

**LEGAL NOTICE
TOWN OF NEWINGTON
ORDINANCE PASSAGE**

This is to give notice that the Newington Town Council, at the Tuesday, April 26, 2022 Regular meeting, approved the following ordinance in accordance with the provisions of the Town Charter, Article IV, Section C-405 & C-406.

ORDINANCE #2123-02

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON
THAT:**

Chapter 8, Boards, Committees, Commissions and Bureaus, Article XII, Permanent Municipal Building Commission of the Newington Code of Ordinances is hereby created as follows:

**BOARDS, COMMITTEES, COMMISSIONS AND BUREAUS
ARTICLE XII
PERMANENT MUNICIPAL BUILDING COMMISSION**

Establishment.

Pursuant to Article VI, §C-610, of the Charter of the Town of Newington, there is hereby established a Commission to be known as the "Permanent Municipal Building Commission."

Power and duties.

This Commission shall be responsible for the execution of major construction and maintenance projects for the Town, including but not limited to responsibilities related to school buildings whether or not described in C.G.S. §10-291. The Commission shall have the powers and duties set forth herein and shall be vested with such general powers as inure in a building Commission and shall have and exercise responsibility for the construction or alteration of all municipal properties or structures for which it has been charged.

1. To work with the architectural firm(s) on project design issues, including structural, building systems, landscaping, and interior design;
2. To authorize and oversee the preparation of architectural drawings, development of building construction or renovation specifications, completion of professional services, and administration of the building project(s);
3. To approve design and construction expenditures pursuant to project construction and change orders;
4. To recommend to the Town Council, for its approval, contracts with architects, engineers, electronic consultants, building contractors, and others in the name of and on behalf of the Town of Newington with respect to the design and construction of the project(s), said contracts to be executed by the Town Manager;
5. To exercise such other powers as are necessary with respect to the construction of a municipal or school building project(s).
6. To provide interim status reports by the Commission to the Town Council on a quarterly basis or more frequently upon request. Upon completion of the project, the Commission shall make a complete report and accounting to the Town Council and the Town and recommend acceptance of the building project.

7. Any prior project, which has already been approved at a Referendum, prior to the formation of this Permanent Municipal Building Commission, will remain in effect for the duration of that project, and will not be subject to this ordinance.

Definitions.

The following definitions shall apply:

1. “Building Project” any construction or alteration of a Town facility, including but not limited to School District properties and structures, in accordance with the costs as outlined in the Newington Town Charter, Chapter C-408.
2. “Construction” and “Demolition”, including excavation, filling and grading of the building or project site.
3. “Contract” a signed agreement between the Town of Newington and the general contractor and/or architect/engineer/consultant, including any modifications issued after execution of the agreement.
4. “Cost Estimates” including, but not limited to construction, contingency, architect and/or engineering fees, clerk of the works, consultant services, furnishings, landscaping, paving, insurance, legal notices, inflation, and any other related costs.
5. “Design” includes selection of architects and consultants as needed in compliance with applicable provisions.
6. “Extraordinary conditions” are defined as conditions that are not known until after an operation has begun and that require unanticipated parts, equipment, or materials or services to complete the project.
7. “Ex-Officio Member” is a member (non-voting) who holds their position by virtue of their office and their official capacity.
8. “Major maintenance” shall not include routine maintenance and upkeep of a building or other structure, or its service equipment, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of seven (7) or more years and an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Manager, subject to approval by the Town Council, in writing addressed to the Commission.
9. “Municipal” shall refer to public buildings that are not under the jurisdiction of the School Department.
10. “Project Budget” the Commission's proposed budget as presented to the Town Council for review, prior to the Town Council's authorization for the Town Manager to execute the contracts and commence the project.
11. “Proposing Body” means the Town of Newington department, appointed or elected board or Commission sponsoring or requesting a construction or major maintenance project.
The Proposing Body is responsible for:
 - a. Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the Town.
 - b. Performance of feasibility studies and determination of the estimated size and cost requirements of the project.
 - c. Determination of the estimated requirements for equipment and furnishings.

- d. Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
- e. Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.

12. “Service equipment and major systems” shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).

13. “Statement of Needs” a written narrative, provided by the proposing body, presenting the public-interest reasons for undertaking a building project, an explanation of the function and purpose(s) of the proposed facility and recommendations, if any, on its size, scope, location and special features.

Composition.

1. The Commission shall consist of five (5) voting members, three (3) of which shall be qualified because of their experience in the fields of architecture, landscape architecture, building construction, contract review or building trades, two (2) of which one shall be recommended by each major party, subject to the approval of the Town Council, with similar qualifications as shown above. All of whom shall be electors of the Town of Newington, and shall serve without compensation.
2. There shall be three (3) members reviewed and recommended by the Town Manager, and presented to the Town Council for appointment (a) one shall be for a three (3) year term; one shall be for a two (2) year term; and, one shall be for a one (1) year term; and, (b) one (1) from each major party, shall be appointed for one (1) year, after the expiration of each initial term each member shall be appointed for a term of three (3) years. All terms shall begin on December 1st expire on November 30th, unless appointed to fill the remainder of a vacancy term.
3. Any vacancy in the Commission shall be filled by the, relevant appointing authority, and the member appointed shall serve for the unexpired term of his predecessor. If any member shall cease to be a resident of the town, they shall cease to be a member of the Commission.
4. No member appointed by the Town Council, or by either party, shall serve on any other elected or appointed board, commission or position within the Town of Newington, with the exception of the Lucy Robbins Welles Library representation, which may be members of the Board of Trustees if the project involves the Library or surrounding properties under the ownership and control of the Board of Trustees.
5. The Lucy Robbins Welles Library and surrounding property, under the ownership and control of the Board of Trustees, shall have appointed for any project affecting the Library grounds or structure, two (2) voting members appointed to the commission, by the Town Council.

Ex-officio Membership

1. The Mayor and the Town Manager, or their designee, shall both be ex-officio members of the Commission, but without the power to vote.
2. The Chairperson of the Board of Education and the Superintendent of Schools, or their designee, shall serve as ex-officio members of the Commission for any project involving school grounds or structures, but without the power to vote.
3. The Fire Chief and the Chairperson of the Board of Fire Commissioners, shall serve as ex-officio members (non-voting) on any project having responsibility for the construction or alteration of Fire Department buildings, but without the power to vote.
4. The Building Official, Facilities Director, Fire Marshal, Town Engineer and Chief Information Officer, shall be non-voting advisory members to the Commission, as determined by the Town Manager.
5. The requesting department/organization shall have the ability to recommend advisory ex-officio, (non-voting), who approved and appointed by the Town Council, shall serve until the completion of the project. Appointment of an ex-officio department member would be specifically for department/organization projects only.

Officers; Records.

The Commission shall elect a Chairperson, Vice-Chairperson and Secretary from its membership and shall keep a public record of its activities. All public meetings shall be recorded in accordance with the “Information and Guidelines for Boards, Committees and Commissions” adopted July 23, 2019, as may be amended.

Reasonable and necessary expenses of the Commission shall be included in the cost of any project, including a Commission Clerk, as authorized in the Town Charter, Section C-610 & Article IX, Personnel. All meetings and records of the Commission shall follow applicable state statutes, regulations and guidelines.

Reimbursement

Each Commission member, as approved by the Town Manager, may be reimbursed for necessary expenses incurred in the course of their duties for the commission.

Building Project Procedures.

A building project shall be undertaken in accordance with the following procedures:

- A. Project initiation. Any proposing body which considers that the needs of the Town require the construction or alteration of a Municipal facility shall initiate consideration of such need only by presenting a statement of needs to the Council. If the Council determines that a valid need for such construction or alteration exists, it shall, by majority vote, notify the permanent building Commission in accordance with the provisions hereof.
- B. Preliminary steps. The Commission shall, in consultation with the proposing body, review the statement of needs and the proposed project location. It shall thereafter submit an estimate of the cost of project planning to the Council along with a preliminary estimate of the cost of the entire project.
- C. Selection of architectural or engineering firm. If the Town Council determines that the proposed building project is financially feasible, it shall authorize the Commission to recommend the selection of a firm of architects and/or engineers, as may be appropriate, to prepare plans for the building project. Such recommendation shall be made from

among firms which respond to a request for proposals. Notice of such request for proposals shall be published at least once in each of two newspapers having circulation within the Town of Newington. The Commission shall review the proposals and shall interview prospective candidates. It shall refer to the Town Council, for approval, the name of the architectural and/or engineering firm for selection. The Town Council shall select such firm or shall ask for further recommendations from said Commission. It shall authorize the Town Manager to employ the firm so named and shall appropriate sufficient funds for the preparation of preliminary plans. If the Council disapproves of the recommendation, the Commission shall make another recommendation and refer it to the Town Council for its action. If the Commission is unable to report to the Town Council the name of another architectural and/or engineering firm within 15 days following the Town Council's disapproval or the Town Council disapproves of said Commission's recommendation for a second time, the Town Council shall select the architectural and/or engineering firm and authorize the Town Manager to employ it.

- D. Proposed location. The location for the proposed building project shall be referred by the Town Council to the Town Plan and Zoning Commission for its review consistent with C.G.S. § 8-24.
- E. Preparation of preliminary plans. The Commission shall work with the architects and/or engineers on the preparation of preliminary plans. In so doing, it shall consult with the proposing body. There shall be such joint meetings of the Town Council, the Commission, and the proposing body as may be deemed necessary. Upon completion, the Commission shall submit the preliminary plans and cost estimates for the project to the proposing body for its recommendation. After action by the proposing body, the preliminary plans and cost estimates shall be submitted by the Commission to the Town Council for its action.
- F. Revision of preliminary plans. If, in the judgment of the Town Council, the resources of the Town are inadequate to finance the estimated cost of the building project, the Town Council shall so notify the Commission and the proposing body and shall advise them of how much the cost shall be adjusted. The Commission shall thereupon work with the architectural or engineering firm to determine how the cost of the building project may be revised to a level acceptable to the Town Council. If the function or size of the facility as specified in the statement of needs must be modified, the Commission shall confer with the proposed body to determine where adjustments may best be made.
- G. Appropriation. Should the Town Council approve the preliminary plans, it may appropriate the funds necessary for undertaking the project consistent with Article VIII of the Town Charter, provided that the Town Council shall have the option of proceeding to have final plans developed consistent with Subsection H hereto prior to acting on such appropriation.
- H. Preparation and approval of final plans. When the Town Council so directs, the Commission shall, with the help of the retained architect or engineer, prepare final plans, cost estimates, a project budget and specifications for presentation to the Town Council. In so doing, it shall confer with the proposing body and, upon completion, shall submit same to the proposing body for comment and recommendation. Thereafter, the Commission shall submit such final plans, cost estimates, project budget and specifications to the Town Council for its approval and for authorization to proceed with the construction of the building project.

- I. Competitive bids. Following the Town Council's authorization to proceed with construction of the project, the Commission shall secure competitive bids for construction or alteration through the purchasing agent in conformance with §C-814 and §C-815 of the Town Charter. The Commission shall present to the Town Council, for review, a final project budget once bids are received. Upon acceptance of a bid, the Town Council shall authorize the Town Manager to execute appropriate contracts to accomplish such construction.
- J. Construction procedure. The Town Manager, or his/her designee, shall serve as the Commission's agent in supervising the construction or alteration of the building project, meeting with the architect or engineer, contractor and Commission on a regular basis. The Commission shall be authorized to approve change orders and disbursements within the project budget or as approved by the Town Council. The Town Manager shall be authorized to approve contract payments, upon certification by the architect and/or engineer that, based on on-site observation, the work and charges are in accordance with contract documents.
- K. Project management coordination or supervision. If the Commission determines that consultant services for project management or coordination are needed, and the approved budget allows for such service, it shall, after soliciting competitive proposals and interviewing qualified candidates, recommend a candidate to the Town Council for its action. If the Town Council fails to approve of the recommendation, the Commission shall make another recommendation and refer it to the Town Council for its action. If the Commission is unable to report to the Council the name of another candidate within thirty (30) days following the Town Council's disapproval, or if the Town Council disapproves of said Commission's recommendation for a second time, the Town Council may make its own selection or determine the selection is unnecessary. Employment of the person, firm or corporation so selected shall be by contract approved by the Town Council and executed by the Town Manager. If consultant services for project management or coordination are deemed unnecessary, the Town Council may authorize the Town Manager to appoint a Owners Representative or Consultant, in conformance with the Town Charter, to furnish project supervision and oversee the day-to-day operation of the construction, provided that the approved project budget allows for such a position. The Owners Representative or Consultant shall attend all meetings of the Commission, including job meetings, meetings of the full Commission and joint meetings between the Commission and the Town Council or proposing body. Commission members who wish to may attend job meetings. The Clerk of the Works shall maintain a daily log of all events at the job site. Any minutes of job meetings shall be distributed, and copies of the bid specifications and construction contract shall be made available to Commission members.
- L. Modifications or changes during construction.
 - (1) The Commission shall be authorized and responsible to administer the project within the financial constraints of the project budget. If an emergency or extraordinary situation arises which precludes the Commission from obtaining Town Council approval and requires a modification or change in the contract which does not affect the financial constraints of the project budget, the Town Manager may certify that an emergency or extraordinary situation exists. Emergencies are situations in which the project would be seriously hampered or in which public peace, health and safety are

seriously threatened. Prompt written notification of such situations should be brought to the proposing body and the Town Council's attention.

(2) If the Commission determines that additional funding is needed above that requested in the project budget, it must refer the request to the proposing body for comment and to the Town Council for review and approval. Major changes which will affect the function or size of a Town facility or building project that arise during construction shall be referred for comment to the proposing body and to the Town Council for review and approval. When a request for additional funding is made to the Town Council, an accounting of the financial receipts, commitments and expenditures to date shall accompany the request. Any change order requiring an increase in cost above the original construction contract shall be subject to the approval of the Director of Finance as to the availability of funds.

M. Final acceptance. After construction and/or alteration of the building project has been completed to the satisfaction of the Commission, as-built plans for the project have been received from the architect and/or engineer, and the proposing body has been asked for its comments, the Commission shall refer the facility to the Town Council for acceptance with a report on the status of the facility and the comments of the proposing body together with any applicable warranties, guarantees, service manuals, surety bonds, original drawings, as-built drawings, Owners Representative or Consultant work log, etc., and operator training. When a project has been fully and satisfactorily completed and a final report has been received from the Commission's Chairperson and the project has been accepted by the Commission, the proposing body and the Town Council, and the Commission has been dismissed, after all outstanding bills have been paid and the Town's independent annual audit has been completed, all unexpended balances in the building project's funds shall revert to the Town's general fund.

A copy of the adopted ordinance is available in the Town Clerk's Office, 200 Garfield Street, Newington, CT.

Dated at Newington, CT this 29th day of April, 2022

Attest: James E. Krupienski, CCTC

Newington Town Clerk

NEWINGTON TOWN COUNCIL