. In order to meet the capital cash flow expenditure needs of the Town, the Town Manager and Director of Finance are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the Town outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes herein authorized.

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

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

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Treasury Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this ordinance in the maximum amount and for the capital projects defined in Section 1 with the proceeds of bonds, notes, or other obligations

("Bonds") authorized to be issued by the Town. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the original expenditure or the substantial completion of the Project, or such later date the Treasury Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance, or designee, is authorized to pay Project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. The Town Officials are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes or other obligations authorized by this resolution, if issued on a tax-exempt basis.

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

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

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

Agenda Item No. 3
Request for Town Council Action

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: July 1, 2024
SUBJECT: Amendments to the Golf Course Commission Ordinance

Summary of Agenda Item:

The Ordinance Committee at its June 4, 2024, meeting voted to recommend to the Council two amendments to the Golf Course Commission Ordinance. The first amendment is to change election of a chairperson and a vice chairperson in February instead of January, and to change the hiring of a secretary from the first meeting of its full year to the second meeting of its full year.

The second amendment adds back the requirement to set the projected revenues to meet the current expenses in the budget adopted by the Town Council and for the Golf Commission to present a plan to the Town Council within forty-five days after the end of the fiscal year if the actual revenues fall short of the expenses at the end of the said fiscal year.

A public hearing was held on July 9, 2024, to receive comments from the public

Action Needed:

Move to accept the amendments to the Golf Course Commission Ordinance as noted in the attachment.

Attachments:

Proposed Amendments to the Golf Course Commission Ordinance.

Prepared By:

Arosha Jayawickrema, Town Manager

Part J. – Public Golf Course Commission

Sec. 2-190. Establishment.

There shall be and is hereby created, in the Town of Berlin, a Public Golf Course Commission hereinafter referred to as the Commission.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020)

Sec. 2-191. Definitions.

The following definitions shall apply to Sec. 2-193 through Sec. 2-194 herein:

- (a) “Fiscal year” means the fiscal year of the Town of Berlin beginning on July 1 and ending on June 30 of every year.
- (b) “Golf course” refers to Timberlin Golf Course, owned by the Town of Berlin including, without limitation, any and all of the following as they relate to any such Public Golf course: land, rights and interests in land; rights of way, approaches and contract rights; office(s) and other buildings and facilities; paved areas; access roads; garages, parking lots and other parking structures; furnishings, equipment and apparatus; all other structures, facilities and improvements necessary and convenient to the development and maintenance of any such golf course and for the promotion and accommodation of any such golf course; and all other property (real, personal, mixed or otherwise), now or hereafter constructed or acquired, of or belonging to or pertaining to any such golf course.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020))

Sec. 2-192. Composition; appointment, removal, and term of members; annual meeting and election of officers.

The Public Golf Course Commission shall be composed of eight (8) resident electors of the Town. Membership shall consist of at least one member from the men’s club, the seniors’ club, the ladies’ club, the lady niners club, and a non-golfer. All members of the Commission shall be appointed by the Town Council and may be removed by the Town Council. Each of the eight (8) members shall serve for a term of three (3) years, ending each January, with appointments staggered so that replacement/reappointments take place for no more than two (2) or three (3) members each year. Vacancies shall be filled for any unexpired term by the Town Council.

Upon establishment, the Commission shall elect a Chairman, a Vice Chairman, and a Secretary from its members to serve until its first annual meeting. Thereafter, each February, the Commission shall elect a Chairman and a Vice Chairman. At the second meeting of its first full year, a Secretary will be hired to record the minutes of the meetings of the Commission. The Commission shall schedule regular monthly meetings, which schedule shall be filed with the Town Clerk, designating the time and place thereof. The agenda and minutes of all Commission meetings will be filed with the Town Clerk on a timely basis, pursuant to Connecticut General Statutes.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020; Ord. No. 2-2023 added membership)

Sec. 2-193. Powers and duties; staff.

The Commission shall have the power to:

- (a) Make and ensure enforcement of policies, rules, and regulations for the orderly play of golf and the operation of Timberlin Golf Course and attendant facilities, which rules and regulations shall be reviewed and approved by the Town Council;
- (b) Provide input and recommendations to be used in the negotiations of all proposed contracts with any entity involved in the operation of the golf course and attendant facilities, to the Director of Golf and Town Manager; and
- (c) Work with the Director of Golf to develop and prioritize alteration plans, renovations, and capital improvements based on available funds.

The Commission shall submit reports to the Town Manager and/or the Town Council as may be requested from time to time.

Staffing for the operation and maintenance of the golf course shall be provided for in the final Town Council approved budget, prepared and submitted by the Director of Golf to the Town Manager as his direct report. The Commission will have reviewed the budget prior to submission to the Town Manager.

(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Section No. changed 03-17-2020))

Sec. 2-194. Budget; schedule of charges.

The Director of Golf shall prepare a fiscal year golf course expense budget, to the Town Manager containing his estimate of projected expenses. The Commission will have reviewed the budget prior to submission to the Town Manager.

The Director of Golf will present a schedule of fees, rates, rentals, and charges for the ensuing calendar year, developed in concert with the Commission, to the Town Council for their review and adoption at the first Town Council meeting in January.

The Golf Commission shall make annual revenue projections based upon its recommended rates and present such recommendations to the Town Manager. The recommended rates shall be based upon the Commission's analysis of market (including rates of nearby competitors) and play considerations and shall be set to maximize revenues for the golf course. **The revenues projected shall be in an amount which is sufficient to meet current expenses as set forth in the budget finally adopted by the Town Council.** The Town Manager shall consider the recommendations of the Commission and present proposed rates to the Town Council for its review and action at a Town Council meeting in January.

If the actual revenues at the end of any fiscal year are less than the expenses, appropriate action shall be taken to ensure the revenues during a three-year period, including the year in deficit, exceed the expenses for the same period. Within forty-five (45) days of the end of any fiscal year in which expenses exceed revenue, the Commission shall present to the Town Council the Commission's plan to ensure that revenues will exceed expenses for the given three-year period. The Commission's plan may include past or future fiscal years when considering a three-year period, but the three-years shall be consecutive to each other.

The course financial performance will continue to be measured based on course revenues, expenses, and charges from other Town departments, e.g. Building Maintenance and Town Garage for in kind services needed at the golf course.
(Ord. No. 06-17, 9-19-2017; Ord. No. 01-18, 2-20-2018; Ord. No. 04-20, 3-17-2020; Section No. changed 03-17-2020))

Agenda Item No. 4
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 1, 2024

SUBJECT: Accept Noise Ordinance

Summary of Agenda Item:

The Ordinance Committee at its June 4, 2024, meeting voted to recommend to the Council a Noise Ordinance. The proposed Ordinance has been reviewed and edited to reflect the comments from the Deputy Chief of the Berlin Police Department and the Town Planner.

A public hearing was held on July 9, 2024, to receive comments from the public.

Action Needed:

Move to accept the proposed Noise Ordinance.

Attachments:

Proposed Noise Ordinance.

Prepared By:

Arosha Jayawickrema, Town Manager

NOISE

- § ____ **Declaration of purpose.**
- § ____ **Definitions.**
- § ____ **Noise zones.**
- § ____ **Sound levels.**
- § ____ **Motor vehicle noise.**
- § ____ **Exhaust discharge.**
- § ____ **Certain sounds excluded.**
- § ____ **Exemptions.**
- § ____ **Instruments and measurements.**
- § ____ **Administration and enforcement.**
- § ____ **Violations and penalties.**
- § ____ **Variances.**
- § ____ **Coordination with other laws.**
- § ____ **Compliance with Chapter no defense to nuisance claim.**
- § ____ **Severability.**

§ ____ **Declaration of purpose.**

Excessive noise poses a danger to the health, safety, and welfare of persons within the Town of Berlin and a detriment to their quality of life. Therefore, this Chapter is enacted to promote an environment free from noise that jeopardizes the health, safety, welfare, and quality of life of persons within the Town of Berlin through the control, reduction, and prevention of excessive sound and vibration.

§ ____ **Definitions.**

When used in this Chapter, the terms below shall have the following meanings:

BACKGROUND NOISE – Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

CONSTRUCTION –Any site preparation, assembly, erection, substantial

repair, alteration or similar action, but excluding demolition for or of public or private rights-of-way, structures, utilities or similar property.

DAY – From 7:00 a.m. to 9:00 p.m., local time.

DECIBEL – A logarithmic unit of measure used in measuring magnitudes of sound. The symbol is dB.

DEMOLITION – Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

EMERGENCY – Any occurrence involving actual or imminent danger to persons or damage to property which demands immediate action.

EMITTER – The person who creates, causes to be created, or allows the noise.

EXCESSIVE NOISE – Any sound, the intensity of which exceeds the standards set forth in § ____ of this Chapter.

IMPULSE NOISE – A sound of short duration, usually less than one (1) second, and a high intensity, with an abrupt onset and rapid decay. Examples include an explosion, a discharge of a firearm, or a screech.

INFRASONIC SOUND – Sound-pressure variations having frequencies below the audible range for humans.

MOTOR VEHICLE – Defined as per § 14-1(59) of the Connecticut General Statutes.

NIGHT – From 9:00 p.m. until 12:00 midnight, and from 12:00 midnight until 7:00 a.m.

NOISE SOURCE – Any individual, equipment, machine or other item or thing that creates a sound.

PEAK SOUND-PRESSURE LEVEL – The absolute maximum value of the instantaneous sound-pressure level occurring in a specified period of time.

PERSON – Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

RECEPTOR – The person who receives the noise impact.

SOUND – A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

SOUND LEVEL – The A-weighted sound pressure level, expressed in decibels (dBA), measured on a sound level meter properly calibrated and operating on the A-weighting network.

SOUND LEVEL METER – An instrument which includes a microphone, amplifier, RMS detector, integrator or averager, output meter and weighting networks used to take sound level measurements, which should conform, at a minimum, to the requirements set forth in the American National Standards Institute's American National Standard for Sound Level Meters [ANSI S.1.5 – 1971 (Type S2A) Sound Level Meter].

ULTRASONIC SOUND – Sound-pressure variations having frequencies above the audible sound spectrum for humans.

VARIANCE – A difference between the standards which are required by this ordinance and that which is permitted to exist.

VIBRATION – An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

§ ____ **Noise zones.**

Noise zone means an individual unit of land or a group of contiguous parcels under the same ownership as indicated by public land records and, as related to noise emitters, includes contiguous publicly dedicated street and highway rights-of-way, railroad rights-of-way, and waters of the State.

Noise zones within the Town of Berlin shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the Zoning Regulations and Zoning Map of the Town of Berlin.

Zone	Actual or Intended Use	Current Zoning*

A	Residential	R-86,R-43,R-21,R-15,R-11, R-7, PR-1, PR-2, PR-3, POR, OP, MR-1, MR-2, and WHD
B	Commercial	PS-A,PS-B,SP-DD,GC, BT-1, BT-2, CCD-1, CCD-2, SP-DD 2, SP-DD Overlay, and BTD
C	Industrial	OT,OT-2,GI,GI-2, PI, PI-2, POD

*Based on the Zoning Regulations and Zoning Map of the Town of Berlin.

§ ____ **Sound levels.**

A. It shall be unlawful for any person to emit or cause to be emitted any sound beyond the boundaries of his/her/its premises so as to violate any provisions of this Chapter.

B. Sound level standards. No person shall emit or cause to be emitted sound beyond the boundaries of his/her/its premises exceeding the levels stated in the table below and applicable to adjacent residential (Zone A), commercial (Zone B), or industrial (Zone C) zones when measured on a receptor's premises:

Emitter's Noise Zone	Receptor's Noise Zone			
	Zone C Receptor	Zone B Receptor	Zone A/Day Receptor	Zone A/Night Receptor
Zone A Emitter	62 dBA	55 dBA	55 dBA	45 dBA
Zone B Emitter	62 dBA	62 dBA	55 dBA	45 dBA
Zone C Emitter	70 dBA	66 dBA	61 dBA	51 dBA

C. High background noise levels. In those individual cases where the background noise levels caused by sources not subject to this Chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) dBA, provided that no source subject to the provisions of this Chapter shall emit noise in excess of eighty (80) dBA at any time, and provided that this section does not

decrease the permissible noise level standards of Subsection B of this section.

D. Impulse noise.

1. No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound-pressure level during the nighttime to any residential noise zone.

2. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound-pressure level at any time in any noise zone.

E. Infrasonic and ultrasonic sound.

No person shall emit beyond his/her/its property infrasonic or ultrasonic sound in excess of one hundred (100) decibels at any time.

§ ____ **Motor vehicle noise.**

A. All motor vehicles operating within the limits of the Town of Berlin shall be subject to the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, campers, and dune buggies.

B. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

C. No person shall operate, or cause to be operated, any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the noise standards and decibel levels set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes.

§ ____ **Exhaust discharge.**

No person shall discharge into the ambient air the blow-down of any steam vent of the exhaust of any stationary internal combustion engine or air compressor

equipment, unless such discharge is through a muffler or through an apparatus providing equal noise reduction.

§ ____ Certain sounds excluded.

This Chapter shall not apply to:

- A. Sound generated by natural phenomena, including but not limited to wind, storms, insects, birds, amphibious creatures and water flowing in its natural course.
- B. The unamplified sound of human voices.
- C. The unamplified sound made by any wild or domestic animal.
- D. Sound created by bells, carillons or chimes associated with specific religious observances.
- E. Sound created by a public emergency sound signal attached to any authorized emergency vehicle in the immediate act of responding to an emergency or located within or attached to a building, pole or other structure for the purpose of sounding an alarm relating to fire or civil preparedness.
- F. Sound created by safety and protective devices, provided that such device is sounded as a warning of imminent danger or from the release of pressure buildup.
- G. Sound created by intrusion alarms, provided that the emission of noise from such devices, from the time of activation of audible signal, does not exceed ten (10) minutes when attached to any vehicle or thirty (30) minutes when attached to any building or structure. The repetition of activation of the audible signal of an intrusion alarm due to malfunction, lack of proper maintenance, or lack of reasonable care shall be considered excessive noise.
- H. Backup alarms required by Occupational Safety and Health Administration (OSHA) or other municipal, state, or federal safety regulations.
- I. Farming equipment or farming activity.

§ _____ **Exemptions.**

The following noise shall be exempted from the provisions of this Chapter.

- A. Noise created by signal testing, principally siren-tested by city fire departments and civil preparedness units.
- B. Noises created by snow removal equipment at any time, provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.
- C. Noise created by blasting, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. or at such other specified hours provided for in the permits necessary to conduct such activity. Per Connecticut law, blasting is prohibited on Sundays.
- D. Noise generated by the operation of any tools or equipment used in construction, drilling, or demolition work between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays and Sundays provided that the noise generated therefrom does not exceed the limits set forth in § _____. This section does not apply to the use of domestic power tools subject to § _____ below. NOTE: NEED TO DISCUSS WHETHER COUNCIL WANTS (1) Different hours on weekends; or (2) different hours on Sundays; and (3) holiday hours.
- E. Noise generated by the operation of any mechanically powered or gasoline powered saw, drill, sander, grinder, lawn, landscaping, or garden tool, leaf blower, or other domestic power tool or equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that the noise generated therefrom does not exceed the limits set forth in § _____. This section does not apply to the use of snow-removal equipment [see § _____ herein].
- F. Noise created by on-site recreational or sporting activity that is sanctioned by town government, provided that the noise created by the activity is adequately muffled to prevent loud noises therefrom.
- G. Patriotic or public celebrations not extending longer than one calendar day, such as parades, carnivals, and firework displays, are exempted, provided that any necessary permits have been obtained.
- H. Noise created by aircraft or components designed for or utilized in the

development of aircraft.

- I. Noise from the activities conducted at the Mattabasset Gun Club in accordance with the Club's Rules and Regulations.
- J. Noise from lawfully operated backup power generators.
- K. Noise from lawfully authorized construction performed by the State of Connecticut or Town of Berlin (including their respective contractors and/or subcontractors) during the otherwise off hours of 8:00p.m.-7:00a.m.

§ _____ **Instruments and measurements.**

- A. Instruments used to determine sound level measurements shall conform to sound level meters as defined by this Chapter.
- B. All personnel conducting sound measurements shall be trained and experienced in the current techniques and principles of sound measuring equipment and instrumentation.
- C. The general steps listed below shall be followed when preparing to take sound level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements shall be taken at a point that is located about one (1) foot beyond the property line of the emitter's premises within the receptor's premises. The emitter's premises include his/her/its individual unit of land or group of contiguous parcels under the same ownership as indicated by public land records.
 - 3. While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources shall be made to ensure that the measurements are due to the sound being investigated. The sound levels of extraneous sound sources shall be recorded.

§___ **Administration and enforcement.**

- A. The Town Manager shall appoint a Town employee to enforce the provisions of this Ordinance and carrying out the purpose of this Chapter as specified in § _____. The Chief of Police, or his designated representative, shall have the authority to investigate complaints of noise pollution in coordination with the Town employee appointed by the Town Manager and the Chief, his designee or the Town employee appointed by the Town Manager shall have authority to issue citations for violations of this Chapter.
- B. Inspections.
1. For the purposes of determining compliance with the provisions of this Chapter, the Chief of Police or his designated representative and/or the Town employee appointed by the Town Manager is hereby authorized to make inspections of all noise sources and to take measurements and make tests, whenever necessary, to determine the quantity and character of noise. In the event that any person refuses or restricts entry and free access to any part of a premise, or refuses inspection, testing, or noise measurement of any activity, device, facility, or process where inspection is sought, the Town may seek from the appropriate court a warrant, without interference, restriction, or obstruction, at a reasonable time, for the purpose of inspecting, testing, or measuring noise.
 2. It shall be unlawful for any person to refuse to allow or permit the Chief of Police or his designated representative, or the Town employee appointed by the Town Manager, free access to any premise, when the Chief of Police or his designated representative or the appointed Town employee is acting in compliance with a warrant for inspection and order issued by the appropriate court.
 3.

No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any authorized person while in the performance of his/her duties under this

Chapter.

§ _____. **Violations and penalties.**

- A. No person shall violate or cause the violation of the provisions of this Chapter.
- B. Any person in violation of the provisions of this Chapter shall be fined one hundred dollars (\$100.00) for the initial violation.
- C. Each day on which a violation occurs or continues shall be considered a separate violation of this chapter. For the second violation and each additional violation thereafter, the fine imposed shall be two hundred dollars (\$200.00).

§ _____. **Variances.**

- A. Any person living or doing business in the Town of Berlin may apply to the Town Council for a variance or partial variance from one or more of the provisions of this Chapter, which are more stringent than the Connecticut Department of Energy and Environmental Protection's regulations for the control of noise, provided that the applicant supplies the following information to the Town Council at least thirty (30) days prior to the start of such activity:
 - 1. The location and nature of the activity;
 - 2. The time period and hours of operation of the activity;
 - 3. The nature and intensity of the noise that will be generated;
 - 4. The reason for which the variance is required; and
 - 5. Any other information required by the Board of Selectmen.
- B. No variance from this Chapter shall issue unless it has been demonstrated that:
 - 1. The proposed activity will not violate any provisions of the Connecticut Department of Energy and Environmental Protection's regulations;

2. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 3. Compliance with this Chapter constitutes an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.
- C. The application for variance shall be reviewed and either approved or rejected at least five (5) days prior to the proposed start of the activity. The approval or rejection shall be in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
 - D. Failure of the Town Council to rule on an application in the designated time shall constitute approval of the variance.
 - E. Any person holding a variance and needing an extension of time may apply for a new variance under the provisions of this section. Any such application shall include a certification of compliance with any condition(s) imposed under the previous variance.

§ _____ Coordination with other laws.

- A. Nothing in this Chapter shall authorize the construction or operation of a stationary noise source in violation of the requirements of any other applicable state law or regulation.
- B. Nothing in this Chapter shall authorize the sale, use, or operation of a noise source in violation of the laws and regulations of the Connecticut Department of Energy and Environmental Protection, Connecticut Department of Motor Vehicles, the Federal Aviation Administration, the U.S. Environmental Protection Agency, or any amendments thereto.

§ _____ Compliance with Chapter no defense to nuisance claim.

Nothing in any portion of this Chapter shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with this Chapter is not a bar to a claim of nuisance by any person. A violation of any portion of this Chapter shall not be deemed to create a nuisance per se.

§ _____ Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Chapter which can be given effect without the invalid provisions or application; and to this end, the provisions of this Chapter and the various applications thereof are declared to be severable.

TO: The Honorable Mayor and Town Council
FROM: Arosha Jayawickrema, Town Manager
DATE: June 27, 2024
SUBJECT: Berlin Fair Traffic Direction & Control Fee Waiver

Summary of Agenda Item:

The Berlin Lions Agricultural Fair, Inc is requesting that the Town of Berlin waive the traffic control fees associated with the Berlin Fair to be held September 12-15, 2024.

The initial request in the approximate amount of 34,500.00 was a mistake and should have been 41,472.00. I mistakenly mixed up the amount for Security which is billed directly to the Berlin Lions Agricultural Fair, Inc and the Traffic Direction Fees which have previously been waived by the town.

Funding:

Officers assigned to this event would be paid from the extra duty account #001.15.1532.0.51440.00000.

Action Needed:

Move to rescind the previous motion to approve the waiving of the police fees in the approximate amount of \$34,500.00 for traffic control and direction for the Berlin Fair that will be held September 12-15, 2024, at the Berlin Fairgrounds.

Move to approve waiving the police fees in the approximate amount of \$ 41,472.00, for traffic control and direction for the Berlin Fair that will be held September 12-15,2024 at the Berlin Fairgrounds.

Attachments:

Request for Fee Waiver Form

Prepared By:

Lieutenant Michael Jobes, Berlin Police Department





TOWN OF BERLIN Request for Fee Waiver

Requesting Organization: Berlin Lions Agricultural Fair, Inc	Date: May 23, 2024
Contact Name: Francis Recek	
Phone Number: (860) 266-0434	
Event: 2024 Berlin Fair	Date of Event: Sept 12 – 15, 2024
Location of the Event: Berlin Fair Grounds; 430 Beckley Rd, East Berlin, CT	
What fee do you want waived: Police costs associated with traffic direction and control during the Berlin Fair (September 12 through 15, 2024). <i>\$ 34,500 approx KJM</i>	
Identify the hardship incurred: Costs associated with Police fees would greatly impact the total amount of monies raised, thus reducing the donations to many charitable organizations.	
Identify how your organization benefits the Town of Berlin as outlined in the below criteria. Please be specific: Funds from the Berlin Fair feed the Berlin Lions Charities which distributes donations to many organizations, some of which include The Berlin Food Pantry, each of the four Volunteer Fire Departments, Multiple Scholarships to Berlin High graduates including Valdictorian and Salutatorian), local Boys and Girls committees (including Upbeat), Local Veterans, and several others. In addition to these donations, most every church, fire department and civic organization in Berlin has a booth at the annual Berlin Fair to raise funds themselves.	

*8/5/24
New
841,
472.00
7/2/24
KJM*

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 Lions Charities & Agricultural Fair, Inc

Comments:

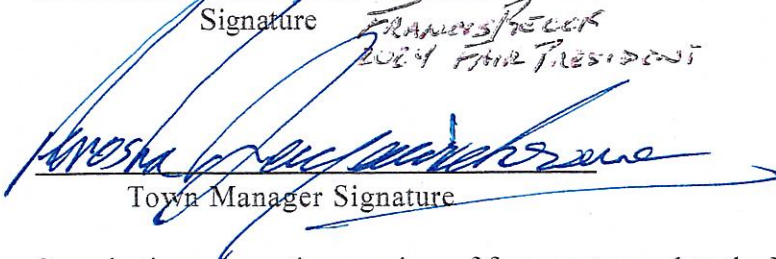


Signature

FRANCIS BECKER
2024 FAIR PRESIDENT

5-23-2024

Date



Town Manager Signature

6/3/2024

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.

Agenda Item No. 6
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: June 25, 2024

SUBJECT: Appropriation of FY25 General Fund Unassigned Fund Balance for a Town-wide Water/Sewer System Study

SUMMARY:

On June 18, 2024, Town Council held a discussion on the merits of a potential Town-wide Water/Sewer System Study of the Berlin Water Control Commission, Kensington Fire District, and Worthington Fire District. This study would be conducted by Haley Ward Engineers in the amount of \$140,000.00. The study is intended to identify infrastructure and financial analysis of each utility, and possible merger benefits and/or operational issues with each entity.

After discussion, the Town Council voted to approve the study utilizing Town Unassigned General Funds. Because this is a non-budgeted appropriation, a Special Town Meeting must be held.

FUNDING:

Identify \$140,000 from the non-budgeted General Town Funds to cover the cost of the Consultant Study.

ACTION NEEDED:

Move to authorize the Town Manager to schedule and advertise a Special Town Meeting to be held on Tuesday, July 23, 2024, at 6:45 pm, for the purpose of approving a FY 25 non-budgeted appropriation of \$140,000 from the General Fund for a Town-wide Water and Sewer System Study.


PREPARED BY:

Ray Jarema, P.E., Water Control Manager

MSA

Agenda Item No. 7
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager 

DATE: June 18, 2024

SUBJECT: Berlin High School Slab-on-Grade Moisture Project - Consultant Approval

SUMMARY

The slab-on-grade moisture project at Berlin High School was referred to the Public Building Commission (PBC) for further review. As part of the investigation and review by the PBC, it was determined that detailed analysis by an outside firm will be needed, focusing on analyzing the upper portion of the floor slab as well as the adhesive and tile layers. At the PBC's request, Wiss, Janney, Elstner Associates, Inc (WJE) out of Shelton, CT, provided a proposal to perform the required work needed in the amount of \$29,500. The attached proposal was approved by the PBC at its June 13, 2024 meeting. A \$1,500 contingency is being requested for any additional testing or administrative reporting that may be needed bringing the total cost to an amount not to exceed \$31,000. A bid waiver is being requested due to the specialty nature of the work. WJE is an established firm specializing in the investigations, analysis, testing, and design of repairs for historic and contemporary structures, and will conduct detailed lab analyses of the floor tile/adhesive/upper slab areas of concern as well as reviewing product data and installation specifications.

FUNDING

This project will be funded from the BHS Moisture Account, No. 500.35.3561.0.54000.00376.

ACTION NEEDED

Move to approve a bid waiver and proposal from Wiss, Janney, Elstner Associates, Inc of Shelton, CT, for an amount not to exceed \$31,000, which includes a \$1,500 contingency, for upper slab and floor tile and adhesive analysis related to the Berlin High School slab-on-grade moisture project as previously approved by the Public Building Commission, as this is in the best interest of the Town.

ATTACHMENTS

WJE Proposal
Sufficiency of Funds

PREPARED BY

Michael S. Ahern, P.E., Public Works Director





Wiss, Janney, Elstner Associates, Inc.
2 Trap Falls Road, Suite 502
Shelton, Connecticut 06484
203.944.9424 tel
www.wje.com

June 18, 2024

Don Lombardo
Town of Berlin
Public Building Commission
240 Kensington Road
Berlin, CT 06037

Berlin High School Flooring Investigation

139 Paterson Way, Berlin, CT 06037

WJE No. 2024.2537

Dear Mr. Lombardo:

Per your request, Wiss, Janney, Elstner Associates, Inc. (WJE) is pleased to provide this proposal for professional services related to performing an investigation of the discolored and partially delaminating VCT tile floor at the Berlin High School in Berlin, CT. The following proposal is based on our April 1, 2024, walkthrough as well as our experience with similar flooring failure projects.

INTRODUCTION TO WJE

Wiss, Janney, Elstner Associates, Inc. (WJE) is a global firm of engineers, architects, and materials scientists that specializes in the investigation, analysis, testing, and design of repairs for historic and contemporary structures. Since the firm's founding more than sixty years ago, WJE has focused on delivering practical, innovative, and technically sound solutions across all areas of new and existing construction. Our specialists bring the collective experience gained from conducting more than 175,000 investigations worldwide to every construction challenge. With global capabilities, WJE can respond quickly to assignments around the world. WJE combines state-of-the-art laboratory and testing facilities, global offices, and knowledge sharing systems to provide solutions for the built world. For more information, please visit WJE.com.

BACKGROUND

The Berlin High School underwent a major renovation which was completed in the fall of 2017. The project consisted of renovations to the existing 1950's building plus new construction of additional space. At the existing portions of the building, new VCT flooring was installed on the existing slab-on-grade.

WJE visited the site and met with representatives from DND Construction Services, the Town of Berlin, and Berlin School. During our meeting, WJE was shown various locations at the existing portion of the school in which the VCT flooring was noted to be stained and partially delaminating. Following our visit WJE was asked to provide a proposal for independently reviewing the failure of the VCT and provide a report on our findings.

In order to complete this scope of work, WJE recommends the following scope of services:



SCOPE OF SERVICES

Task 1: Field Assessment/Document Review

During this phase, WJE will review available architectural drawings, product literature, MSDS, and other applicable submittals for the flooring materials, design plans and specifications that relate to the renovation, reports, maintenance records, information that describes event chronology (construction sequence and installation dates and a description of surface preparation methods utilized and slab dry times prior to flooring installation), moisture emission rate test data and pH determinations previously performed on the concrete slabs (if available), and other pertinent information furnished by you.

A visual survey of the subject floor areas will also be conducted in this phase. Selected floor areas which are exhibiting visible delaminations, staining, or other notable conditions will be documented with photographs and by annotations on drawings provided by you. We will also interview school personnel and construction personnel, as required, to obtain additional background information.

Task 2 – Field Testing and Sampling:

Based on our review of the project documentation and on observations made during the condition survey, locations for testing and sampling will be selected. We anticipate removing 4 to 8 VCT samples from the concrete slab for analysis by both an industrial hygienist as well as our in-house laboratories. The samples will be taken from representative stained and partially delaminated areas as well as locations without apparent flooring failures. We anticipate that contractor support for removal of the tile samples will be provided by others. In addition, WJE will install four to eight moisture probes manufactured by Vaisala to determine the amount of moisture in the existing slab.

Task 3 – Laboratory Services:

Once the samples are removed, WJE will first send the samples to an industrial hygienist to determine if the staining is associated with mold or biological growth. Once these results are determined, the balance of the samples will be sent to our laboratory in Northbrook, IL for further analysis to determine the cause of the failures.

Task 4 – Report:

Upon completion of tasks 1-3, WJE will issue a detailed report presenting our findings. The report will include our observations, results of testing/laboratory studies and our opinions on the cause of the failures as well as remediation recommendations.

COMPENSATION

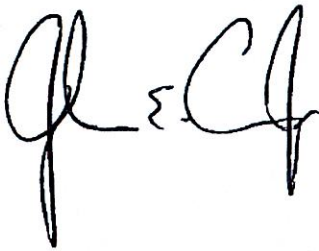
WJE proposes to perform the *Scope of Services* described above in accordance with the following fixed fee schedule which includes all customary reimbursable expenditures. All WJE work will be in accordance with our standard terms and conditions attached

<i>Task I – Field Assessment/Document Review</i>	\$11,000
<i>Task II – Field Testing and Sampling</i>	\$7,000

Task III – Laboratory Studies	\$6,000
Task IV- Report	\$5,500
Total (Phases I through IV)	\$ 29,500

Sincerely,

WISS, JANNEY, ELSTNER ASSOCIATES, INC.



John Cocca, PE
Associate Principal and Project Manager

Agreed and approved

Name: _____ (please print)

Signature: _____



Wiss, Janney, Elstner Associates, Inc. or WJE Engineers & Architects, P.C. (WJE) has been requested to perform certain professional and other services. The parties agree that these services shall be performed under the following Terms and Conditions, and that Client's acceptance of WJE's proposal or its direction for WJE to commence any services constitutes acceptance of these Terms.

1. Independent Contractor. WJE is an independent contractor, and all persons employed to furnish services hereunder are employees of WJE or its subcontractors/subconsultants and not of the Client. WJE and Client agree to be solely responsible for compliance with all federal, state, and local laws, rules and regulations, and ordinances that apply to their own respective employees.

2. Performance. The standard of care for all professional services performed or furnished by WJE will be the skill and care ordinarily used by members of WJE's professions performing similar services and practicing under similar circumstances at the same time and in the same locality. WJE makes no guarantees or warranties, express or implied, with regard to the performance of its services. WJE shall not have control over or be in charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures or for construction safety precautions and programs since these are the responsibilities of others. WJE agrees to perform its services in as timely a manner as is consistent with the professional standard of care and to comply with applicable laws, regulations, codes and standards that relate to WJE's services and that are in effect as of the date when the services are provided. Client agrees that no claim may be brought against any WJE employee individually for any claim involving performance of services.

3. Client Duties. In order for WJE to perform the services requested, the Client shall, at no expense to WJE, (1) provide all necessary information regarding Client's requirements as necessary for the orderly progress of the work; (2) designate a person to act as Client's representative for the services who shall have the authority to transmit instructions, receive instructions and information, and interpret and define Client's policies and requests for WJE's services; and (3) provide access to and make all provisions for WJE to enter, without cost, limitation, or burden to WJE, the specific property as required to perform the work, including the use of scaffolds or similar mechanical equipment. WJE is entitled to rely upon the information and services provided by the Client.

4. Safety. Field work will be performed only under conditions deemed safe by WJE personnel. Charges may be made for safety or security measures required by hazardous job conditions that WJE may encounter. Client understands that WJE is only responsible for the safety of its own employees and those of its subconsultants and is not responsible for the safety of other persons or property.

5. Compensation and Expenses. Client agrees to pay for WJE's requested services in accordance with WJE's standard hourly rate schedule or negotiated fee. Charges generally will be billed in monthly intervals with applicable taxes included. Travel, subsistence, and expenses incurred; communications; reproduction; and shipping charges will be billed at cost plus 5 percent and invoiced as an expense service fee. Use of vehicles will be billed at \$0.75 per mile. Expended materials for field and laboratory work, rental equipment, and any fees advanced on Client's behalf will be billed at cost plus 10 percent and invoiced as

an expense service fee. WJE equipment used in field or laboratory work is billed at WJE's equipment usage rate schedule in effect at the time the work is performed, subject to adjustment for minimum or extended usage. Portal-to-portal equipment usage rates are comparable to prevailing commercial rental rates (if available). Billing rates may be increased annually. Any subcontracted service will be billed at cost plus 10 percent providing the subcontract firm has in place adequate insurance coverage determined by WJE; otherwise, the cost will be marked up 20 percent and invoiced as an expense service fee. Client agrees to pay WJE's then-current time charges, attorneys' fees, and other expenses resulting from required attendance at depositions, administrative proceedings, or responding to subpoenas or court orders relating to the Project, but not for such expenses attributed to WJE's negligent performance of its services.

Payment for WJE's services is expected in full in US dollars upon receipt of the invoice. Invoices more than 30 days past due are subject to a 2% interest charge per month (but no more than the maximum extent allowed by law) compounded annually and any related attorneys' fees and collection expenses. WJE reserves the right to suspend its services if the Client fails to make payment when due. In such an event, WJE shall have no liability to the Client for delay or damage caused the Client because of such suspension.

6. Termination. Both the Client and WJE have the right to terminate WJE's services for convenience upon seven calendar days' written notice to the other party. In the event the Client terminates without cause, WJE shall be entitled to compensation for its services and expenses up to the time of such notification, including fees for any transition services, and shall have no liability for delay or damage to Client because of such termination.

7. Reports, Drawings, and Work Product. WJE retains ownership of reports, drawings, specifications, test data, techniques, photographs, letters, notes, and other work product, including those in electronic form, it has created. These documents or parts thereof may not be reproduced or used by the Client for any purpose other than the purpose for which they were prepared, including, but not limited to, use on other projects or future modifications to this Project, without the prior written consent of WJE. Upon request, WJE will provide Client with a copy of documentation for information and reference purposes and bill for such reproduction in accordance with Paragraph 5 above. Any unauthorized use of WJE's work product shall be at the Client's sole risk and Client shall indemnify WJE for any liability or legal exposure to WJE. To the extent WJE terminates its services due to non-payment of fees by Client, Client shall not be entitled to use the documents described herein for any purpose whatsoever.

8. Environmental Hazards. Client acknowledges that WJE's services do not include the detection, investigation, evaluation, or abatement of environmental conditions that WJE may encounter, such as mold, lead, asbestos, PCBs, hazardous substances, or toxic materials that may be present in buildings and structures involved in this Project. The Client agrees to defend, indemnify, and hold WJE harmless from any claims relating to the actual or alleged



existence or discharge of such materials through no fault of WJE's employees. WJE reserves the right to suspend its services, without liability for consequential or any other damages, if it has reason to believe that its employees may be exposed to hazardous materials and will notify the Client in such event.

9. Dispute Resolution. Prior to the initiation of any legal proceedings (except for WJE initiated claims for nonpayment for services), WJE and the Client agree to submit all claims, disputes, or controversies arising out of or in relation to the services provided by WJE to mediation. Such mediation shall be conducted under the auspices of the American Arbitration Association or such other mediation service or mediator upon which the parties agree. Client consents to suit for nonpayment in the state courts of Illinois.

10. Successors and Assigns. These Terms shall be binding upon Client and WJE and their respective successors, assigns and legal representatives. Neither party may assign, subcontract, or otherwise delegate its responsibilities without the prior consent of the other party, which consent shall not be unreasonably withheld. Additionally, in no instance shall this paragraph be interpreted to create any rights in any third party.

11. Insurance. WJE maintains commercial general liability, automobile, workers' compensation, and employers' liability and professional liability coverages under policies written by national insurance carriers rated by the A.M. Best Company, evidence of which will be provided upon request. Special endorsements are not allowed. No waiver of subrogation is allowed on WJE's professional liability policy. Upon written request, WJE agrees to name the Client as an additional insured to the commercial general liability and automobile coverages. Any request to add other parties as additional insureds must be made in writing and is subject to certain limitations. All policies are subject to annual renewal. Excess coverage is available for exposures over primary policy limits except for professional liability.

12. Indemnity. To the fullest extent permitted by law, Client and WJE each agree to indemnify and hold the other harmless, and their respective agents, officers and employees, from and against liability for all direct claims, losses, damages, and expenses, including reasonable attorneys' fees, to the extent such claims, losses, damages, or expenses are for bodily injury, sickness, disease, death, or property damage and to the extent they are caused by the negligent acts, errors, or omissions of the indemnifying party, and/or the indemnifying party's agents, officers, employees, independent contractors, or subcontractors of any tier. In the event such claims, losses, damages, or expenses are caused by the joint or concurrent negligence of Client and WJE, or their respective agents, officers, employees, independent contractors, or subcontractors of any tier, they shall be borne by each party in proportion to that negligence.

13. Agreed Remedy. To the fullest extent permitted by law, the total liability, in the aggregate, of WJE and WJE's officers, directors, employees, agents, and consultants to Client and anyone claiming by, through, or under Client, for any and all injuries, claims, losses, expenses, or damages, including, without limitation, attorneys' fees, arising out of or in any way related to WJE's services, the Project, or these Terms, from any cause or causes whatsoever,

including but not limited to, negligence, strict liability, indemnity or breach of contract shall not exceed an amount equal to the proceeds obligated to be paid under WJE's applicable insurance policy for such claims. If, for any reason, the applicable insurance policy does not provide coverage for any particular claim described herein, then the liability amount shall not exceed WJE's fees for the services performed hereunder.

In no event shall WJE be liable in contract, tort, strict liability, warranty or otherwise, for any special, incidental or consequential damages, such as, but not limited to, delay, disruption, loss of product, loss of anticipated profits or revenue, loss of use of equipment or system, non-operation or increased expense of operation of other equipment or systems, cost of capital, or cost of purchase or replacement equipment systems or power.

14. Third-Party Beneficiaries. Nothing contained in these Terms shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or WJE. WJE's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against WJE because of these Terms or WJE's performance or non-performance of services hereunder.

15. Laboratory or Material Testing Services. Material samples not consumed in WJE's work will be discarded 60 days after completion of the project unless the Client requests other disposition in writing. WJE cannot be responsible for material after 60 days and Client shall inform WJE in writing how to dispose of the samples. WJE will exercise reasonable care in safeguarding materials, records, or equipment, but disclaims any liability for loss or damage. Rates for sample storage will vary by sample size but in no event will sample charges be less than \$270 per year accruing upon the 61st day of storage and annually thereafter. Failure to pay for underlying services or storage constitutes permission to dispose of all samples held by WJE.

Any testing done on materials or products shall not prevent WJE from any services involving Client's materials or products in the built world. WJE shall have no liability to third parties for any products or materials developed from WJE's services. WJE's reports, trademarks or other property shall not be used to indicate endorsement of any material or product.

16. Entire Agreement. These Terms together with any written proposal shall constitute the entire understanding of the parties concerning the Project and supersede all prior negotiations and written agreements between them, and any amendment or modification to either WJE's proposal or these Terms may be made only by a written instrument expressly stated to be an amendment and signed by WJE.

17. Severability. If any provisions of these Terms, or portions thereof, are determined to be unenforceable, the remainder shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.



TOWN OF BERLIN

CERTIFICATION OF SUFFICIENCY OF FUNDS

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

DATE	18-Jun-24
------	-----------

Purchase Item or Contract: BHS slab-on-grade moisture proj. consultant		Requested by: Mike Ahern	
QUANTITY	DESCRIPTION	PRICE PER UNIT	\$ AMOUNT
1.00	BHS slab-on-grade moisture proj. consultant (NTE \$31,000)	\$31,000.00	\$31,000.00
			\$0.00
			-
			-
			-
			-
TOTAL			\$31,000.00

Account No. 500.35.3561.0.54000.00376 BHS Moisture

Budgeted Amount.....	\$35,000.00	Available balance.....	\$35,000.00
Encumbrances to Date.....	\$0.00	Amount Needed for This Package.....	\$31,000.00
Expenditures to Date.....	\$0.00	Available Balance After Purchase.....	\$4,000.00

Is a budget change needed? Yes No

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

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

or:
Finance Director or Assist. Finance Director

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

Finance Director or Assist. Finance Director

Agenda Item No. 8
Request for Town Council Action

TO: The Honorable Mayor and Town Council

FROM: Arosha Jayawickrema, Town Manager

DATE: July 1, 2024

SUBJECT: Authorization for the Town Manager to Apply for and Enter Into Brownfields Grant Agreements Related to the 55 Steele Boulevard (formerly known as 889 Farmington Avenue Property) and to Appropriate the Grant, to execute a change order with B and W Paving for the 889 Farmington Avenue Engineered Control Project, and to execute amendment #7 to the Purchase Agreement for 55 Steele Boulevard

Summary of Agenda Item:

The Town Council authorized the Town Manager to apply for an additional State of Connecticut Department of Economic and Community Development (“DECD”) Municipal Brownfields grant for the 55 Steele Boulevard Engineered Control Project and the State has offered the grant of \$360,000 (a \$50,000 local match as previously approved) (“Grant”). 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. The additional grant funds are needed because design changes were made, including to install geopiers due to unsuitable materials discovered through excavations. In this Brownfields Grant funding round, an additional requirement was added that at least 20% of residential units be affordable to households with income at 80% or less of the area median. The Town requested a modification to this requirement such that Newport may either, (1) provide 20% of the units affordable to households making 80% of area median income (AMI) with deed-restricted for not less than 30 years or (2) provide 30% of the units affordable with 10% of the units affordable to households making 80% of area median income (AMI) with deed-restrictions for not less than 40 years and 20% affordable to households making 80% to 120% of area median income (AMI) as required by the Build4CT financing Program of the Connecticut Housing Finance Authority. For either affordability approach, the affordable unit rent will not exceed 30% of the criteria AMI. The Town Council previously approved (but the Town Manager has not yet executed) a seventh amendment to the Town’s Purchase Agreement for the property with Newport Realty Group, LLC to address the affordability requirement and now the Agreement will be modified to add that Newport will provide these affordable units based on one of the two affordability options. The Agreement will also be amended to advance the requirement for Newport to pay to the Town a \$40,000 cash match.

Construction of the Engineered Control project has been stopped pending the approval of this additional needed funding. Design changes including the construction of geopiers will require a change order with the Environmental Control Contractor, B&W Paving. B&W has submitted a change order proposal in the amount not to exceed \$340,759 for design changes including the construction of geopiers.

Funding:

The Town's \$50,000 match will be taken from the Farmington Ave Non-Grant account, as previously authorized. Newport Realty Group, LLC will contribute by agreeing to provide affordable housing units.

Action

Move to authorize the Town Manager to execute the seventh amendment to Purchase Agreement with Newport Realty Group LLC, such amendment to provide that (1) 20% of the units shall be affordable to households making 80% of area median income (AMI) with deed-restricted for not less than 30 years or (2) 30% of the units shall be affordable with 10% of the units affordable to households making 80% of area median income (AMI) with deed-restrictions for not less than 40 years and 20% affordable to households making 80% to 120% of area median income (AMI) as required by the Build4CT financing Program of the Connecticut Housing Finance Authority and (3) Newport shall pay to the Town the \$40,000 cash match.

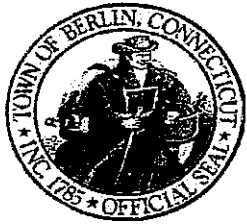
Move to authorize the Town Manager to execute additional changes order in amount(s) not to exceed \$340,759 with B and W Paving for the 55 Steele Boulevard Engineered Control Project, retaining the remaining portion of the previously authorized owner contingency, subject to review and approval of Corporation Counsel.

Attachments:

None

Prepared By:

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



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. Housing Authority RESIDENT COMMISSIONER 2. _____

****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: Lisa Salamon Telephone No.: 860-818-1426

Home Address: 31 Colonial Drive #3 Number of years in Berlin: 35
(Note: To apply, you must be a Registered Voter in Berlin)

Email Address: lisa922lisa@gmail.com

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

Educational Background (optional): Some college - no degree

Present Employment (company/position/address): retired

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2024 JUN 27 PM 12:18

Kathryn Wallace
BERLIN, CT

Current and Past Civic/Community Involvement: involved for many years in school events, former realtor.

Tell us why you feel qualified for this appointment: See attached page

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

Signature: Lisa Salamon Date: June 26, 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.

Lisa Salamon
Housing Authority

Addendum to

Town of Berlin

Application for Appointment to Boards and
Commissions

I have been a tenant at Percival Heights for five years. My nature tends to be calm and logical. I feel I would be able to look at both the tenants and the housing board members positions on whatever issues/matters may arise to be dealt with.

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2024 JUN 27 PM 12:18

Kathryn Wallace

BERLIN, CT.

Join Zoom Meeting
<https://berlinc-t-gov.zoom.us/j/85768428275?pwd=hTgQwqEpNVvtnoSjaublTOPimVEQ1i.1>
Meeting ID: 857 6842 8275
Passcode: 694661

+1-305-224-1968 # US

TOWN OF BERLIN
SPECIAL JOINT MEETING
TOWN COUNCIL AND BOARD OF FINANCE
Monday, June 10, 2024
Board of Education – Conference Room
(In Person and Remote Meeting)
6:00 P.M.

A. CALL TO ORDER

Mayor Kaczynski called the meeting to order at 6:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Board of Finance Members Present: Sal Bordonaro, Raul Fernandes, Tim Grady, Denise McNair, George Millerd, Gerald Paradis

Board of Finance Members Absent: None

Town Council Members Present: Kate Atkinson, Mayor Kaczynski, Charles Paonessa, Mark Pruzin, Peter Rosso, Donna Veach,

Town Council Members Absent: None

Present Staff:

Aroscha Jayawickrema – Town Manager
Brian Benigni – Superintendent of Schools
Kevin Delaney – Finance Director
Ashley Dorsey – Board of Education Finance Director
Kate Wall – Town Clerk
Jeff Cugno – Board of Education Director of Operations

D. AUDIENCE OF CITIZENS

Karen Pagliaro, 221 Still Meadow Lane.

Ms. Pagliaro said I'm here to speak about how important Para's are to students. They would not get the experience they need to grow without them. You need to increase the budget and listen to voters.

Josh Travinski, 60 Hall Lane

Mr. Travinski said I support expanding the school budget. It is important to invest in the school system to bring in young families and grow our town. I'm urging you to continue that trend and invest in the community and schools.

Laura McCarthy, 258 Alling St.

Ms. McCarthy said I'm here to speak about the importance of sports for our young people. I see sports as a wonderful activity and it is community building. I'm disheartened to see sports regularly on the chopping block. When you don't invest in these activities then you are going to invest in your criminal justice system. Continuing to put sports on the chopping block is not the right move.

Kerin Heemsoth, 3 Watch Hill

Ms. Heemsoth said I'm here to talk about the importance of sports. They are a protective factor for our kids. We are coming out of COVID which caused school anxiety and mental health issues. To fit in and belong on a team socially is important. 60% of kids at McGee are participating in sports. People on Facebook are saying how kids are out on their bikes on Farmington Ave., but how are we going to engage these kids? Don't eliminate sports.

Imelda Mongillo, 86 Devonshire Way

Ms. Mongillo said I appreciate the Town Council recognizing the importance of the state of our schools this budget season. Superintendent Benigni specified the need to at least cover sports. The middle school mental health services program ESS was going to be covered through other means. I understand how hard it is to find money for all of the different needs, both for the school and town. I'd like you to consider as much as you can provide to help minimize these cuts. There are some items that can be covered with a surplus, if it exists, but not fixed positions. I ask you to dig deep so that positions that are highlighted don't have to be cut. I'm asking for a continued collaborative approach for working through the budget process. Move forward and towards productive working relationships.

Ann Zagorski, 63 Grandview Ave.

Ms. Zagorski said I understand that the Town Council does not have a say in the Board of Education budget and that might be why money isn't given at times. I hope that you trust the educators to do with the money what they think is most important. Extracurriculars are important for kids. Consider the voters that came out.

Marcie Valuk, 116 Robbins Rd.

Ms. Valuk said I'm both a concerned parent and town employee. I support the youngest learners by assisting with classroom management. My work lays the foundation for their educational journey that fosters a love of learning. The proposed cuts would eliminate my position. Losing support staff means larger class sizes and less individualized attention. The support we provide leads the foundation for future success. I urge our town leadership to consider the broader impact of these cuts.

Karen Sturtevant, 890 Norton Rd.

Ms. Sturtevant said I did not grow up in Berlin, but the one thing that keeps me here is the educational system. I substitute teach and see how influential the Para's are especially in kindergarten. The budget as a whole is very important. If we can work together to find a way to get what we all need, that is what our town wants. Education is the reason that I stay here in Berlin.

E. MEETING AGENDA

Mr. Millerd said we have some fundamental process issues. There are a lot of conversations that people come out to vote and we are not honoring the vote. Mr. Millerd shared a slide showing 3 years of referendum data. I was one of the principal architects of the 2016 Charter Revision, that is the situation that we find ourselves in currently. Prior to the 2016 Charter Revision there was one budget. We voted on that budget as a whole and it was a yes or no majority-based vote. If you did not pass the budget back then, there was no second referendum. It would go to the Town Council to look at it and the input came from town meetings, letters to the editor, etc. to get a sense of what was going on.

Over the last 3 years, the only budget that passed was in 2022 at 52.5% with no second referendum. We did not have the too low or too high numbers prior to 2016. In 2017, we decided to make two separate budgets, one for the town and one for the Board of Education. The majority of people have to vote yes for each part to pass, or it fails. The advisory questions are not considered votes themselves per the charter. You must have 50% of the vote for it to be accepted. I don't think we will have a vote pass at 50% anytime in the near future with the way that we do things. The Board of Education is firm on what they feel they need and the seniors vote another way because they are on fixed incomes, etc.

If the vote fails, the charter says it goes to the Board of Finance for their consideration and then they pass it on to the Town Council. There should be a majority vote in order to take into account the no too high or no too low questions. From my perspective we have been honoring the vote.

Another problem we have is that turnouts are abysmal. Are we getting a good representation? Do we want to base these decisions on 700 votes? What does honoring the vote mean. It is not a vote for 3 candidates. It is not a clear, simple thing. It is being subject to everyone's interpretation. Going into the 2nd referendum, we were told that sports may be on the cutting line. We did not know what the cuts were, or what the impact would be for a 3% increase.

Mayor Kaczynski said we should not ignore history. Over the last 5 years we have raised the school budget higher than any of the surrounding towns for per pupil spending. 15 years ago you did not see these kind of percentage increases. We had inflation and have taken that seriously. Last year, the 3.6% increase was the biggest increase in 20 years. To say that the town is failing, and no one is moving to town could not be further from the truth. It has been very positive in our school systems; test scores are up and we have great programs. Every town in the state is going through this right now, but we take very seriously how we fund our school system. We fund it very well and will continue to do that. This is the first year that the town budget came in a little bit higher on funding. We need bridges fixed and many other things. The town has always suffered on a percentage basis, but we have gotten a lot of infrastructure done. The school system is not going off a fiscal cliff by any means.

Mr. Fernandes said if the Board of Education comes to us at any point in the year asking for money we are chastising them. Ms. Valuk is at risk for losing her job. Mayor Kaczynski said we had a list last year showing positions to be cut, but they hired 3 more full time employees. One resigned and one retired. I did not see or hear about any cuts. Superintendent Benigni said the Board of Education has a fluid budget. There may be monies available. Saving staff that works with children is always our priority. We released a proposed cuts document. We need 4.2% to maintain the same people that we have this year for the 24-25 school year. You must make adjustments somewhere. We are going to do the best we can and don't want to impact students.

Mayor Kaczynski said the school system transfers money around. We want to do the best we can and I think we have done pretty well the last 4 or 5 years. I don't hear bad things about the Berlin school

system, it is all very positive. It is a great school system, and it continues to be. The funding now has been the highest it's ever been per the figures. Superintendent Benigni said we are at risk of losing high quality people if we cut staff. It is very competitive to get teachers today. Mr. Fernandes asked about the math position. Superintendent Benigni said we ended up recruiting a teacher to fill in, but we still need another math teacher. We pay for experience and we are getting seasoned teachers with 10 or 12 years of experience.

Mayor Kaczynski said our per pupil spending is up from \$15k to \$20k. We were not in a good place before and that is why we have done the funding that we have now over the last couple of years. Per pupil spending is a measure of how well we fund things. Superintendent Benigni said we had ESSER Funds then to help offset the cuts. Mr. Fernandes added that the 3.6% increase would cover everything including sports. Superintendent Benigni said yes. Mayor Kaczynski asked what is included in the \$120k for sports? Superintendent Benigni said coaching, referees and transportation.

Councilor Veach asked if the \$127k is what was discussed at Town Council and we want to add \$15k for freshman sports to make sure that all sports are included.

Mayor Kaczynski said we should wait until the end of the year to see what happens with extra funding and then see what positions are in danger. There are always transfers at the end of the year and we can do supplemental funding. It depends on how the year ends. There is no harm in asking us throughout the year for supplemental funding. Superintendent Benigni said most of the year end money is spend on technology, but it appears as equipment purchases. Mayor Kaczynski said some of the things should be in the capital budget, department 61, rather than spending it out of operational money.

Mr. Fernandes said the increase would mean \$24 more a year. Mayor Kaczynski said there are folks in this town that can't afford paying an increase every year. Mr. Fernandes said we are all struggling, but I'm still willing to pay \$24 more per year. Mayor Kaczynski said what about the people whose tax bill is too high and they can't afford that.

F. NEW BUSINESS:

1. Topic re: Adoption of the General Government and Board of Education budgets for fiscal year 2024/2025. – Town Clerk

Ms. McNair made a motion to increase the Board of Education budget to 3.6%.

Seconded by Mr. Fernandes.

Board of Finance:

Those voting in favor: Mr. Fernandes, Ms. McNair, Mr. Paradis

Those not voting in favor: Mr. Bordonaro, Mr. Grady, Mr. Millerd

Board of Finance voted 3-3.

Town Council:

Those voting in favor: Councilor Atkinson, Councilor Pruzin, Councilor Rosso,

Those not voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Veach, Mayor Kaczynski

Town Council voted 3-4.

Motion Failed.

Councilor Paonessa made a motion to increase the Board of Education budget by 3.27% to fund the sports at McGee Middle School.

Seconded by Commissioner Veach.

Those voting in favor: Mr. Bordonaro, Mr. Grady, Mr. Millerd

Those not voting in favor: Mr. Fernandes, Ms. McNair, Mr. Paradis

Board of Finance voted 3-3

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

Those not voting in favor: Ms. Atkinson, Councilor Pruzin, Councilor Rosso,

Town Council voted 4-3.

Motion Failed.

Councilor Atkinson made a motion to increase the Board of Education budget to 3.4%.

Those voting in favor: Mr. Fernandes, Ms. McNair, Mr. Pardis

Those not voting in favor: Mr. Bordonaro, Mr. Grady, Mr. Millerd

Board of Finance voted 3-3.

Those voting in favor: Councilor Atkinson, Councilor Pruzin, Councilor Rosso

Those not voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Veach, Mayor Kaczynski

Town Council voted 4-3.

Motion Failed.

Mayor Kaczynski asked if there is still \$900k unencumbered in the Board of Education budget. Superintendent Benigni said the money is there, but it needs to go towards supplies and equipment. Mayor Kaczynski said the Board of Education can come to the Town Council at the first of the year if more money is needed. Councilor Veach asked to confirm what positions were you looking to save? Mr. Fernandes said \$67k would save the two Para positions. Commissioner Veach said I came here to save the middle school sports.

Mr. Paradis made a motion to fund the middle school sports and high school freshman sports, plus add \$1 (\$136,527).

Those voting in favor: Mr. Bordonaro, Mr. Fernandes, Mr. Grady, Ms. McNair, Mr. Millerd, Mr. Paradis

Board of Finance voted 6-0

Those voting in favor: Councilor Atkinson, Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Councilor Veach, Mayor Kaczynski

Those not voting in favor: None

Town Council voted 7-0.

Motion Approved

Mayor Kaczynski said if you need something at the end of the fiscal year, a position, or an important program, we can give you a supplemental appropriation. Superintendent Benigni said I appreciate that, and you may see us again.

G. ADJOURNMENT

Mayor Kaczynski moved to adjourn at 7:39 p.m.

Seconded by Mr. Grady.

Those voting in favor: Mr. Bordonaro, Mr. Fernandes, Mr. Grady, Ms. McNair, Mr. Millerd, Mr. Paradis

Vote being 6-0

Those voting in favor: Councilor Atkinson, Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Councilor Veach, Mayor Kaczynski

Vote being: 7-0

Submitted by,
Alina Brown

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6/25/2024, 8:37:51 AM

Berlin Town Council Chambers is inviting you to a scheduled Zoom meeting.

<https://berlingov.zoom.us/j/88342367642?pwd=hAqhnxYJVapw0K2ycvIabc0b9RadM.1>

Meeting ID: 883 4236 7642

Passcode: 428821

+1-646-931-3860

**TOWN OF BERLIN
TOWN COUNCIL MEETING
Tuesday, June 18, 2024
Town Council Chambers (in person) and
Remote Meeting
7:00 P.M.**

A. CALL TO ORDER:

Mayor Kaczynski called the Town Council meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Those in attendance were: Councilor Sandra Coppola
 Mayor Mark Kaczynski
 Councilor Charles Paonessa
 Councilor Mark Pruzin
 Councilor Peter Rosso

Absent: Councilor Kate Atkinson
 Councilor Donna Veach

Also in attendance: Town Manager Arosha Jayawickrema
 Corporation Counsel Jeffrey Donofrio

D. PRESENTATION OF PROCLAMATION: **Juneteenth National Independence Day**

Mayor Kaczynski read the following proclamation:

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

WHEREAS, we further recognize Berlin’s role in the abolition movement and its contributions towards obtaining emancipation for those who were enslaved. Physical and historical reminders of this rich history stand within our town to this day. Specifically, the Hotchkiss House located at 289

Main Street in Kensington which housed a local abolitionist and served as a stop on the Underground Railroad: and

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

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

NOW, THEREFORE, BE IT RESOLVED, that I, Mark H. Kaczynski, Mayor of the Town of Berlin, Connecticut do officially recognize June 19, 2024 as

JUNETEENTH

Dated this 18th day of June 2024 at Berlin, Connecticut.

E. AUDIENCE OF CITIZENS:

None

F. MAYOR'S UPDATE:

With the recent budget discussions and statements comparing budget increases to the cost of a cup of coffee a day Mayor Kaczynski provided information stating that the costs associated with homeownership in the state of Connecticut is fifth in the nation and has increased 24% since 2020. Overall costs ranked only behind New Jersey, Massachusetts, California, and Hawaii and the average annual property tax bill was second only to New Jersey.

Regarding the concert being held in conjunction with St. Paul's Church, there was some discussion on social media regarding the use of the Art's Grant for the concert and Mayor Kaczynski wanted to make it clear that the event is sponsored by St. Paul's and the Town will be providing police traffic control.

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

H. CONSENT AGENDA:

- 1. Topic re: Accept donations to the Berlin Animal Control Donation Account for \$ 116.00 and supplies valued at \$ 96.01. – Animal Control**
- 2. Topic re: Approve waiving the police fees in the approximate amount of \$34,500.00 for traffic control and direction for the Berlin Fair that will be held September 12-15, 2024, at the Berlin Fairgrounds. – Police Department**

3. **Topic re: Accept the donation of \$2,125.00 and appropriate the funds to the Supplies Expenditure Account. – Police Department**
4. **Topic re: Accept the donations of \$1,150 and appropriate the funds to the Police K9 Program Expenditure Account. – Police Department**
5. **Topic re: Accept monetary donations totaling \$1,855.51 and deposit \$647.70 into the friends of the library miscellaneous account to be used for adult summer reading prizes, two museum pass renewals and an adult program and deposit \$207.81 into the friends of the library credit card account for the purchase of adult summer reading prizes and deposit \$1,000.00 into the library agency account for the purchase of adult fiction. Also accept the donation of a meeting house painting with an approximate value of \$400.00 to be hung on the library wall and a podium valued at \$1,028.80 to be placed in the meeting room and (50) ice cream coupons with a value of \$172.50 to be used as summer reading prizes and books with an approximate value of \$62.45 to be added to the appropriate department collections. – Berlin-Peck Memorial Library**
6. **Topic re: Approve Berlin Youth Football and Cheerleading to sell food and beverages at their home football games at Scalise Football Field, Sage Park for the 2024 season. – Parks and Recreation**
7. **Topic re: Approve one polling place to conduct Early Voting in person for the 2024 Presidential Election at the Berlin Town Hall. Early Voting will take place on Monday, October 21st through and including Sunday, November 3rd. All three polling places will be open for regular voting during the Election on Tuesday, November 5th. – Registrars of Voters**

Councilor Paonessa moved to remove item #2 from the Consent Agenda and discuss it under New Business item #1a.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

Councilor Paonessa moved to accept item #1 and items #3 – 7 of the Consent Agenda as presented.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

I. PUBLIC HEARINGS:

Public Hearing: The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, June 18, 2024 at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

“AN ORDINANCE APPROPRIATING \$1,300,000 FOR POLICE RADIO SYSTEM UPGRADES (2024) AND AUTHORIZING THE ISSUE OF \$1,300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”.

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

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

Mayor Kaczynski convened the Public Hearing on the Police Radio System (2024) appropriation and bond ordinance at 7:09 p.m. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

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

Councilor Paonessa moved to waive the reading of the ordinance and incorporate the wording of the ordinance into the record.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

“AN ORDINANCE APPROPRIATING \$1,300,000 FOR POLICE RADIO SYSTEM UPGRADES (2024) AND AUTHORIZING THE ISSUE OF \$1,300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”.

Mayor Kaczynski asked if there were any public comments.

Deputy Chief Drew Gallupe stated that bonding for the full amount of the project is being requested however they do not intend to use the full amount. The Police Department will be joining the State

police radio system which should provide better coverage throughout the town as well as interoperability with surrounding police departments which should increase the safety of Berlin's officers.

Deputy Gallupe stated that thorough testing of the State radio system was done to determine if coverage would be available throughout the town including areas which previously had issues adding that no radio service company is going to guarantee one hundred percent coverage. The Department is satisfied with the coverage they will be receiving.

Deputy Gallupe stated that once the funds for the radio system are appropriated the Department will be put in line with other departments joining the State system and he anticipates that the reprogramming and infrastructure work can be done right away, and that the town will be up and running within a couple of months.

Mayor Kaczynski closed the Public Hearing at 7:15 p.m.

Public Hearing: The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, June 18, 2024 at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

“AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”.

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

Mayor Kaczynski convened the Public Hearing on the Athletic Facility Improvements (2024) appropriation and bond ordinance at 7:15 p.m. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

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

Councilor Paonessa moved to waive the reading of the ordinance and incorporate the wording of the ordinance into the record.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

“AN ORDINANCE APPROPRIATING \$2,000,000 FOR ATHLETIC FACILITY IMPROVEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”.

No public comments were made.

Mayor Kaczynski stated that he would like to send this item to the Public Building Commission for their input. Town Clerk Kate Wall added that the item would also need to go to the Planning and Zoning Commission for an 8-24 review.

Councilor Paonessa inquired if prevailing wages would be applicable. Corporation Counsel Donofrio stated that any new construction municipal project of \$1 million and up, or any renovation, modification, alteration project over \$100,000 is prevailing wages. Councilor Paonessa stated that the construction of the small bridges on the golf course will be very expensive because of this.

Mayor Kaczynski closed the Public Hearing at 7:21 p.m.

Public Hearing: The Town Council of the Town of Berlin will meet at Berlin Town Hall, Council Chambers, 240 Kensington Road, Berlin, CT on Tuesday, June 18, 2024, at 7:00 p.m. for the purpose of holding a public hearing on the following proposed ordinance of the Town, said ordinance being entitled as follows:

“AN ORDINANCE APPROPRIATING \$1,100,000 FOR 4 TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”.

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

Town Clerk Kate Wall stated that there was a typo in the public notice which added the number 4 after the word “for” and she wanted to stress that this item is for the replacement of the Town Hall and Library roofs and that there are only two roofs not four. Ms. Wall added that she spoke with Corporation Counsel about the typo, and he stated it was not an issue.

Mayor Kaczynski convened the Public Hearing on the Town Roof Replacements (2024) appropriation and bond ordinance at 7:21 p.m. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

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

Councilor Paonessa moved to waive the reading of the ordinance and incorporate the wording of the ordinance into the record.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

“AN ORDINANCE APPROPRIATING \$1,100,000 FOR TOWN ROOF REPLACEMENTS (2024) AND AUTHORIZING THE ISSUE OF \$1,100,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE”.

No public comments were made.

Mayor Kaczynski stated that he would like to send this item to the Public Building Commission for their input. Town Clerk Kate Wall added that the item would also need to go to the Planning and Zoning Commission for an 8-24 review.

Mayor Kaczynski closed the Public Hearing at 7:23 p.m.

J. NEW BUSINESS:

1a. Topic re: Approve waiving the police fees in the approximate amount of \$34,500.00 for traffic control and direction for the Berlin Fair that will be held September 12-15, 2024, at the Berlin Fairgrounds. – Police Department

Town Manager Jayawickrema introduced this item stating that it was removed from the Consent Agenda for further discussion.

Mayor Kaczynski asked Deputy Police Chief Drew Gallupe to speak on the expense amount. Deputy Chief Gallupe stated that the amount is similar to past amounts that have been waived and includes the addition of Thursday. Last year's expense for the addition of Thursday was paid for by the Berlin Lions.

Councilor Paonessa moved to approve waiving the police fees in the approximate amount of \$34,500.00 for traffic control and direction for the Berlin Fair that will be held September 12-15, 2024, at the Berlin Fairgrounds.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

1. **Topic re: Waive Rule 7 of the Town Council Rules and Procedures to vote on the proposed ordinance at tonight's meeting. Move that "AN ORDINANCE APPROPRIATING \$1,300,000 FOR POLICE RADIO SYSTEM UPGRADES (2024) AND AUTHORIZING THE ISSUE OF \$1,300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE." be adopted. – Town Clerk**

Town Manager Jayawickrema stated that this item was the subject of tonight's Public Hearing on the Police Radio System Upgrade.

Councilor Paonessa moved to waive Rule 7 of the Town Council Rules and Procedures to vote on the proposed ordinance at tonight's meeting.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

Councilor Paonessa moved that that "AN ORDINANCE APPROPRIATING \$1,300,000 FOR POLICE RADIO SYSTEM UPGRADES (2024) AND AUTHORIZING THE ISSUE OF \$1,300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION, AND PENDING THE ISSUANCE THEREOF, THE MAKING OF TEMPORARY BORROWING FOR SUCH PURPOSE." be adopted.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

2. **Topic re: Waive the Town's bidding requirement and authorize the Town Manager to sign agreement with Motorola & Norcom or other vendors as needed to complete the project for the upgrade of the Police radio system and to expend up to \$1,300,000 to execute the upgrade project, pending approval of the Police Radio Upgrade bond ordinance by the Board of Finance. – Police Department**

Town Manager Jayawickrema stated that this item is also related to the Police Radio System Upgrade Public Hearing as well as agenda item #1.

Councilor Paonessa moved to waive the Town's bidding requirement and authorize the Town Manager to sign agreement with Motorola & Norcom or other vendors as needed to complete the project for the upgrade of the Police radio system and to expend up to \$1,300,000 to execute the upgrade project, pending approval of the Police Radio Upgrade bond ordinance by the Board of Finance.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

3. **Topic re: Authorize the Town Manager to enter into an Exclusive Negotiating Agreement with Vesta Corporation/O’Riordan Migani Architects concerning the Sale of the former Knights of Columbus Property at 143 Percival Avenue for development as affordable senior housing, subject to review and approval by Corporation Counsel, and to refer the sale of 143 Percival Avenue to the Planning and Zoning Commission for a review pursuant to section 8-24 of the Connecticut General Statutes. – Economic Development**

Town Manager Jayawickrema introduced this item stating that a committee was formed which interviewed four firms for the development of the Percival Avenue property as affordable senior housing. Vesta Corporation met all the requirements, has a good track record of building affordable senior housing and securing financing, they are willing to work with the Town to develop the best model for Berlin, and they have expertise in property management.

Aaron Greenblatt, Managing Director of Vesta Corporation (Vesta), stated that Vesta specializes in the development, ownership, and management of affordable housing and currently owns or manages 55 properties throughout the country with a large number in Connecticut. Vesta also has experience navigating the Federal Tax Credit Program. Mr. Greenblatt added that Vesta works jointly with O’Riordan Migani Architects (OMA) and they both look forward to working with the Town.

Projects completed recently by Vesta include properties in Norwalk and New Haven. Of their portfolio of 55 properties 15 have been age-restricted senior housing projects. As they are not only developers but property managers they have seen projects through from construction through renovations years later.

Vesta’s first concept was two 40-unit buildings, but Mr. Greenblatt stated that the plan is to sit down with representatives of the Town to review options.

Councilor Paonessa moved to authorize the Town Manager to enter into an Exclusive Negotiating Agreement with Vesta Corporation/O’Riordan Migani Architects concerning the Sale of the former Knights of Columbus Property at 143 Percival Avenue for development as affordable senior housing, subject to review and approval by Corporation Counsel, and to refer the sale of 143 Percival Avenue to the Planning and Zoning Commission for a review pursuant to section 8-24 of the Connecticut General Statutes.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

- 4. Topic re: Waive the Town's bidding procedure for Fiscal Year 2025 to Water & Wetland LLC, in the amount of \$27,000 for yearly service, installation, and removal of fountains at Veterans Park including permitting, and treatment of invasive species at several waterways throughout town as this is in the best interest for the town. – Public Grounds**

Parks and Grounds Superintendent Steve Wood introduced Joe Onorato of Water & Wetland LLC.

Mr. Onorato stated that Water & Wetland LLC has been managing the treatment of the Veterans Memorial Park, Paper Goods, and Railroad ponds. The main problem at Paper Goods and Railroad is the water chestnut but other invasive species include milfoil, duck weed, and phragmites exist.

Mr. Onorato added that the challenge with the water chestnut is that each plant drops dozens of seeds every year, so the process takes some time to fully deplete the species although reduction has already been seen with improvements to fish and wildlife habitats.

Water & Wetland LLC is full service which includes permits and public notification through newspaper notices and sign postings at the ponds.

Mr. Wood stated that notices of treatment will be posted at the ponds and flyers will be hand delivered to all abutting property owners. Information will also be posted on the Town website and Facebook page.

Councilor Paonessa moved to waive the Town's bidding procedure for Fiscal Year 2025 to Water & Wetland LLC, in the amount of \$27,000 for yearly service, installation, and removal of fountains at Veterans Park including permitting, and treatment of invasive species at several waterways throughout town as this is in the best interest for the town.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

- 5. Topic re: Approve and authorize the Town Manager to enter into a contract with the Home Care and School Healthcare Workers of Unit #20 from July 1, 2024, through June 30, 2027. – Human Resources**

Human Resources Director Paula Carabetta stated that the Home Care/School Healthcare Workers union voted unanimously to approve the new agreement with the Town of Berlin.

Changes and updates include adding previous MOU language to the agreement, updated wage increases which includes 3% for year one and 3.25% for years two and three which is in line with other union agreements, updated vacation carry-over language also in line with other unions, and added other language regarding taking vacation time during the school year.

Councilor Paonessa moved to approve and authorize the Town Manager to enter into a contract with the Home Care and School Healthcare Workers of Unit #20 from July 1, 2024, through June 30, 2027.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

6. **Topic re: Waive the Town's bidding procedures and approve issuing purchase orders for Fiscal Year 2025 for the following vendors due to the library's participation in Connecticut Library Consortium and in the Library Connection, Inc. as the best discounts have already been provided. Both vendors have been approved for bidding waivers for at least the past six fiscal years. This is in the best interest of the town. · Supplies = \$3,400 Books = \$71,000 Baker and Taylor Co. For adult, child and teen books – Total \$74,400. · Databases = \$665 Books = \$2,400 Supplies = \$500 Data Services = \$35,000 Audio/Visual = \$22,000 - Library Connection, Inc. – Total \$60,565 – Berlin-Peck Memorial Library**

Library Director Carrie Tyszka stated that the Berlin Peck Memorial Library participates in the Connecticut Library Consortium which provides discounts on library products such as books and media. The Library is also a member of the Library Connection Inc with supplies and maintains the library's computerized library system.

Councilor Paonessa moved to waive the Town's bidding procedures and approve issuing purchase orders for Fiscal Year 2025 for the following vendors due to the library's participation in Connecticut Library Consortium and in the Library Connection, Inc. as the best discounts have already been provided. Both vendors have been approved for bidding waivers for at least the past six fiscal years. This is in the best interest of the town. · Supplies = \$3,400 Books = \$71,000 Baker and Taylor Co. For adult, child and teen books – Total \$74,400. · Databases = \$665 Books = \$2,400 Supplies = \$500 Data Services = \$35,000 Audio/Visual = \$22,000 - Library Connection, Inc. – Total \$60,565.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

7. **Topic re: Approve F.W. Webb and Trane U.S. purchase order increase up to \$50,000 as needed for the remainder of Fiscal Year 2024 for department no. 38 and no. 61 utilizing State and National Purchasing Contracts without exceeding account balances. Move to approve Associated Security purchase order increases as needed up to \$35,000 for the remainder of fiscal year 2024 for department no. 38 and no. 61 as the current service provider without exceeding account balances as this is in the best interest of the Town. – Facilities**

Town Manager Jayawickrema introduced this item stating that the Facilities department is working to get plumbing, heating, HVAC, fire and security alarms equipment and materials completed by the end of the fiscal year in town and school buildings.

Director of Facilities Doug Solek added that current expenditures have exceeded the cumulative purchasing thresholds due to labor and material cost increases.

Councilor Paonessa moved to approve F.W. Webb and Trane U.S. purchase order increase up to \$50,000 as needed for the remainder of Fiscal Year 2024 for department no. 38 and no. 61 utilizing State and National Purchasing Contracts without exceeding account balances and approve Associated Security purchase order increases as needed up to \$35,000 for the remainder of fiscal year 2024 for department no. 38 and no. 61 as the current service provider without exceeding account balances as this is in the best interest of the Town.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

8. **Topic re: Discussion determining if there is a mechanism to compel the Districts to participate in an evaluation of their Technical, Managerial and Financial Conditions to better serve the water and sewer needs of the Town of Berlin. Ultimately, discussion about the payment of the evaluation if it is determined to move forward with the study. – Water Control**

Water Control Manager Ray Jarema stated that in 2023 the Berlin Water Control Commission (BWCC) requested a utility service study of the Berlin Water Control District, and the Kensington and Worthington Fire Districts (the Fire Districts). An RFP was created for the townwide study and awarded to Haley Ward.

The Fire Districts did not want to comply with participation in the study. Corporation Counsel Donofrio submitted Freedom of Information requests to them and after many follow-ups the consultants were able to evaluate the data and believe that sufficient information exists for a valid study.

Mr. Jarema stated that past studies only evaluated the water systems. Thousands of feet of mains in both Fire Districts needed to be relined and have still not been done.

Issues with the sewer lines include high I/I flows in the Kensington District which is causing concerns within the Mattabassett District as it is holding up their DEEP permit. BWCC and Mattabassett Water District member Liam Mitchell stated that Berlin's sewer input into the Mattabassett District represents 23% of their total which is increasing every month based on the new Deming Road meter.

The Mattabassett District has tentatively scheduled a meeting for September 12th with the Berlin Water District and the Fire Districts, but as of last night neither District has responded to this meeting request.

Mr. Jarema added that there does not appear to a plan in place by either of the Districts for infrastructure repairs that the BWWC is aware of. An independent consulting report needs to be done and should give a better understanding of the infrastructure needs and concerns of all three water districts.

Mr. Jarema stated that the Berlin Water District also has issues to deal with, but they have a plan in place such as for hooking into the Meriden Water District in order to correct corrosion in the Berlin Water District's water tank on Lamentation Mountain.

Corporation Counsel Donofrio stated that to get to this point FOI requests were submitted to both the Kensington and Worthington Fire Districts. Both districts provided documents and were asked to confirm in writing that if documents were not provided it was because they did not exist. At this point the study needs to be done.

Corporation Counsel Donofrio added that the Districts can not be forced to participate in the study as they are not agents of the Town but were created by the Legislature almost 90 years ago.

Haley Ward has submitted a revised fee proposal with a 5% increase and adding an additional 5% contingency brings the new cost of the study to \$140,000.

Town Manager Jayawickrema stated that funding for this item will need to be determined and there will be an agenda item for that at the next Town Council meeting.

NO ACTION NEEDED

9. Topic re: Schedule a public hearing on July 9, 2024, to discuss the proposed Noise Ordinance. – Town Manager

Town Manager Jayawickrema stated that agenda items #9 and 10 are recommendations from the Ordinance Committee.

This item is to set a Public Hearing to discuss a proposed Noise Ordinance which was discussed at length during the Ordinance Committee meeting. Corporation Counsel Donofrio drafted the proposed ordinance, obtained feedback from the Police Department, Planning and Zoning, and the Ordinance Committee, and made edits to the document. The Town Council needs to discuss exemptions relating to weekend versus weekday hours which can be done during the Public Hearing.

Councilor Paonessa moved to schedule a public hearing on July 9, 2024, to discuss the proposed Noise Ordinance.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

10. Topic re: Schedule a public hearing on July 9, 2024, to discuss the amendments to the Golf Course Commission Ordinance. – Town Manager

Town Manager Jayawickrema stated that agenda items #9 and 10 are recommendations from the Ordinance Committee.

This item is relating to two changes to the Golf Course Commission Ordinance. One relates to when they select their Chair and Secretary, and the other relates to reinstating language that states that their revenues must equal expenses which was removed at the start of the Covid pandemic and never reinstated. It would also add language that if, with all good intentions, something happens, and the Golf Course runs a loss they would be able to make it up on a three year rolling average.

Councilor Paonessa moved to schedule a public hearing on July 9, 2024, to discuss the amendments to the Golf Course Commission Ordinance.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

11. Topic re: Discussion and possible action concerning the search for a new Town Manager. Also authorize the Town Manager to engage Randi Frank Consulting LLC for a cost not to exceed \$24,500.00 to conduct an executive search for the Town Manager. – Town Manager

Town Manager Jayawickrema stated that interviews were held with two search firms in regard to the hiring of a new Town Manager. Those involved in the process were unanimous in their selection of Randi Frank Consulting LLC (Randi Frank). The entire process takes approximately 120-days and Randi Frank noted that they can assist in the hiring of an Interim Town Manager as well if needed.

Mayor Kaczynski stated that Randi Frank really stood out in the interview process and even though they are a national firm they had experience with many Connecticut municipalities. Councilor Pruzin stated that they were very detailed and had a specific plan on what they wanted to do.

Councilor Paonessa moved to authorize the Town Manager to engage Randi Frank Consulting LLC for a cost not to exceed \$24,500.00 to conduct an executive search for the Town Manager.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

K. TOWN MANAGER'S REPORT:

- The Berlin Free Library on Worthington Ridge is having financial difficulties and reached out to the Town for advice. The Town Manager suggested that they ask their accountant to reach out to him, but he has not heard from the accountant yet. This item is for informational purposes at this time.
- The Town Manager and Economic Development Director Chris Edge met with the producers of Viewpoint with Dennis Quaid. They informed the producers that the Town loved the idea but did not have the money to participate however they suggested that the producers reach out to the Berlin business community.
- Tenants of the Deming Road mobile home park were informed that the Town would be moving forward with deed restrictions regarding income. The tenants were offered four months of free rent if they agreed to the deed restrictions, This incentive was offered as when they sell their units, they can only be sold to those that qualify under the income restrictions. Deed restrictions will allow the units to be included in the Town's affordable housing count.

The Town Manager added that three units are set for destruction which will leave five vacant lots out of 16 total lots. If new owners come into the park with new units, they will need to be deed restricted from the beginning.

- Judgement was in favor of the Town in regard to the Elton Road property which will allow the Town access to the property, including the interior, and remedy any issues. The Town can then lien the property for all charges incurred.
- The Town received the \$200,000 Recreation Trails Grant from the State.
- The committee that was put together as part of the Opioid Settlement Grant developed a postcard of resources available which was mailed to all Berlin households.
- The Assessor has been asked to hire a third-party appraiser to determine the property value with regard to the easement between the Kensington Fire Department and the Matson Rug property.

L. SPECIAL COMMITTEE REPORTS:

None

M. COUNCILORS' COMMUNICATION:

Mayor Kaczynski stated that a Special Meeting should be held to discuss the Community/Senior Center. The date will be determined.

N. ACCEPTANCE OF MINUTES:

June 4, 2024

Councilor Paonessa moved to accept the June 4, 2024 Town Council meeting minutes as presented.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

O. EXECUTIVE SESSION:

1. 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 – Lower Lane

Councilor Paonessa moved to go into 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 – Lower Lane at 8:49 p.m. Invited in: Town Manager Jayawickrema, Corporation Counsel Donofrio, Economic Development Coordinator Jim Mahoney.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

Executive Session ended at 9:02 p.m.

P. ADJOURNMENT:

Councilor Paonessa moved to adjourn at 9:02 p.m.

Seconded by Councilor Coppola.

Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Mayor Kaczynski.

Vote being 5-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting

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BERLIN TOWN CLERK



6/25/2024, 1:00:55 PM