Mr. A. Griffiths reported on the Ag Commission and the IWWC.

17.  Executive Session: None

18.  Adjournment:

Mr. D. Griffiths made a motion, seconded by Mr. Anderson to adjourn the meeting.

Voice Vote:  Unanimous. Motion passed.

The meeting ended at 9:09 p.m.

                                                                                                       Respectfully submitted,

                                                                                                       Elizabeth Buzalski

                                                                                                       Council Secretary

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**TOWN COUNCIL**

**REGULAR MEETING**

 **DATE:** TUESDAY, September 10, 2019

 **TIME:** 7:00 P.M.

 **PLACE:** TOWN MEETING ROOM

 KILLINGLY TOWN HALL

**AGENDA**

The Town Council of the Town of Killingly held a Regular Meeting on Tuesday, September 10, 2019 at 7:00 p.m. in the Town Meeting Room of the Killingly Town Hall, 172 Main Street, Killingly, Connecticut.  The agenda was as follows:

1. **CALL TO ORDER**
2. **PRAYER**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG**
4. **ROLL CALL**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETINGS**

a) Special Town Council Meeting: 08/06/19

b) Special Town Council Meeting: 08/13/19

1. **PRESENTATIONS, PROCLAMATIONS AND DECLARATIONS**
	1. Proclamation recognizing September as National Recovery Month
2. **UNFINISHED BUSINESS FOR TOWN MEETING ACTION**
3. **CITIZEN’S STATEMENTS AND PETITIONS**

Pursuant to the Town Council’s Rules of Procedure, Article IV, Section 2, all presentations by citizens shall be limited to an aggregate of forty-five (45) minutes and each citizen’s presentation shall not exceed five (5) minutes unless otherwise indicated by a majority vote of the Town Council.

1. **COUNCIL/STAFF COMMENTS**
2. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
3. **REPORTS FROM LIAISONS**

a) Board of Education Liaison

b) Borough Council Liaison

1. **DISCUSSION AND ACCEPTANCE OF MONTHLY BUDGET REPORTS**

a) Summary Report on General Fund Appropriations for Town Government

b) System Object Based on Adjusted Budget for the Board of Education

13. **CORRESPONDENCE/COMMUNICATIONS/REPORTS**

 a) Town Manager Report

 b) Upcoming Town Manager Evaluation – Evaluation Form

14. **UNFINISHED BUSINESS FOR TOWN COUNCIL ACTION**

15. **NEW BUSINESS**

 a) Consideration and action on a resolution to introduce and set a Public Hearing on an Ordinance to Amend the Killingly Code of Ordinances, Chapter 2, Article XIV Procurement Code of the Town of Killingly

 b) Consideration and action on a resolution to authorize the expenditure of capital non-recurring funds to replace fully-depreciated copier equipment in the Town Hall

16. **COUNCIL MEMBER REPORTS AND COMMENTS**

17. **EXECUTIVE SESSION**

18. **ADJOURNMENT**

**KILLINGLY TOWN COUNCIL**

1. Chairman Cesolini called the meeting to order at 7:00 p.m.
2. Prayer by Ms. LaBerge.
3. Pledge of Allegiance to the flag.

4. Upon roll call all Councilors were present, except Mr. LaPrade and Ms. Wakefield who were absent with notification. Also present were Town Manager Calorio and Council Secretary Buzalski.

5. Adoption of minutes of previous meetings

5a. Mr. Grandelski made a motion, seconded by Mr. D. Griffiths, to adopt the minutes of the Special Town Council Meeting of August 6, 2019.

Voice Vote: Unanimous. Motion passed.

5b. Mr. D. Griffiths made a motion, seconded by Ms. LaBerge, to adopt the minutes of the Regular Town Council Meeting of August 13, 2019.

Discussion followed. Ms. LaBerge noticed that on page 440 item 16, Ms. Wakefield’s name has nothing after it.

Voice Vote:  Unanimous, with corrections.

6. Presentations, proclamations and declarations:

6a. Proclamation recognizing September as National Recovery Month

Mr. Anderson read the following:

**PROCLAMATION RECOGNIZING**

**SEPTEMBER AS NATIONAL RECOVERY MONTH**

**WHEREAS,** behavioral health is an essential part of health and one’s overall wellness; and

**WHEREAS,** prevention of mental and substance use disorders works, treatment is effective, and people recover in our area and around the nation. Preventing and overcoming mental and substance use disorders is essential to achieving healthy lifestyles, both physically and emotionally; and

**WHEREAS,** we must encourage those impacted by these disorders to implement preventative measures, recognize the signs of a problem, and guide those in need to appropriate treatment and recovery support services; and

**WHEREAS,** an estimated 26.2 percent of Americans ages 18 and older – about one in four adults – suffer from such disorders in a given year. In Northeast Connecticut nearly 28% of all calls to 211 are from people in need of mental health and addiction treatment, making it the most requested services in our region; and

**WHEREAS,** despite having among the highest need, Northeast Connecticut receives the lowest per-capita funding for mental health and addition services and has the lowest capacity for inpatient mental health treatment. Recovery can still happen. By supporting our local services and agencies and advocating to our state leaders the importance of these services within our region;

**NOW, THEREFORE, BE IT RESOLVED,** by the Town Council of the Town of Killingly that we recognize the month of September as National Recovery Month.

 KILLINGLY TOWN COUNCIL

 Jonathan Cesolini

 Chairman

Dated at Killingly, Connecticut,

this 10th day of September 2019

7. Unfinished Business for Town Meeting Action: None

8. Citizens’ Statements and Petitions:

Nancy Grandelski, 877 Upper Maple St, spoke about NECCOG. She feels that they are not addressing the problems with Animal Control.

Rich Prunier, 550 Putnam Pike, was concerned about Eminent Domain being used for the new power plant project.

Lois Latraverse, 54 Island Rd, is opposed to expansion by Connecticut Water for the Industrial Park. She also mentioned noise issues in the area, especially with UNFI running refrigerated trucks constantly under a temporary permit, and the rail spur for Frito Lay.

Melinda Fields, Hampton, CT is opposed to the proposed power plant, as it will negatively affect her even in Hampton.

10. Appointments to Boards and Commissions:   None

11.  Reports from Liaisons:

11a. Report from the Board of Education Liaison: No report.

11b. Report from the Borough Liaison:

Council Member LaBerge said there was no meeting, therefor no report.

12.  Discussion and Acceptance of Monthly Budget Reports:

12a.   ­Summary Report on General Fund Appropriations for Town Government:

Mr. D. Griffiths made a motion, seconded by Ms. LaBerge, to accept the summary report on general fund appropriations for Town Government.

Voice Vote:  Unanimous. Motion passed.

12b. System Object Based on Adjusted Budget for the Board of Education: None

13.Correspondence/Communications/Reports:

13a. Town Manager Report

Councilors discussed the Town Manager Report.

13b. Upcoming Town Manager Evaluation – Evaluation Form

Councilors discussed the upcoming Town Manager Evaluation, and the date the forms need to be returned.

14.  Unfinished Business for Town Council Action:

15.  New Business:

15a. Consideration and action on a resolution to introduce and set a Public Hearing on an Ordinance to Amend the Killingly Code of Ordinances, Chapter 2, Article XIV Procurement Code of the Town of Killingly

Mr. A. Griffiths made a motion, seconded by Mr. Anderson, to adopt the following:

RESOLUTION TO INTRODUCE AND SET A PUBLIC HEARING FOR ADOPTION OF AN ORDINANCE TO AMEND THE KILLINGLY CODE OF ORDINANCES, CHAPTER 2, ARTICLE XIV PROCUREMENT CODE OF THE TOWN OF KILLINGLY

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the following Ordinance be introduced and set down for Public Hearing on Tuesday October 8, 2019 at 7:00 p.m. in the Town Meeting Room of the Killingly Town Hall, 172 Main Street, Killingly, Connecticut:

**ORDINANCE AMENDING CHAPTER 2, ARTICLE XIV – PROCUREMENT CODE OF THE TOWN OF KILLINGLY**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that, the following amendments as shown in underline or strike through to Chapter 2, Article XIV – Procurement Code of Town of Killingly Code of Ordinances be adopted:

***Article XIV PROCUREMENT CODE OF THE TOWN*** ***OF KILLINGLY***
***Section 2-201* Purpose**

The purpose of this Procurement Code is to:

A. Provide for the fair and equitable treatment of all persons involved in public procurement by the Town of Killingly.

B. Maximize the value of public funds in procurement.

C. Provide safeguards for maintaining procurement procedures of quality and integrity.

 ***Section 2-202*** **Application**

A. This Procurement Code applies to the procurement of supplies, services and construction for the Town, except for items or services specifically certified by the Board of Education as exempt from the Code as educational items not amenable to bid. It shall apply to every expenditure of public funds by any general government department of the Town irrespective of the source of funding except when any purchase involves the expenditure of federal or state assistance or contract funds, where said purchases shall be conducted in accordance with any applicable laws and/or any federal, state or local regulations approved for the expenditure by the appropriate federal or state agency. Nothing in this Procurement Code, hereafter referred to as this code, shall prevent any department of the Town from complying with the terms and conditions of any grant, gift or request that is otherwise consistent with law. The use of any open bid rendered to the State of Connecticut, ~~or~~ the Council of Governments, ~~or~~ other governmental body or public procurement association with which Killingly is associated shall be considered in compliance with this code.

B. In order to promote contracts with vendors having responsible employment practices, preference should be given to goods or services produced in the United States and to vendors known for their responsible labor practices. ~~Responsible labor practices shall include wage and benefit levels as may be required by Connecticut General Statutes and sufficient to meet basic needs while providing some discretionary income for a family of four, respect for workers’ rights including the right to be heard and to organize and a safe and healthy work environment.~~

C. All specifications shall be drafted to promote overall economy for the purposes intended and encourage competition in satisfying the Town’s needs and shall not be unduly restrictive. The policy enunciated in this sub-section applies to all specifications including but not limited to those prepared for the Town by architects, engineer, designers, ~~and~~ draftsmen, and other professionals.

***Section 2-203* Definitions**

The following words, terms and phrases, when used in this code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Brand name*** *or* ***equal specification****:*  A specification limited to one or more items by manufacturers’ names or catalogue numbers to describe the standard of quality, performance and other salient characteristics needed to meet Town requirements, and which provides for the submission of equivalent products.

***Brand name specification****:*  A specification limited to one or more items by manufacturers’ names or catalogue numbers.

***Contract****:*  All types of agreements including purchase orders, regardless of what they may be called, for the purchasing of supplies or services.

***Contractor****:*  Any person having a contract with the Town or any of its departments. The term “contractor” shall include the general or prime contractor and shall include subcontractors performing work under the contract.

***Construction****:*  The process of building, altering, repairing, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

***Local Bidder****:* Any bidder having its registered principal place of business within the confines of the Town of Killingly.

***Services****:*  The furnishing of labor, time or efforts by a contractor, not involving the delivery of a specific end product other than reports which are merely incidental to the required performance. This term shall not include employment agreements or collective bargaining agreements or the appointment of the Town Attorney which shall be governed by Section 902 of the Town Charter.

***Specification****:*  Any description of the physical or functional characteristics or the nature of a supply or service item. It may include a description of any requirement for inspecting, testing or preparing a supply or service item for delivery.

***Supplies****:*  All consumables or property, including but not limited to equipment, materials, printing and leases for real property, excluding land or a permanent interest in land.

**Section 2-204** **Appointment, authority and duties of Purchasing Agent**

A. In accordance with Section 903 of the Town Charter, the appointment by the Town Manager of the Finance Director to be Purchasing Agent is herein confirmed.

B. The authority and duties of the Purchasing Agent shall be as follows:

1. Except as may be otherwise provided, the Purchasing Agent shall serve as the principal purchasing official for the Town and shall be responsible for the purchasing of supplies or services in accordance with this code.

2. In accordance with this policy and subject to the supervision of the Town Manager, the Purchasing Agent shall:

a. Procure or supervise the purchasing of all supplies and services needed by the Town;

b. Exercise direct supervision over the Town’s central stores and general supervision over all other storeroom inventories belonging to the Town;

c. Assist the departments of the Town with the establishment and maintenance of programs for specification development, contract administration and product inspection and acceptance and coordination of supplies and service purchases.

**Section 2-205** **Department responsibilities**

A. The responsibility of department heads regarding purchasing shall be as follows:

1. Development of specifications for supplies or services shall be the responsibility of department heads. Any specifications to be included in an invitation for competitive sealed bids or proposals shall be submitted to the Purchasing Agent.

2. When requesting for a purchase, the highest quality item(s) for a specified use at the lowest possible expense is required by all department heads, or their delegates.

3. Department heads are required to control, supervise and maintain any necessary inventories in a storeroom. Such storerooms shall serve as the receiving and distribution points for materials purchased by a using department.

4. With the exception of public works parts and fuel inventories, departments will be charged for items at the time of purchase. ~~Departments receiving parts and fuel from public works inventories will be charged as items are used.~~ The Highway Division of Public Works will conduct a physical inventory count of all supplies at such time as there is a change in personnel directly responsible for those storerooms, ~~at fiscal year-end,~~ and as otherwise may be required throughout the year.

5. Local purchasing is encouraged where competitive market prices exist except when subsection 7 of this section or Section 2-206 applies. Local purchasing ~~is required~~ shall be considered unless non-local purchasing is more cost effective. The following factors shall be considered to determine cost effectiveness:

a. Price;

b. Comparable quality;

c. Cost/ability to secure prices;

d. Shipping and handling cost;

e. Convenience of follow-up service;

f. Time to secure the supply, item or service.

6. Inspection of incoming materials or services shall be performed for compliance with specifications. These inspections are to be maintained under rigorous review by department heads and their authorized designees. The receiving report copy of the purchase order and any packing slips are to be completed and returned to the Finance Department upon acceptance and payment of an order.

7. Unless otherwise provided, the single purchase of a supply item in an amount estimated at $~~5~~10,000~~.00~~ or above shall be made only by written contract award through a formal bidding procedure. No supply or service generally purchased in the whole shall be purchased as a sum of the parts for the purpose of avoiding the requirement to solicit bids. A single purchase of services in an amount estimated at $~~5~~10,000~~.00~~ shall be made only by written contract award through the appropriate proposal procedure. Sole source purchases and emergency purchases as provided for respectively in Sections 2-209 and 2-210 shall be exceptions to these rules.

B. Consistent with this code and with the approval of the Town Manager, the Purchasing Agent may adopt operational procedures relating to the execution of his or her duties.

***Section 2-206*** **Competitive sealed bidding**

All contracts of the Town for procurement at or in excess of $ 5,000 shall be awarded by competitive sealed bidding except as otherwise provided in this code and in accordance with the following:

A. Public notices for inviting bids.

1. Newspapers. Notices inviting bids shall be published once in at least one official newspaper having a circulation in the Town and such other newspapers as may be necessary to ensure competition in the area and at least ~~five~~ ten (10) calendar days preceding the last day set for the receipt of proposals.

2. Town of Killingly website. Notice inviting bids shall be posted on the Town of Killingly website.

3~~. Bidders’ list. The Purchasing Agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a “bidders’ list” which the Purchasing Agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. The Purchasing Agent may remove from the list any prospective supplier that has failed to send a bid in response to the last two (2) solicitations sent by the Purchasing Agent.~~

B. Scope of notices shall:

1. ~~Include specifications and all contractual terms and conditions applicable to the purchase.~~

~~2.~~1. The notice shall State where bid blanks and specifications may be secured and the time and place for opening bids.

3. ~~Notice Be sent to the any vendors on the bidders’ list but shall be limited to transactions for commodities that are similar in character and ordinarily handled by the trade group to which the notices are sent.~~

C. Bid security:

1. Construction contracts exceeding $50,000. Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the designated official for construction contracting management to exceed $50,000~~.00~~. Bid security shall be a bond provided by a surety company authorized to do business in the state, or the equivalent in cash, or otherwise supplied in a form satisfactory to the Finance Director. Nothing herein shall prevent the requirement of such bonds on construction contracts under $50,000~~.00~~ when the circumstances warrant.

2. Bid security shall be in an amount equal to at least ten percent (10%) of the amount of the bid.

3. When the invitation for bids requires security, noncompliance requires that the bid be rejected.

4. If a bidder is permitted to withdraw a bid before award as provided in Section 2-206, Subsection (H)(a) of this code, no action shall be taken against the bidder or the bid security.

5. Refund of deposit. The Purchasing Agent shall return the security deposit of any unsuccessful bidder.

6. Forfeit of deposit. The deposit of a successful bidder shall be forfeited if he fails to enter into a contract within ten (10) days after the award.

D. Contract Performance and Payment Bond:

1. When a construction contract is awarded in excess of $50,000~~.00~~, the following bonds or security shall be delivered to the Town and shall become binding on the parties upon the execution of the contract:

a. A performance bond satisfactory to the Finance Director executed by a surety company authorized to do business in Connecticut: and

b. A payment bond satisfactory to the Finance Director executed by a surety company authorized to do business in the state. The bond shall be in the amount equal to 100 percent of the price specified in the contract.

2. Nothing in this section shall be construed to limit the authority of the Town to require a performance bond or other security in addition to those bonds, or in circumstances other than specified in subsection A of this section. Nor shall this section be construed to limit the authority of the Town to require warranties or guarantees against defects where circumstances recommend them.

E. Sealed bids.

 All bids submitted pursuant to the terms of this section shall be sealed and identified on the envelope as bids.

F. Bid opening procedures.

1. Opening. Bids shall be opened in public at the time and place announced in the public notices required in this article. The amount of each bid, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder shall be publicly read for the benefit of any bidders and each bid shall be open to public inspection.

2. Postponement due to closing. If Town Hall shall be closed for weather or any other conditions, bid opening date shall be postponed until the same hour on the next day that Town Hall is officially open for business.

G. Evaluation:

 Bids shall be unconditionally accepted without alteration or correction, except as authorized in this code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that is not set forth in the invitation for bids.

H. Corrections, Withdrawals

 Correction or withdrawal of inadvertently erroneous bids before or after bid opening or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be withdrawn. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Town or fair competition shall be permitted. In lieu of a bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

a. The mistake is clearly evident on the face of the bid document, but the intended correct bid is not similarly evident; or

b. The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent and approved by the Town Manager.

 I. Tie bids.

1. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

2. Where all tie bidders or none of them are local bidders, the Purchasing Agent shall award the contract by drawing lots.

J. Rejection of bids when in public interest.

 The Purchasing Agent shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The reasons therefore shall be made part of the contract file. Each solicitation issued by the Town shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interest of the Town. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future purchases(s) of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or proposers.

K. Rejection of bid where bidder is in default to the Town.

1. The Purchasing Agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Town, or of a contractor, a principal of which is in default on the payment of taxes, licenses or other monies due the Town. The Purchasing Agent shall include in the bid document a form to be executed by a bidder, certifying that said bidder is not in default on the payment of taxes, licenses or other monies due the Town.

2. As used in this section:

a. a “principal” of a contractor shall mean an individual who is a director, an officer, an owner, a limited partner or a general partner; and,

b. “default in the payment of taxes” shall mean the failure to pay taxes by the date such taxes are due and payable or the failure to be current with respect to a delinquent taxes payment schedule as set forth in a written agreement with the Revenue Collector.

L. Award of contract.

The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

M. Award to other than lowest bidder; reasons must be stated.

When the award is not given to the lowest responsive bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Purchasing Agent and filed in ~~his~~the records with the other documents relating to the award.

N. Considerations used in determining lowest responsible bidder.

The Purchasing Agent shall consider the following in ~~his~~the determination of who is the lowest responsible bidder:

a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.

b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.

d. The quality of performance of previous contracts or services.

e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service, including, but not limited to, the provisions of subsection O of this section.

f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services.

g. The quality, availability, and adaptability of the supplies, or contractual services to the particular use required.

h. The ability of the bidder to provide future maintenance and service for the subject of the contract.

O. Contractual provisions concerning fair wages and employment of residents.

1. All contracts entered into between the Town and contractors which utilize trades persons or laborers by the contractor in the performance of the contract shall incorporate the following provisions:

a. The contractor and all subcontractors will not employ any illegal aliens to work on any projects in the Town of Killingly;

b. ~~All contractors and subcontractors will provide copies of Federal DHS Form I-9 for each employee assigned to working for the Town of Killingly;~~

c. Violations of this section will result in permanent disbarment from future work for the Town of Killingly.

d. Preference shall be given to residents of the Town of Killingly in the hiring of labor necessary to the construction, remodeling or repairing of public buildings of the Town.

e. In the event the contractor is restricted by labor contracts, or the required specific skills that are not available in the Town of Killingly, the contractor may hire tradesmen and/or laborers who reside outside the Town.

2. Where applicable, construction of any public works project shall be performed in accordance with Connecticut General Statutes, Section 31-53 as it may be amended from time to time.~~\*~~

3. All workers furnishing the goods and services in connection with the construction shall be properly classified as employees rather than independent contractors, causing them to be treated accordingly for the purposes of pay, benefits, worker’s compensation, insurance coverage, unemployment compensation coverage, social security taxes and income tax withholding.

4~~. All contractors must maintain appropriate industrial accident insurance coverage for all employees.~~

5. In contracts where the total cost of all work to be performed exceeds one hundred thousand dollars ($100,000.00) and in all cases wherein one or more apprentices are employed, the employer shall be affiliated with a state-certified apprenticeship program and must register all apprentices with the division and abide by the apprentice to journeyman ratio for each trade prescribed therein.

6. If a contractor signing a contract required under this subsection is found to have violated the provisions of ~~this~~said contract, it shall, if already paid by the Town, reimburse to the Town one percent (1%) of the payment that would have otherwise been owed by the Town for every count of violation found.

If a contractor signing a contract required under this subsection is found to have violated the provisions of the contract and it has not already been paid by the Town, the Town shall withhold from payment one percent (1%) of the payment that would have otherwise been owed by the Town for every count of violation found. For these purposes, each day of violation and each worker affected shall be deemed a separate count. If a contractor signing a contract required under this subsection is found to have violated the provisions of ~~this~~said contract they will be barred from performing any work on future projects for six months for a first violation, three years for a second violation, and permanently for a third violation. Each construction contract entered into by the Town shall recite that the contractor understands and agrees to the terms of this section.

*~~\* Note: Section 31-53, on the effective date of this code, provided that: In contracts for new construction of any public works project where the total cost of all work to be performed by all contractors and subcontractors exceeds four hundred thousand dollars ($400,000.00) and in contracts for remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project where the total of all work to be performed by all contractors and subcontractors exceeds one hundred thousand dollars ($100,000.00), all tradesmen and laborers hired to perform under the contract shall be paid at the prevailing rates for the same work in the same trade in the town and shall receive the fringe benefits normally offered at that time for the particular trade. “Prevailing rates” as used herein shall mean the latest rates published by the state labor department unless otherwise required to qualify for a federal grant pertaining to the contract.~~*

7. As used herein, the term “contractor” shall include the general or prime contractor and shall include subcontractors performing work under the contract.

8. This bid procedure may be waived by the Town Manager when State Contracts are available for participation by local communities.

P. Responsibility for selection of methods, of construction contract management.

 The Town Manager shall designate the official(s) to be responsible for any construction project in excess of $35,000 that is not under the jurisdiction of the Permanent Building Commission as provided in Article IX of the Killingly Code of Ordinances. The designated official shall have discretion to select the appropriate method of construction contracting management for a particular project. In determining which method to use, the designated official shall consider the Town’s requirements, its resources and the potential contractor’s capabilities. The designated official shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project. This contract provision will be executed with the advice and consent of the Town Council or designee.

Q. Subdivision of contract prohibited.

 No contract or purchase shall be subdivided by the Purchasing Agent or any department head in order to circumvent or avoid the requirements of this division.

R. Nondiscrimination provisions.

 Invitations to bid issued by the Town, on behalf of boards and commissions seeking contractual services for the construction of capital improvements shall include provisions concerning the payment of prevailing wages when called for pursuant to the provisions of 31-53a, proper classification as employees rather than as independent contractors, participation in a state-certified apprenticeship program, non-discrimination, anti-kickback, and conflict of interest similar to the type found in federal invitations to bid.

S. Legal review and approval of contracts.

 No contract for goods or services to which the Town or any of its boards, commissions, departments, agencies or officials is a party shall be executed until the same has been reviewed and approved by corporation counsel with respect to form and legal substance. The Town shall not be bound by any contract unless such contract has been reviewed and approved by corporation counsel prior to its execution.

***Section 2-207*** **Contracting for professional services**

A. For the purpose of procuring professional services such as auditing, accounting, banking, computer or information processing, architect, engineering, land surveying, clergy, medical, veterinary or dental; the department of the Town requiring such services may procure them on its own behalf following notification to the Purchasing Agent and in accordance with the selection procedures specified in this section.

B. Except as provided under the provisions for sole source purchasing and emergency purchasing, professional services as described in subsection A. of this section shall be procured as follows:

1. Persons engaged in providing the described professional services may submit statements of qualifications and expressions of interest in providing such professional services. The department of the Town using such professional services may specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

2. Adequate notice of the need for such services shall be given by the Town department requiring the services through a request for ~~services~~proposals. The request for proposals shall describe the service required, list the types of information and data required of each proposer, and state the relative importance of particular qualifications.

C. Sealed proposals shall be preferred but for purposes of expanding competition, proposals may be received by ~~facsimile~~ electronic format in accordance with procedures that ensure the security of the proposals to be developed by the Purchasing Agent and telephone bids may be authorized by the Town Manager where such bids constitute an industry standard.

D. Discussions may be conducted with any proposer who has submitted a proposal to determine such proposer’s qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other proposers.

E. Award shall be made to the proposer determined in writing by the Purchasing Agent and the head of the Town department procuring the required professional services to be best qualified based on evaluation factors set forth in the request for proposals, and negotiation of compensation determined to be fair and reasonable. If compensation cannot be agreed upon with the best qualified proposer, then negotiations will be formally terminated with the selected proposer. If proposals were submitted by one or more other proposers determined to be qualified, negotiations may be conducted with such other proposers, in the order of their respected qualification ranking, and the contract may be awarded to the proposer then ranked best qualified if the amount of compensation is determined to be fair and reasonable.

***Section 2-208* Small purchases**

A. Any contract not exceeding $~~5~~10,000~~.00~~ may be made in accordance with the small purchase procedures authorized in this section.

B. Insofar as it is practical for small purchases in excess of $~~3~~ 1,000~~.00~~, no less than three businesses shall be solicited to submit quotations. Quotations may be accepted by telephone and electronically. Award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded with purchase orders and maintained as a public record.

***Section 2-209*** **Sole source purchasing**

A contract may be awarded without competition when the Purchasing Agent with the approval of the Town Manager determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply or service item. The Purchasing Agent with the appropriate department head or designee shall conduct negotiations, as appropriate, as to price, delivery and terms. A record of sole source purchases shall be maintained as a public record and shall list each vendor’s or contractor’s name, the amount and type of each contract, a listing of the item(s) procured under each contract and the identification number of each contract file.

***Section 2-210***  **Emergency purchasing**

Notwithstanding any other provision of this policy, the Town Manager may make or authorize others to make emergency purchases of supplies or services when there exists a threat to public health, welfare or safety; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances.

***Section 2-211*** **Brand name or equal specification**

A. Brand name or equal specification may be used when the Purchasing Agent determines in writing that:

1. No other design or performance specification or qualified products list is available;

2. Time does not permit the preparation of another form of purchase description, not including a brand name specification;

3. The nature of the product or the nature of the Town’s requirements makes use of a brand name or equal specification suitable for purchasing; or

4. Use of a brand name or equal specification is in the Town’s best interest.

B. Brand name or equal specifications shall seek to designate three, or as many different brands as are practicable, as “or equal” references and shall further state that substantially equivalent products to those designated will be considered for award.

C. Where brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance and characteristics desired and is not intended to limit or restrict competition.

***Section 2-212*** **Brand name specification**

A. Since use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Agent makes a written determination that only the identified brand name item or items will satisfy the Town’s needs.

B. The Purchasing Agent shall seek to identify sources from which the designated brand name item(s) can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the purchases shall be made under Section 2-209 of this code.

 *(Ord. of 12-11-07)*

BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KILLINLGY that the amendment shall be published in summary with full copies available at the Town Clerk, Town Manager and Public Library for public inspection.

 KILLINGLY TOWN COUNCIL

 Jonathan Cesolini

 Chairman

Dated at Killingly, Connecticut,

this 10th day of September 2019

Discussion followed.

Voice vote: Unanimous. Motion passed.

15b. Consideration and action on a resolution to authorize the expenditure of capital non-recurring funds to replace fully-depreciated copier equipment in the Town Hall

Mr. A. Griffiths made a motion, seconded by Mr. Anderson, to adopt the following:

**RESOLUTION to authorize the expenditure of capital non-recurring funds to replace fully-depreciated COPIER equipment in the Town HALL**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF KILLINGLY that the Town Manager is herein authorized to expend up to $25,178 currently reserved from the capital non-recurring account to replace the copier equipment in the Town Hall.

 KILLINGLY TOWN COUNCIL

 Jonathan Cesolini

 Chairman

Dated at Killingly, Connecticut,

this 10th day of September 2019

16. Council Member Reports and Comments:

Mr. Grandelski attended the IWWC meeting in place of Mr. A. Griffiths.

Mr. Kerttula reported on the Ordinance Subcommittee meeting.

Ms. LaBerge reported on the ZBA meeting, the P&Z meeting, KBA, and the Solid Waste Subcommittee.

Mr. D. Griffiths reported on the NDDH meeting and attended the informational meeting on Town-wide Trash Pickup on Sat and the Ag Commission meeting.

Mr. A. Griffiths reminded everyone of the upcoming Tomato Fest. He also reported on the Ordinance Subcommittee meeting.

17.  Executive Session: None

18.  Adjournment:

Mr. D. Griffiths made a motion, seconded by Mr. Anderson, to adjourn the meeting.

Voice Vote:  Unanimous. Motion passed.

The meeting ended at 8:00 p.m.

                                                                                                       Respectfully submitted,

                                                                                                       Elizabeth Buzalski

                                                                                                       Council Secretary

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