



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

ROY ZARTARIAN, MAYOR

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Town Clerk

NEWINGTON TOWN COUNCIL SPECIAL MEETING MINUTES

Tuesday, February 19, 2019, 7:00 p.m.

Mayor Zartarian called the meeting to order at 7:01 PM

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Councilor Anest - Yes
Councilor Arace - Yes
Councilor Budrejko - Yes
Councilor DelBuono - Yes
Councilor Manke - Yes
Councilor Marocchini - Yes
Councilor Miner - Yes
Councilor Serra - Yes
Mayor Zartarian - Yes

Staff Attendees:

Tanya D. Lane, Town Manager
Janet Murphy, Finance Director
Benjamin Ancona, Town Attorney
James E. Krupiński, Town Clerk

III. APPROVAL OF AGENDA

Councilor Manke, seconded by Councilor Anest made a motion to approve the agenda as published. Council Anest moved to amend the agenda to allow action on Item VIII. Resignations/Appointments be moved after Item V. Remarks by Councilors, seconded by Councilor Manke. Amendment to the agenda carried unanimously. Motion on the adoption of the Agenda, as amended, carried unanimously.

IV. PUBLIC PARTICIPATION – ON AGENDA (**In Person/Via Telephone: 860-665-8736**) (3 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)

- Carol Grem, 58 Theodore Street – Supports Gym with bleachers in the Town Hall & Community Center. Proud of revised Skate Park.
- Eileen Francolino, 116 Lydall Road – Parks & rec Board supports a complete Community Center with the gyms. Spoke about handicap accessibility with the SmartBus. Referenced Town Hall PBC referral to the Town Council

- Jonathan Repel, Administrator at Emmanuel Christian Academy, 21 Greenlawn Avenue – thankful for improvements around Town. Utilize gyms in town for sports activities and requested inclusion of the bleacher bump out.
- Phil Knowlton, 44 Cinnamon Road; Keith Ruzzack, 31 Webster Court – Keith won the State of Connecticut Youth Recreational Girls Soccer Coach of the Year award. Program is seeing increasing players, but limited facilities for winter play. Requesting 2 complete gyms with appropriate seating.
- Rose Lyons, 46 Elton Drive – asked that the proposed seating be clarified for the bleachers. Read email/social media post regarding support for the Community Center gyms and seating.
- Michael J. Fox, 1901 Main Street – Looking forward to the project beginning to limit future cost increases. Spoke that the approval of the Bonding amount of \$28.8 million dollars but did not expect to project to come in at that cost.
- Mady Kenny, 53 Crestview Drive – Is the project proposed to exceed the adopted bond amount and where would the funds come from?
- Stephen Silvia, 45 Basswood Street – Pleased with the initial fiscal constraint on the project. Good conclusion to the project. Asking the Town Council to review the appropriate choices with the Town Charter to allow for the completion of the building. Need transparency with project costs.
- Harrison King, 21 Trout Brook Circle – Supports two full-size courts & seating for family and friends allowing for safety during gameplay.
- Donald King, 21 Trout Brook Circle – Loves the Town and supports the two proposed gyms with the inclusion of the necessary bleacher seating. Spoke about possible programs the gyms could be utilized for.
- Elizabeth Brown, 24 Trout Brook Circle – Supports the two gyms and the need for additional bleacher seating. Need to be looking to the future.
- Dana Havens, 113 Stoddard Avenue – Vote for the project was as a whole project not specific sections and should be part of the decision to move forward or redesign.
- Eric Feldlum, 149 Brentwood Road – improved gyms assist in funding efforts and need to make sure to build for the future and it is never cheaper to add improvements later.
- Maggie Kelly, 25 Trout Brook Drive – Councilor Marocchini read email correspondence into the record (attached).
- Eric Madel, 32 Wilson Lane – Councilor Miner read email correspondence into the record (attached).
- Amy Alexander, 36 Brentwood Road – Councilor Serra read email correspondence into the record (attached).
- John Pizzoferrato, 166 Glenview Drive – Councilor Arace read email correspondence into the record (attached).
- Michael Johnson, 23 Welles Drive North – Councilor Anest read email correspondence into the record (attached).

- John Bachand, 56 Maple Hill Avenue – Mayor Zartarian read email correspondence into the record (attached).
- Michael Conners, 85 Harold Drive – Councilor Manke read email correspondence into the record (attached).
- Joseph Kutniewski, 132 Stage Coach Lane – Councilor Manke read email correspondence into the record (attached).
- BJ Clinton, 20 Lincoln Road – Councilor Budrejko read email correspondence into the record (attached).
- Jennifer Pigott, 46 Adam Drive – Councilor Marocchini read email correspondence into the record (attached).
- Timothy Demarco, 66 Johnson Street – Councilor Miner read email correspondence into the record (attached).
- William DeBlasio, 68 Harold Drive – Councilor Anest read email correspondence into the record (attached).
- Ryan Puliot, Candlewood Drive - Councilor DelBuono read email correspondence into the record (attached).
- Carly ??, 314 Walsh Avenue - Councilor Budrejko read email correspondence into the record (attached).

V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION

- Councilor Marocchini resoponded to Ms. Lyons regarding the bleacher seating indicating the seating total is 90 seats, 45 per each side.

VIII. RESIGNATIONS/APPOINTMENTS

A. Resignation – Parks & Recreation Board

Motion by Councilor Manke

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Jennifer Crowley as a member of the Board of Parks & Recreation, in accordance with correspondence dated February 5, 2019.

Seconded by Councilor Serra, Motion carried unanimously 9-0

B. Appointments – Central CT Health Board & Vehicles Appeals Board

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council here by makes the following appointment(s):

Central CT Health District Board of Directors

4 members, 4 year term

Name	Address	Party	Term	Replaces
David Wemett	42 Vivian Street	D	Immed. – 6/30/2021	Replaces vacancy due to expiration of J Nagel

Vehicle Appeals Board

3 Members – 2 year term
 2 Alternates – 2 year term
 Members Max: 2
 Alternate Max: 1

Name	Address	Party	Term	Replaces
Clarke Castelle, Alternate	167 Connecticut Avenue	D	Immed- 11/30/2019	Resignation of Ellen L. Connery

Seconded by Councilor Serra. Motion carried unanimously 9-0

VI. CONSIDERATION OF OLD BUSINESS

A. Public School CIP Funds Transfer

Tanya D. Lane, Town Manager reviewed the previous history regarding the use of funds for the diesel spill and the reimbursement from the State. Board of Education has requested be applied for student transportation purposes.

Motion by Councilor DelBuono

RESOLVED:

CERTIFICATION: In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the Public School Capital Improvement Projects Reserve Fund Balance \$641,994.

 Janet Murphy, Director of Finance

RESOLVED:

That the Newington Board of Education is proposing to transfer the above certified funds in the Public School Capital Improvement Projects Reserve Fund to the following account in the Town CNRE Fund:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
88625	School Bus Program	\$641,994

NOW THEREFORE BE IT RESOLVED: That the Newington Town Council, as fiscal authority for the Town hereby appropriate \$641,994 from the Public School Capital Improvement Projects Reserve Fund to the expense accounts listed above.

Seconded by Councilor Anest

Motion carried unanimously.

VII. CONSIDERATION OF NEW BUSINESS (Action May Be Taken by Waiving the Rules)

A. Discussion - Guaranteed Maximum Price (GMP) for the Town Hall Community Center Building Project (Action Requested)

- **Joseph Harpie, Town Hall PBC Chairman; , Tom Arcari,**
 - **Discussed design and budget process to determine facility needs.**
 - **Spoke about Community center space needs request. Indicated that High School utilizes for practices as well.**
 - **Estimate overage in add-alternates of \$2.5 million.**
 - **Discussed building re-facing of Police Dept. after project completion**
 - **Reviewed need to alternates for building record storage basement; Police Department façade and gymnasium bleacher bump-out.**
 - **Demo of building estimated between \$2.5 - \$2.8 million based on scope review.**
 - **Saved costs by utilizing current building during construction of the new structure.**
 - **Project has completed a full scope review.**
 - **Bids received for the project are 90 day and would expire on April 3, 2019.**
 - **Need to begin preparations to mobilize the site by March to prepare office space for the trades.**
 - **Late April, early May would see selective demo on the transition academy wing.**
 - **Requesting the Town Council to act on the Guaranteed Maximum Price (GMP) or direct the PBC in what to do going forward.**
- **Councilor Budrejko requested clarification of the amount of bleacher seating. Mr. Arcari indicated that the seating was based on spacing for 45 seat spaces for a total of 90 seats. Spoke to the proposed expansion for additional seat and its possible layout.**
- **Tom Romanoli, Downes Construction:**
 - **Reviewed proposed project figures that were presented to the Town Hall Renovations PBC.**
 - **Construction GMP \$25,371,168**
 - **Construction Based Bid \$25,580,229 in addition to Basement Expansion for Storage \$768,831; Parks & Rec Commercial Kitchen \$171,176;**
 - **Value management exercise reduced the overall cost by \$1,149,075 to meet total to the Construction GMP amount.**
 - **Several items were carved out that are essential to the project:**
 - **Police Dept restoration work \$503,233;**
 - **Contaminated Soil & Jr. High Foundation \$270,294;**
 - **Temp Heat/Winter Allowance \$146,976;**
 - **Addendum # 5 Allowance for item discovery during scope review for \$157,484.**
 - **Total essential Alternates listed above total \$1,077,987.**
 - **Remaining Alternates Include:**
 - **Gym Expansion for \$413,422;**
 - **Generator for \$231,471;**
 - **Kitchenettes throughout the building \$138,158;**
 - **Spray Foam Insulation \$120,409;**
 - **Additional Gym Equipment \$174,325;**
 - **Roof Screen \$388,509.**

- Councilor DelBuono questioned if the GMP was approved at \$28,818,358 the council would need to approve Alternates 9-12, PD, Cont. Soil, Temp/winter Allowance & Addendum 5.
- Mr. Romanoli indicated that Councilor DelBuono was correct and the GMP would be in the amount of \$25,371,168 in addition to the items listed. \$28, 818,358 would be the complete project cost.
- Tanya D. Lane, Town Manager indicated that Alternates 11 &12 are necessary for a complete GMP. Indicated that the amounts have been reduced to \$75,000 each. The four specific Alternate Costs would be funded through the current CIP budget in the amount of \$923,527.
- Councilor Budrejko questioned if the \$28.8 million does not include Alternates 9-12. I was indicated they were not but were required for the project.
- Tanya D. Lane, Town Manager reviewed the revised project numbers (attached).
- Joe Harpie indicated they are guaranteeing the cost to work, not the total construction costs. Construction Manager is working to attempt to reduce the cost.
- Councilor Budrejko asked if the contingencies are expected to be spent. Mr. Harpie indicated that they could be spent at any time during the project. Discussion took place regarding use of the contingencies as the project progresses.
- Councilor Anest questioned whose contingency would be utilized first. Mr. Romanoli indicated that it would depend on each situation to utilize the Owner or Manager contingency.
- Mayor Zartarian questioned the comfort level with contaminated soil removal estimates and when would the expenditure for the Police Department be needed.
- Mr. Romanoli indicated that the Police Dept. is at the end of the project during the last six months, once the deconstruction of the existing building commences. Contaminated soil estimates were anyone's guess.
- Mayor Zartarian questioned the costs involved with the Park & Recreation kitchen.
- Mr. Romanoli indicated that it was being designed as a commercial kitchen & equipment to meet Health Department requirements. Mr. Arcari indicated that the kitchen is designed for the life of the building.
- could potentially have two games going on simultaasement and gym equipment were already factor based on State Department of Education reimbursement.
- Mr. Arcari indicated that the basement and whichever gym is eligible for reimbursement.
- Councilor Budrejko questioned the costs to remove the existing building after construction.
- Mr. Romanoli indicated that the costs were part of the base number and not included as an alternate for the project.
- Councilor Budrejko questioned the kitchenettes proposed within the office spaces.
- Mr. Arcari indicated that they could be reconfigured if necessary. Discussion took place regarding changing or reducing the quantity of kitchenettes.
- Councilor DelBuono spoke to the monetary difference between the presented cost of construction and the adopted Referendum amount.
- Councilor Manke questioned where the funding to complete the project would come from.

- Tanya D. Lane, Town Manager discussed the amount of funds expended to-date totaling just over \$2.2 million.
- Councilor Miner suggested utilizing CIP over the next budget years to make up the gap and move the project along.
- Councilor Budrejko discussed the adopted Referendum amount and the issue based on expending more than stipulated amount.
- Councilor Manke was concerned with utilizing CIP to complete that project while limiting other projects from being completed.
- Councilor Marocchini felt the project should move forward utilizing budgeted funds to complete the project.
- Councilor DelBuono requested a specific determination of where any additional funding would come from to complete the project.
- Mayor Zartarian referenced a Legal Opinion by the Town Attorney (attached).
- Town Attorney, Benjamin Ancona reviewed the Newington Town Charter provision Section C-408 and CGS 9-369, for referendum language requirements.
- Tanya D. Lane, Town Manager read from a Bond Counsel Legal Opinion. “ I agree with a lot of what Attorney Ancona states in his opinion, including his assertion that the voters, by vote, at Referendum limited the amount that could be spent on the Town Hall Renovation Project. There is however another method by which the Town may appropriate additional monies for the project which does not require a Referendum vote. This method is contained in Charter Section 805, which permits the Town to seek an additional appropriation through its annual Town budget process. This all assumes that no additional bonds or notes will be issued to fund such additional appropriation.”
- Discussion took place regarding the use of an additional Referendum for the exceeded costs for the project.
- Councilor Budrejko suggested reviewing separate alternates for an additional referendum vote.
- Mr. Arcari indicated that the project as presented could not be reduced further and still meet the needs for the offices and the community, while building a quality building.
- Councilor DelBuono requested clarification of where additional funding for the project would come from.
- Tanya D. Lane, Town Manager indicated that the base bid amount and the four (4) alternates would come from Bonds funds and current CIP funds totaling \$923,527 for a total of \$26,294,695. Additional Alternates 1, 3, 4, 5, 6 & 8 would be covered by CIP funds for Budget year 2019-2020 and upon passage of the budget.
- Town Council took a recess at 9:33 PM
- Meeting reconvened at 9:54 PM
- Motion by Councilor DelBuono

RESOLVED:

The Newington Town Council hereby waives the Rules to allow for action on items after 10:30 PM.

Seconded by Councilor Manke. Motion carried unanimously.

Motion by Councilor Marocchini

RESOLVED:

The Newington Town Council, in accordance with Section 12 of the Town Council, Rules of Procedure, adopted May 10, 2016, hereby moves to allow action on Agenda Item VII.A, to accept the Guaranteed Maximum Price Proposal of Downes Construction Company for the Town Hall/Community Center Project.

Seconded by Councilor Anest

Roll Call Vote

**Councilor Anest - Yes
Councilor Arace - Yes
Councilor Budrejko - Yes
Councilor DelBuono – Yes
Councilor Manke - Yes
Councilor Marocchini - Yes
Councilor Miner - Yes
Councilor Serra - Yes
Mayor Zartarian – Yes**

Motion carried 9-0 by Roll Call Vote.

Motion by Councilor Marocchini

RESOLVED:

The Newington Town Council hereby accepts the Guaranteed Maximum Price proposal of Downes Construction Company of New Britain, CT for the amount of \$25,371,168.00, and dated February 6, 2019, including the alternate pricing for Alternates #9-12, inclusive for an additional \$923,527.00 and authorizes the Town Manager, Tanya D. Lane to execute the Guaranteed Maximum Price Proposal Agreement and/or issue a Notice to Proceed contingent upon passage of the Town Council adopted budget for 2019-2020 and further negotiations for the construction of the new Town Hall and Community Center Project. The Guaranteed Maximum Price Proposal, including Alternates 9-12 comes to a combined total of \$26,294,695.00. The Alternate pricing for Alternates 9-12 inclusive is: Alternate #9- Police Department, \$503,233.00; Alternate #10-Remove Cont. Soil and Jr. Foundation, \$270,294.00; Alternate #11-Temp Heat/Winter Conditions/Enclosures, \$75,000.00; Alternate #12-Addendum #5 (allowance), \$75,000.00. The Newington Town Council hereby further accepts the Alternate pricing that was presented along with the Guaranteed Maximum Price Proposal of Downes Construction Company of New Britain, CT, and dated February 6, 2019, also contingent upon passage of the Town Council adopted budget of 2019-2020 and further negotiations, these include the following listed Alternates:

Alternate #1-Gym Expansion.....	\$413,422.00
Alternate #3-Generator	\$231,471.00
Alternate #4-Kitchenettes.....	\$138,158.00
Alternate #5-Spray Foam Insulation Exterior Wall.....	\$120,409.00
Alternate #6-Gymnasium Equipment.....	\$174,325.00
Alternate #8-Roof Screen	\$388,509.00

Should all items above be accepted, the total cost of construction would be \$31,208,179.00

Seconded by Councilor Anest

- Councilor DelBuono not able to approve based on Town Attorney opinion and possible alternates that could be removed.
- Councilor Budrejko supports the project but can't approve based on the integrity of the referendum question and the Town Attorney opinion.
- Mayor Zartarian supports the project but cannot vote for the project based upon the Town Attorney opinion.

Public Comment:

- John Bachand, 56 Maple Hill Avenue – suggests a follow-up meeting to get the public on-board. Appreciates the strict interpretation by the Town Attorney. Need to simplify the process and the numbers based on the cost for the project.
- Rose Lyons, 46 Elton Drive – suggested to the PBC to ask for additional funds now at the end and are short.
- Mady Kenny, 53 Crestview Drive – Was confused by terms and abbreviations utilized during discussions. Why was a proposed bump-out not addressed earlier?
- Michael J. Fox, 1901 Main Street – Do not envy the decision that needs to be made. Did not expect the project to cost the adopted bonding amount, and CIP should cover the rest of the project.
- Steven Silvia, 45 Basswood Street – Town Attorney opinion should be followed and should limit the costs to the approved referendum amount.
- Dawn Olivera, 18 Tunxis Road – Should not violate the Town Charter now and in the future.
- Joe Harpie, 36 Baldwin Court – PBC Chairman – Asked for an opportunity to review the Alternates before cancelling the project.
- Dana Havens, 113 Stoddard Avenue – Council should take more time to receive additional Legal Opinions regarding the referendum wording.
- Councilor Anest requested Mr. Harpie to elaborate on his comments regarding review of the alternates.
- Joe Harpie stated that the project is currently over by \$2.5 million based on the Alternates, but could be found elsewhere within the project. Would like to continue to review the alternates, work with the Design Team and Downes to eliminate the alternates so as to not jeopardize the project based on the Town Attorney opinion.
- Councilor Budrejko stated that she hoped the committee would work to bring the project in-line with the referendum language for the project. Mr. Harpie indicated that they would.

- **Town Council took a recess at 10:23 PM**
- **Meeting reconvened at 10:26 PM**

Roll Call Vote

Councilor Anest - Yes
Councilor Arace - Yes
Councilor Budrejko - No
Councilor DelBuono - No
Councilor Manke - Yes
Councilor Marocchini - Yes
Councilor Miner - Yes
Councilor Serra - Yes
Mayor Zartarian - No

Motion carried 6-3 by Roll Call Vote.

VIII. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)

- A. Resignation – Parks & Recreation Board
- B. Appointments – Central CT Health Board & Vehicles Appeals Board

Action on this item was moved prior to Item VI, Consideration of Old Business

**IX. PUBLIC PARTICIPATION – ON AGENDA (In Person/Via Telephone: 860-665-8736)
(3 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)**

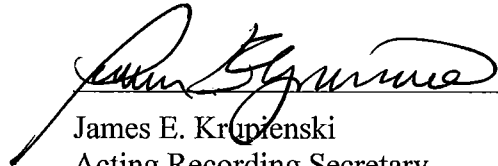
- **None**

X. REMARKS BY COUNCILORS

- Councilor Budrejko stated that she supported the project but could not vote to approve it.
- Councilor Miner requested information from Bond Counsel regarding projects that have had funding overruns and how they were handled.
- Councilor Budrejko requested that the information be clarified by situation.

XI. ADJOURNMENT

- Councilor Marocchini, seconded by Councilor Anest moved a motion to adjourn. Motion carried unanimously 9-0. Meeting adjourned at 10:30 P.M.


James E. Krupinski
Acting Recording Secretary

