



Jonathan Altshul
Town Manager

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Office of the Town Clerk

James E. Krupienski CCTC
Town Clerk

ADOPTED ORDINANCE #2325-04

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWINGTON THAT:
Chapter 8, Article XII Permanent Municipal Building Commission, of the Newington Code of
Ordinances is hereby amended as follows:

Chapter 8 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”** hereinafter referred to as the **“Commission”**

Powers and Duties.

The Commission shall be responsible for the execution of major construction, major renovation, or major demolition projects for the Town of Newington, including but not limited to responsibilities related to school buildings whether or not described in C.G.S. §10-291. The Commission shall oversee and supervise the development of preliminary plans, including architectural drawings and cost estimates, and major construction, major renovation or major demolition projects involving Town, Board of Education, and Fire Department buildings. Upon approval of the Town Council, or in the absence of a quorum of the Town Council within 24 hours of an emergency, upon the approval of the Town Manager, this Ordinance shall not apply to emergency repair or emergency renovation projects.

The Commission shall recommend to the Town Council for its approval and execution by the Town Manager, contracts with architects, engineers, building contractors, and others on behalf of the Town of Newington with respect to a major construction project, major renovation project, or major demolition project for which the Commission has been charged. The Commission shall exercise such other powers as are necessary with respect to major construction projects involving a municipal or school building for which the Commission has been charged, and provide interim status reports to the Town Council on a quarterly basis, or more frequently upon request.

Upon completion of a project, the Commission shall make a complete report and accounting to the Town Council and the Town Manager and recommend acceptance of the building project.

Definitions.

The following definitions shall apply throughout the ordinance:

1. **“Building Project”**: any major construction or alteration of a Town, Board of Education, or Fire Department building or structure, in accordance with the Newington Town Charter.
2. **“Major Construction Project”**: any build new, build as-new, and associated work.
3. **“Major Renovation Project”**: a significant change, or addition, to the layout or structure of an existing Town, Board of Education, or Fire Department building or structure.
4. **“Demolition Project”**: including but not limited to excavation, filling, and grading of the building or the project site.

5. **“Major Changes”**: revisions that arise during construction to the scope or size of a building project which will affect the function or size of a Town facility or building, or the appropriation set for the project.
6. **“Proposing Body”**: the Town of Newington department, appointed or elected board, committee, or commission sponsoring or requesting a major construction project, major renovation project, or major demolition project.
7. **“Statement of Need”**: a written narrative provided by the proposing body presenting the public interest reasons for undertaking a major construction project, major renovation project, or major demolition project including but not limited to, details regarding programs for the proposed facility, the function and purpose(s) which the facility is anticipated to fulfill, anticipated expanded services, auxiliary public use, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility’s availability, recommendations, if any, on the size, scope, location, and special features of the facility, and overall effect on the Town.

Membership.

Membership shall adhere to the minority representation requirements set in Connecticut General Statutes § 9-167, and consist of no more than seven (7) members appointed by the Town Council, who shall not be any ex-officio members as described below, and shall serve without compensation:

- Five (5) permanent voting members:
 - Three (3) reviewed and recommended by the Town Manager who shall be qualified because of their experience in the fields of architecture, landscape architecture, building construction, contract review or building trades
 - Two (2) reviewed and recommended, one by each of the political parties with largest representation on the Town Council, with similar qualifications as detailed above
- Two (2) additional voting members:
 - Either recommended by the proposing body for each public building project on which the Commission has been charged, and shall vote only on matters pertaining to the project for which they have jurisdiction
 - Or, in the case of the Lucy Robbins Welles Library, as the Library and surrounding property is under the ownership and control of the Board of Trustees, the Library Board of Trustees shall recommend for appointment for any project affecting the Library grounds or structure, two (2) voting members appointed to the Commission by the Town Council.

Terms.

- The five (5) permanent voting members shall serve as follows:
 - The three (3) members reviewed and recommended by the Town Manager shall be appointed for initial terms of three (3) years, two (2) years, and one (1) year respectively
 - The two (2) members reviewed and recommended by each of the political parties with largest representation on the Town Council shall be appointed for initial terms of one (1) year each
- 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 1 and expire on November 30, unless appointed by the Town Council to fill the remainder of a vacancy term.
- The (2) additional voting members, reviewed and recommended by the proposing body, shall serve for the duration of the project for which they are appointed.

Any member that serves on any other elected or appointed board, commission or position within the Town of Newington shall recuse themselves from voting on matters over which they would also have jurisdiction.

Vacancy.

Any vacancy in the Commission shall be reviewed and recommended by the relevant recommending

authority, and the member appointed by the Town Council shall serve for the unexpired term of its predecessor. If any member shall cease to be a resident of the town, they shall cease to be a member of the Commission.

Ex-Officio Membership.

The following may serve as ex-officio members of the Commission for projects under their jurisdiction, but without the power to vote:

- The Mayor and the Town Manager, or their designee(s)
- The Chairperson of the Board of Education and the Superintendent of Schools, or their designee(s) on any project for the construction, renovation or demolition of Board of Education buildings as referred to the Commission
- The Fire Chief and the Chairperson of the Board of Fire Commissioners, or their designee(s), on any project for the construction, renovation or demolition of Fire Department buildings as referred to the Commission

Advisory Membership.

The following may serve as advisory members of the Commission for projects under their jurisdiction, but without the power to vote:

- The Building Official, Facilities Director, Fire Marshal, Town Engineer, Chief Information Officer, Director of Administrative Services, or other applicable Department Heads, or their designee, as determined by the Town Manager

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, §C-610 & Article IX, Personnel. All meetings and records of the Commission shall follow applicable state statutes, regulations, and guidelines.

Reimbursement.

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

Building Project Procedures.

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

1. **Establishment of Proposing Body.** Should the Town Council, in consultation with the Town Manager, determine a need may exist in the Town for major construction, major renovation project, or major demolition project of a Town, Board of Education, or Fire Department building, the Town Council shall establish or identify a proposing body to review the project and determine a statement of need.
2. **Establishment of Need.** Upon the completion of their review, and within 90 days of the Town Council establishment or identification, the proposing body shall transmit a written statement of need to the Town Council for the major construction, major renovation project, or major demolition project of the facility for which they were charged to review.
3. **Project Initiation.** Should the Town Council, after reviewing the statement of need, determine that a valid need exists for major construction, major renovation project, or major demolition project the Town Council, by majority vote, shall first refer the proposed location of the facility

to the Town Planning and Zoning Commission for its review consistent with C.G.S. §8-24; charge the Commission with oversight of said project, and appoint the two (2) voting members, reviewed and recommended by the proposing body, to serve on the Commission for the duration of the project.

If the Commission determines that it cannot meet any timeline associated with this Ordinance, including with the receipt of state or federal grants for a particular project, the Commission shall make a recommendation to the Town Council that the project not be subject to this Ordinance. The Town Council may adopt or reject the Commission's recommendation. If the Town Council rejects the Commission's recommendation, the Commission shall oversee the project in accordance with this Ordinance.

- 4. Preliminary Steps.** The Commission shall hold at least one (1) joint meeting of the Town Council, the Commission, and the proposing body to review the statement of need. The Commission may request additional joint meetings with the Town Council and proposing body in order to fully review the statement of need. Within 30 days following the joint meeting, the Commission shall report to the Town Council on any recommended modifications or updates to the anticipated scope and costs of the project as identified in the statement of need; if the Commission is unable to report to the Town Council within this timeframe, the Commission shall request an extension of an additional 30 days from the Town Council.
- 5. Appropriation.** Should the Town Council, after reviewing the recommendations of the Commission, determine that the statement of need and any modifications within the preliminary steps are acceptable for funding, the Town Council may establish an appropriation for the major construction in accordance with the Town Charter and any other applicable Town policy or procedure, or, initiate the process of transmitting the appropriation to referendum in accordance with Town Charter C.408.

If the proposed project fails at referendum the Town Council shall determine if the proposing body will present a revised plan, and that the major construction, major renovation, or major demolition project will follow Building Project Procedures items 2-4 as indicated above.

- 6. Commission Charge.** Following the establishment of an appropriation for a major construction project, major renovation project, or major demolition project the Commission, in consultation with the proposing body shall be charged with the execution of the project, and shall be authorized and responsible to administer the project within the financial constraints of the project budget. The Commission charge includes but is not limited to:
 - a. Solicit and recommend to the Town Council for its approval and execution by the Town Manager, contracts with architects, engineers, building contractors, and others on behalf of the Town of Newington with respect to major construction projects, major renovation project, or major demolition project for which the Commission has been charged. If the Town Council fails to approve of a recommendation of the Commission, the Commission shall make a new recommendation and refer it to the Town Council for action within 15 days but no later than 30 days following the Town Council's disapproval. If the Town Council fails to approve of the recommendation of the Commission for a second time, the Town Council may make its own selection or determine the selection is unnecessary.
 - b. Supervise the construction or alteration of the building project, in accordance with Connecticut General Statutes including approving change orders and disbursements within the project budget or as approved by the Town Council to the Town Manager for signature or final payment, and meeting with employed contractors and the Town Manager or their designee on a regular basis. The Commission may empower the

Commission Chair to oversee these duties for items in an amount not to exceed \$25,000.00.

- c. Determine emergency modification or change in the contract which does not affect the financial constraints of the project budget, upon certification by the Town Manager 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 by the Town Manager.
- d. Report to the Town Council and Town Manager if, in consultation with the proposing body, the Commission finds new changes in the statement of needs or final plans that may cause any change in the overall costs of major construction, major renovation, or major demolition, outside of the approved appropriation. 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. After reviewing the changes that may affect the overall costs, the Town Council may establish an appropriation following the guidelines of Building Project Procedures Section 5.

7. **Final acceptance.** After construction, alteration and/or demolition, of the 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. The referral shall include 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 from the Commission's Chairperson has been approved by the Town Council, the additional voting members shall no longer serve on the Commission. 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.

Savings Clause

Any prior project, which has already been approved at a Referendum, prior to the ratification of this Ordinance, will not be subject to this ordinance.

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