

**TOWN OF EAST HAMPTON
AGENDA REPORT**

Agenda Item: Loa

Item to be presented by:
Ruth Checko, Parks and Recreation Director

DATE: July 1, 2013

SUBJECT: Contract Award Recommendation

DEPARTMENT: Parks and Recreation

RECOMMENDED ACTION

Move to award the contract for Middle School Athletic Field Improvements to Aqua-Turf Irrigation LLC, PO Box 678, Orange, CT 06477 in the amount of \$6800 for the base bid (baseball field) and \$6800 for the Alternate #1 (softball field).

The second qualified bidder was Hubert E. Butler Construction Company, LLC with a bid of \$23,680 for the base bid (baseball field) and \$14,580 for Alternate #1 (softball field). There were no additional bidders.

BACKGROUND

Aqua-Turf Irrigation LLC is the lowest qualified, with the required experience and references. Aqua-Turf Irrigation, LLC was established in 1965 and has a history of completing similar projects and included pictures and references of multiple municipal jobs.

ALTERNATIVE ACTIONS

N/A

FISCAL IMPACT

\$20,000 was budgeted in the 2013-2014 Fiscal Year Capital Improvement Plan for these improvements.

Tri County Contractors Supply Inc.

Main Office Location
154 Wayside Avenue
West Springfield, MA 01089
Phone (413) 733-5189
Fax (413) 781-2102

July 19, 2013

East Hampton DPW
20 East High Street
East Hampton, CT 06424

Dear Henry:

Pursuant to your request, we are pleased to quote the Town in accordance with Connecticut State Contract #10PSX0307 for a new TIGER "Legal Rear Stow" boom mower mounted onto a new tractor as follows:

- One - new TIGER "BENGAL BRUTE – Legal Rear Stow" Boom Mower Assembly consisting of
 - 3OSBB – Open, 3 Point Stow Transport System with Travel Lock
 - Raised Swing Mounting System and approximately 21' 7" of reach
 - Wheel weight installed in left rear tire and tire filled with counterweight
 - 50" Flail Head with mounting to end of boom
 - Proportional electronic Joystick controller
 - Tractor is a New Holland model TS6.110 -2WD Tractor with
 - Tier III compliant diesel engine
 - Deluxe Cab, Heater-Defroster, Air Conditioning and Air Ride seat as standard
 - 16 x 8 "Dual Power Shuttle" Transmission as discussed
 - Two (2) sets of SCV's and a useable 540 Rear PTO
 - Front auxiliary drive kit providing power to front pump with pump guard
 - 10.00 x 16 in. 8 PR F2 front tires and 18.4R34 In. – 8 Ply R1 Bias rear tires
 - Backup Alarm, complete road lighting including brake lights, strobe lighting
 - License plate bracket with light, AM/FM radio installed in cab
 - Front wiper/washer kit, Front pump and grille guard
 - Entire package installed and operational Per State Contract #10PSX0307
 - Manual #47377790 – For Tractor included as requested

FOB: East Hampton, CT.

\$107,294.70

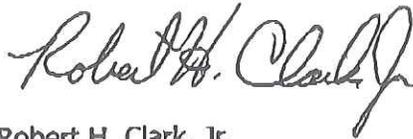
To Substitute a John Deere 6105M Plus Cab Tractor 2WD with 16 X
16 transmission with front crankshaft adapter, Basic Seat w/Air
Suspension, 2 sets of SCVs, 540 PTO, Front Auxiliary Drive Kit,
Flange Rear axles. Tire sizes: 2WD (Front-10.00 x 16 In. 10PR F-2 &
Rear- 460/85R34 147A8 R1W Radial).

ADD \$ 14,854.00

After reviewing this information if you have any questions or if we can be of any further
assistance please feel free to contact either Ed Hart (413) 530-5895 or myself.

Thanks for the opportunity and have a great weekend.

Sincerely,



Robert H. Clark, Jr.
President
Tri County Contractors Supply Inc.

Ordinance Establishing a Commission on Aging

§. Organization.

A. There shall be a Commission on Aging in the Town of East Hampton, consisting of ~~five (5)~~ **seven (7)** regular members ~~and two (2) alternate members~~, which shall be called the "East Hampton Commission on Aging."

B. Members shall be appointed by the Town Council and shall be selected as follows:

- (1) One regular member shall be a representative of the East Hampton Housing Authority.
- (2) ~~Two~~ **Three** regular members shall be members of the public, **with both genders represented.**
- (3) ~~Two~~ **Three** regular members shall be members of the public 60 years of age or older, **one male and one female.**
- (4) ~~One alternate member shall be a member of the public 60 years of age or older~~
- (5) ~~One alternate member shall be a member of the public~~

C. All members so appointed shall be persons interested in and committed to the consideration and solutions of the needs and concerns of the elderly.

D. A Chairperson shall be elected by the members of the Commission from among the members.

E. The Town Manager, the Director of Health of the Town of East Hampton, and the Senior Services Coordinator and Municipal Agent for the Elderly (or their designees) shall be non-voting, ex-officio members.

§ Membership and terms of appointment; compensation.

In January of each year the Town Council shall appoint members to replace those whose terms are then expiring. All members shall be appointed to hold office for a period of three years, except for the initial appointments of which two regular members shall be for three years, two regular members for two years, one regular member for one year, ~~one alternate member for 3 years and one alternate member for 2 years~~. Vacancies shall be filled for the unexpired portion of the term, and the Commission may recommend a candidate to the Town Council to fill said vacancy. Members of the Commission shall serve without compensation.

§ Purpose.

The purpose of the Commission shall be to review and analyze the needs and conditions of the elderly as brought to their attention by the Senior Services Coordinator (or citizens at large), in relation to housing, nutrition, employment, economic welfare, health, long-term care, recreation, social services, transportation and other matters and concerns of the elderly. The Commission shall act as an advocate for the elderly and shall make recommendations to the Senior Services Coordinator, Town Council and/or other relevant agencies via the Town Council as appropriate. The Commission shall interact with and coordinate services as needed and as available through Town, regional, State or Federal services. A key responsibility of this commission is to research,

identify and attempt to secure funding sources for the Town's elderly including state grants as made available pursuant to Section 17B-425 of the CT General Statutes.

§ Duties.

The Commission shall act as an advisory board to the Senior Service Department of the Town of East Hampton. The Commission shall support the Mission Statement of the East Hampton Senior Center. The Commission shall assist in interpreting and developing policies and guidelines for services and programs for the elderly. The commission may advise and make recommendations to the Senior Services Coordinator with regard to programs and services for the elderly. The Senior Services Coordinator may evaluate those recommendations and implement as appropriate.

§ Expenses.

The Commission shall prepare a proposed estimate of receipts and expenditures and may submit a proposed budget to the Town Manager as provided in the Code of the Town of East Hampton.

This ordinance shall take effect 20 days after publication.

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| Adopted: | September 9, 2008 |
| Publication: | September 19, 2008 |
| Effective: | October 9, 2008 |
| Revised: | February 8, 2011 |
| Publication: | February 11, 2011 |
| Effective: | March 3, 2011 |

Business Incentive Program Ordinance

A. Business Incentive Program Ordinance; Authority

Subject to Connecticut General Statutes (CGS) Sec. 12-65b and Sec. 12-65h the Town of East Hampton (the Town) may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property, or in interest in real property upon which is located or proposed to be located a manufacturing facility as defined in subdivision (72) of CGS Sec. 12-81, fixing the assessment of the real property and all improvements to be constructed thereon and therein or of the personal property located in the manufacturing facility, which is the subject of the agreement in accordance with the provisions of Section I of this Ordinance.

B. Purpose

The purpose of the Business Incentive Program is, in accord with the Town's Plan of Conservation and Development (POCD), to attract new businesses to the Town, promote the expansion of existing businesses (including home-based businesses relocating into commercial and industrial zones), and to encourage the rehabilitation and reuse of vacant commercial and industrial buildings. It is the intent of the Town: (1) to assist in the creation of jobs for local residents, (2) to create long term tax base growth through the appropriate replacement, reconstruction, expansion or remodeling of existing business facilities, (3) to encourage the construction of new commercial and industrial facilities in accord with the Future Land Use Plan found in the Town's POCD, and (4) to encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

C. Economic Development Commission

The East Hampton Economic Development Commission (EDC or "the Commission") shall provide any property owner or lessee with general information concerning the Business Incentive Program (the Program), prepare and supply interested parties with an Application to participate in the Program and any other information that may be reasonably requested by an interested party. An "interested party" is one who owns or proposes to acquire an interest in real property as defined in CGS Sec. 12-65b and who is considering replacement, reconstruction, expansion, or remodeling of existing business facilities located or to be located in East Hampton. The EDC may perform research about any party applying to participate in the Program and may request of any such party any relevant information that in the opinion of the EDC bears upon consideration of the application. The EDC shall obtain from the Tax Assessor an evaluation of the impact of any proposed abatement of taxes on the applicable Grand List and an estimate of the impact on future Grand Lists.

D. General Requirements

Applications properly filed with the Town will be considered for the Program, provided:

1. Applicant must possess a good environmental practices history and be able to demonstrate adequate financial strength to finance the proposed capital improvements

- and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.
2. The proposed use is located in an appropriate zone as defined by East Hampton's Zoning Regulations.
 3. The proposed use receives approvals, licenses, and permits of the East Hampton Planning and Zoning Commission and of other East Hampton, State of Connecticut and federal agencies, boards, commissions, and officials having jurisdiction with respect to the project, as required.
 4. No real estate property tax or other tax or fee or municipal charge due East Hampton by the Applicant, the businesses, or any other business organization or entity owned or controlled by the Applicant is unpaid at the time the Application is submitted or at any time thereafter.
 5. If the Applicant is relocating its business to East Hampton, the applicant should provide a five year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated.
 6. The project must have a clear economic benefit to East Hampton, as described by the Applicant on the application.

E. Application Procedure

All tax incentive requests shall be made in writing on a form referred to as Business Incentive Program Application ("the Application") published and provided by the EDC and approved by the Town Council ("Council"). The application and all accompanying documentation shall be submitted in duplicate at the Office of the Town Clerk. Upon receipt by the Clerk, one copy of the Application and materials shall be provided to the EDC for preliminary review and the Clerk should provide notice to the Council that an Application has been submitted. "Receipt by the Clerk" means an Application and all accompanying documentation required in accordance with all applicable provisions of this Ordinance is submitted.

The following timeframes for action are not mandatory, but the EDC and the Council should strive to meet them: From date of receipt by the Clerk of the Application the EDC shall have 45 days to review the Application, request additional information and meet with the Applicant and/or the Applicant's representative. Provided the Applicant has submitted all of the information required in the Application, by the Ordinance, and by the EDC, the EDC will within 30 days thereafter report its findings to the Council. The Council will place the report on the agenda of the next regularly scheduled Council meeting for discussion and at their following meeting take action. If the Council approves the report, the Town Manager and the Applicant shall enter into a written agreement.

F. Assessment of the Property Subject to the Agreement

The East Hampton Assessor shall, in the Assessor's sole discretion, determine the assessment of the real property or the personal property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement.

G. Guidance for Scoring Applications and Implementing this Ordinance

The purpose of this ordinance is to encourage economic growth in the Town that is in accord with the POCD in effect at the time of the given application. The POCD reflects the strongest expression of the Town's intentions for its future development, character, and quality of life. Accordingly, there is room for flexibility in scoring under Criteria listed in Section H of this Ordinance.

When scoring a new application, the members of the EDC should strive for consistency and transparency. Like applications should receive like treatment. It is appropriate – even essential – for the EDC to consult the scoring of previously granted applications when scoring a new application. Consistency between like applications must be balanced, however, with the goals of the POCD in effect at the time. Where no similar application has been submitted, care should be taken to score the new application relative to the goals of the POCD and relative to the merits of any previous application.

When approving or denying an application the EDC should issue a written statement showing the scoring and briefly explaining its reasoning. The EDC is the final arbiter of applications under this Ordinance.

H. Scoring Criteria Category Definitions

1. Location: Projects within those areas zoned “Commercial” or “Industrial” according to the Zoning Map for the Town of East Hampton (*see* POCD) are eligible for scoring under this category. Properties in those zones are eligible for a maximum of 5 points with the following exceptions:
 - a. Village Center: Properties located in the Village Center district as defined by the Zoning Map for the Town of East Hampton are eligible for a maximum of 10 points.
 - b. Cobalt Center: Properties located on Route 66 between its junction with Old Depot Hill Road and its junction with Old Middletown Road are eligible for a maximum of 7 points.
2. Use: In accord with the needs identified by the POCD and as appropriate to the site and location in town, the following uses may qualify for points: Transient housing (hotels/motels), rental housing, workforce housing, light industrial/light manufacturing, healthcare and medical services, high-technology businesses, retail, and dining. Projects for these uses may be awarded 5 points. At the EDC’s discretion, “high needs” uses under these categories may be awarded up to 10 points.
3. Brownfields: East Hampton contains a number sites designated as “Brownfields” by the USEPA. Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands – all of which are goals of East Hampton’s POCD.

Any application that proposes to remediate and commit to reuse a Brownfield as designated by the EPA or the State of Connecticut is eligible for 10 points.

Depending upon the project, financing and other factors, the Town may also seek to partner with the applicant for Federal grant funding or supply other in-kind considerations.

4. Revitalization of an existing, inhabited structure, such revitalization defined as at least:
 - a. Façade improvement: Substantial investment in improving the outward appearance of the structure or to restore non-trivial deterioration as determined by the Commission, or
 - b. Rehabilitation: Significant alteration of the interior and/or exterior of a property that would result in a greater than 25% increase in its valuation, or
 - c. Historical: Additional points may be awarded to either of the forgoing categories where the property is designated as “historic” by recognized Town, State or National authorities (including the Connecticut Trust for Historic Preservation), or lies within a Town-designated historic district, and such designation or location requires the adoption of techniques or design elements.

The Commission may award between 5 and 10 points for any project that falls into one of these three categories. Placement in the range is at the discretion of the Commission and will take into account such things as the cost and difficulty of the work.

5. Use of a Vacant Property: The applicant may be awarded 5 points if proposing to occupy a building which has been unoccupied for a period greater than 12 months at the time the applicant signed a lease or closed on the property. If, in the opinion of the EDC, the property can be considered “blighted,” 10 points may be awarded.
6. Number of Jobs Created: Points may be awarded based upon the number of non-seasonal Full Time Equivalent positions (FTEs) the business will generate:
 - 1-5 FTEs: 5 points
 - 5-10 FTEs: 7 points
 - More than 10 FTEs: 10 points

7. Cost of Services to the Town: A project or use proposed by an applicant may require the Town to assume an extraordinary cost beyond those costs contemplated by an impact fee. For example: a chemical manufacturer may require the Town to retrain and potentially re-equip its fire protection services. If the Commission determines such is the case, no points may be awarded under this category.

If no such cost exists, 5 points may be awarded.

The Commission may ask the Applicant to pay for a Fiscal Impact Analysis, to be conducted by a consultant approved by the Commission.

The Applicant may be given the opportunity to show that the Commission’s determination of the cost to the Town is in error, however, the Commission makes the final determination

8. Design of the Building or Renovation: The Commission may award 10 points when applicant can show that the design of the renovation brings the structure into compliance with current Town Building Design Guidelines for its zone.

The Commission may award 5 points when an applicant can show that the design of a new structure complies with current Town Building Design Guidelines for its zone.

9. Sustainable Building: The Commission may award 2 points for each of the following and up to 10 points total:

- If the investment will result in the business generating at least 20% of its own energy requirements.
- If the investment will result in the business feeding energy back into the grid.
- If the project meets at minimum LEED Gold standard or equivalent (As of this writing, LEED is the dominant evaluation system in the US market and the one favored for use by the GSA.)
- If the project requires a public transportation node such as a bus stop.
- If the project supplies a recharge station for electric vehicles.
- Water-saving fixtures throughout.

“Sustainability” characteristics and measures are constantly evolving and the Commission may update this list periodically as it sees fit.

10. Amount Invested

| | |
|-----------|---|
| 10 points | \$3M or larger investment in construction or renovations |
| 9 points | \$1M or larger investment in construction or renovations |
| 8 points | \$800k or larger investment in construction or renovations |
| 7 points | \$500k or larger investment in construction or renovations |
| 6 points | A business new to that parcel investing over \$300k or a business existing on that parcel investing at least \$250k in construction or renovations |
| 5 points | A business new to that parcel investing over \$200k or a business existing on that parcel investing at least \$100,000 in construction or renovations |

I. Tax Incentive Tiers and Implementation

Depending upon the number of points an Application receives, it may be denied or, subject to a vote by the Council, the Board of Finance, and Town Meeting (?), provided with one of tiers of tax abatement as follows:

Fewer than 24 points: Denied

25-44 points: Third tier benefit: 70% of fixed assessment abated for two years, or 50% of fixed assessment abated for four years.

45-69 points: Second tier benefit: 70% of fixed assessment abated for three years, or 50% of fixed assessment abated for five years.

More than 70 points: Highest benefit: 100% of fixed assessment abated for years 1-3, 70% of fixed assessment abated for years 4-5, 50% of fixed assessment abated for year 6.

The Town may abate real estate property taxes based on increased real property tax assessments up to but not more than the percentages shown above.

The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the [DATE] immediately following the issuance of a Certificate of Occupancy by the appropriate building official for construction of the buildings or manufacturing facilities or other structures and all improvements in or on the real property which is the subject of the agreement. Notwithstanding anything written in this Ordinance, the Town may, in its sole discretion, offer to enter into an agreement with the Applicant for the abatement of taxes of a lesser percentage and/or fewer years.

On a case by case basis, the Town may provide other incentives in addition to the incentives provided by CGS Sec. 12-65b and Sec. 12-65h or in lieu thereof as follows: (1) waiver of building permit fees; (2) waiver of filing fees with land use agencies; or, (3) provision of in-kind services such as construction of access roads, or road widening, construction of storm drains and culverts, sidewalks, or curbing, extension of water and/or sewer lines or other public improvements.

Machinery and equipment defined in subdivision (72) of CGS Sec. 12-81 and intended to qualify for tax relief pursuant to Sec. 12-65h shall have for federal income tax purposes a depreciable useful life of five or seven years.

Construction shall commence within six months of approval by the Town and shall be completed no later than 24 months from the date of approval by the Town. The times for commencement and completion of the construction are mandatory except Applicant's performance may be excused when the Applicant is prevented from performing by causes beyond the Applicant's control, including natural disasters or other calamities or a state or national declared state of emergency.

J. Default by the Owner or Lessee Under the Terms of the Agreement

In the event the owner or lessee of the real property:

1. Fails to pay real estate and/or personal property taxes when due and payable;
2. Fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement;
3. Becomes insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within 90 days or such other proceedings have not been dismissed or withdrawn by such other parties within 90 days or makes an assignment for the benefit of creditors or if the property or lease is taken under and writ of execution or becomes the subject of foreclosure proceedings;
4. Abandons the real property or in the case of the lessee purports to assign its lease without the express consent of the Town as set forth in Section K of this Ordinance;
or,
5. Fails to perform any obligation of owner or lessee under the terms of the agreement;

such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice whereupon (a) the right of the owner and/or lessee under the terms of the agreement shall cease and come to an end; and (b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS

Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement whereupon (i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted under the terms of the agreement shall be terminated; and (ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of CGS Sec. 12-146, all waived fees, if any, and all actual costs to the Town in providing in-kind considerations to the property owner and/or the lessee.

K. Assignment of the Agreement

The agreement between the town and the Applicant shall not be assigned by the Applicant to any person(s) or business organization or entity or estate or trust without the express consent of both the Council and the Board of Finance which shall signify their consents by an affirmative vote taken at a separate meeting of each body duly noticed for the stated purpose. A conveyance of real property or a transfer of ownership of the business or substantially all of the assets of the business which is the subject of the agreement to a person or business organization or entity that is not owned or controlled by the Applicant, shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee or transferee including but not limited to any remaining tax abatements under the terms of the agreement. A "controlled entity" means a business which is eighty or more percent owned by the grantor or transferor.

L. Amendments to Applicable Statutes

All references in this Ordinance to CGS Sec. 12-65b or Sec. 12-65h or Sec. 12-81 or any other section of CGS made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this ordinance.

M. Effective Date

This ordinance shall become effective fifteen days after publication in a newspaper having circulation in the Town. Adopted _____, [date]. Published [paper], [date]/

Office of the Town Manager
Town of East Hampton
Connecticut

Michael Maniscalco, MPA
Town Manager

Town Council
Susan B. Weintraub, Chairperson
Glenn S. Suprono, Vice Chairman
Kyle R. Dostaler
Ted Hintz, Jr.
Derek M. Johnson
Barbara W. Moore
George Pfaffenbach

Certified Resolution

Be it resolved that it is in the best interests of the Town of East Hampton to enter into contracts with the Department of Energy and Environmental Protection.

In furtherance of this resolution, Michael Maniscalco, the Town Manager, is duly authorized to enter into and sign said contracts on behalf of the Town of East Hampton. Michael Maniscalco currently holds the Town Manager and has held that office since July 1, 2012. The Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the local, state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto.

I, Sandra Wieleba, the Town Clerk of the Town of East Hampton, do hereby certify this to be a true copy of the resolution duly adopted at the Town Council Meeting on July 23, 2013, and that it has not been rescinded, amended or altered in any way, **and that it remains in full force and in effect.**

Sandra Wieleba

Date

**Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton**

July 19, 2013

To: The East Hampton Town Council

Documentation of tax refunds are available in the tax office for your review if you so desire. The total refunds equal \$255.00.

Thank you for your assistance.

Nancy Hasselman CCMC

Nancy Hasselman, CCMC
Collector of Revenue

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86 • 31 +
26 • 05 +
72 • 81 +
3 • 33 +
66 • 50 +
255 • 00 *
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