

**REGULAR MEETING OF THE COMMON COUNCIL**

**May 28, 2014**

**PETITIONS**

**REPORTS OF BOARDS, COMMISSIONS, DEPARTMENTS AND  
LEGISLATIVE COMMITTEES**

**\*\*CONSENT AGENDA**

**REPORTS**

**CITY CLERK**

**\*\*A.) ITEM # CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE. PURPOSE: RECEIPT OF CLAIMS.**

**FINANCE DEPARTMENT**

**\*\*B.) ITEM # LINE ITEM TRANSFER. PURPOSE: LINE ITEM TRANSFER WITHIN A DEPARTMENT'S BUDGET FOR THE PERIOD OF MAY 7, 2014 THROUGH MAY 21, 2014.**

**PURCHASING DEPARTMENT**

**\*\*C.) ITEM # PUBLIC BID NO. 3774. PURPOSE: AUTHORIZATION TO ISSUE STANDING PURCHASE ORDER FOR POOL CHEMICALS FOR THE PARKS AND RECREATION DIVISION.**

**\*\*D.) ITEM # PUBLIC BID NO. 3789. PURPOSE: UNLEADED GASOLINE FOR THE PUBLIC WORKS DEPARTMENT.**

**TAX DEPARTMENT**

**\*\*E.) ITEM # TAX ABATEMENTS, CORRECTIONS AND REFUNDS**

**REPORTS RETURNED FROM COMMITTEE**

**CONSOLIDATED SUBCOMMITTEE**

**\*\*F.) 32711 FOOD PERMITS. PURPOSE: INCREASE CERTAIN FEES FOR ISSUANCE OF FOOD PERMITS TO BE CONSISTENT WITH PERMIT FEES IN OTHER MUNICIPALITIES.**

**RESOLUTIONS RETURNED FROM COMMITTEE**

**1.) 32711 FOOD PERMITS. PURPOSE: INCREASE CERTAIN FEES FOR ISSUANCE OF FOOD PERMITS TO BE CONSISTENT WITH PERMIT FEES IN OTHER MUNICIPALITIES.  
A. PLATOSZ**

**NEW RESOLUTIONS**

**2.) ITEM # 2014 NEIGHBORHOOD ASSISTANCE ACT PROGRAM. PURPOSE: SUBMIT APPROVED PROPOSAL TO THE STATE OF CONNECTICUT DEPARTMENT OF REVENUE SERVICES.  
C. CARLOZZI, JR., J. GIANTONIO, E. SANCHEZ**

**3.) ITEM # HISTORIC DOCUMENTS PRESERVATION GRANT. PURPOSE: CONNECTICUT STATE GRANT FOR THE PRESERVATION OF HISTORICAL DOCUMENTS & NON-DISCRIMINATION CERTIFICATE. J. GIANTONIO**

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- 4.) ITEM # DOWNTOWN SPECIAL SERVICES DISTRICT. PURPOSE: ADDITIONAL LEVY OF 4.2 MILLS FOR THE MUNICIPAL FISCAL YEAR BEGINNING JULY 1, 2014. J. GIANTONIO
- 5.) ITEM # TITLE V DELINQUENCY PREVENTION PROGRAM. PURPOSE: AMEND THE REVENUE AND EXPENDITURE ACCOUNT BUDGETS FOR THE TITLE V DELINQUENCY PREVENTION GRANT. S. BLACK, D. DEFRONZO, J. GIANTONIO, E. MAGNUSZEWSKI, D. SALERNO
- 6.) ITEM # BUDGET TRANSFER. PURPOSE: GENERAL FUND BUDGET TRANSFER TO CORPORATION COUNSEL FOR OUTSIDE LEGAL SERVICES. M. TRUEWORTHY, A. PLATOSZ, D. SALERNO
- 7.) ITEM # AMEND CODE OF ORDINANCES. PURPOSE: AMEND CODE OF ORDINANCES ANTI-BLIGHT PROGRAM SEC. 1-17 TO BE IN COMPLIANCE WITH CITY OF NEW BRITAIN POLICE AND STATE LAW. J. GIANTONIO, D. NAPLES, W. PABON, D. SALERNO, L. SALVIO
- 8.) ITEM # AMEND CODE OF ORDINANCES. PURPOSE: AMEND CODE OF ORDINANCES ANTI-BLIGHT PROGRAM SEC. 7-42; 7-43; 7-44 AND 7-45 TO BE IN COMPLIANCE WITH CITY OF NEW BRITAIN POLICE AND STATE LAW. J. GIANTONIO, D. NAPLES, W. PABON, D. SALERNO, L. SALVIO

#### UNFINISHED BUSINESS

- 32554 RESOLUTION RE: APPROVAL OF AGREEMENT BETWEEN THE CITY OF NEW BRITAIN AND LOCAL 1186.  
TABLED 11/13/2013
- 32697 REPORT OF PURCHASING DEPT. RE: ON CALL ENGINEERING SERVICES – LANDFILL AND RECYCLING CENTER COMPLIANCE MONITORING – PUBLIC WORKS DEPT.  
TABLED 04/23/2014
- 32719 REPORT OF PURCHASING DEPT. RE: HEATING AND AIR CONDITIONING MAINTENANCE AND REPAIRS AT THE SENIOR CENTER.  
TABLED 05/14/2014

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**PETITIONS**

**REPORTS OF BOARDS, COMMISSIONS, DEPARTMENTS AND  
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**\*\*CONSENT AGENDA**

**REPORTS**

**CITY CLERK**

**\*\*A.) ITEM # CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE. PURPOSE: RECEIPT OF CLAIMS.**

REPORT OF: CITY CLERK

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #:

RE: CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE

CLAIMANTS NAME

Sarisley, Adelaida  
Turner, Sherlinda

Mark H. Bernacki  
City Clerk

**FINANCE DEPARTMENT**

**\*\*B.) ITEM # LINE ITEM TRANSFER. PURPOSE: LINE ITEM TRANSFER WITHIN A DEPARTMENT'S BUDGET FOR THE PERIOD OF MAY 7, 2014 THROUGH MAY 21, 2014.**

REPORT OF: Finance Department

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #:

RE: Line Item Transfers within a department's budget for the period May 7, 2014 through May 21, 2014  
(This report for information purposes only)

In accordance with the city of New Britain ordinance of Article VII – Finance, Section 2-494(3), the following departments have transferred monies from one line item to another within their departmental budget (total department budget has not changed). Each transfer will be continuously numbered from month to month

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throughout the fiscal year. This report represents the transfers executed by the mayor in accordance with the aforementioned ordinance for the period ending May 21, 2014.

11. Department: Voters - Republican  
From: 001104002-5331 \$1,600.00 (Professional Services)  
To: 001104002-5124 \$1,100.00 (Part Time Salaries)  
001104002-5540 \$ 250.00 (Advertising)  
001104002-5810 \$ 250.00 (Dues/Fees/Memberships)  
Amount: \$1,600.00  
Brief Description: Funds needed for Part Time Salaries, Advertising and Spring Annual  
ROVAC Convention

Rebecca Salerni  
Deputy Finance Director

## PURCHASING DEPARTMENT

**\*\*C.) ITEM # PUBLIC BID NO. 3774. PURPOSE: AUTHORIZATION TO ISSUE STANDING PURCHASE ORDER FOR POOL CHEMICALS FOR THE PARKS AND RECREATION DIVISION.**

REPORT OF: Finance Dept., Purchasing Division

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #:  
RE: Public Bid No. 3774 Pool Chemicals  
DATE: May 28, 2014

Public Bid No. 3774 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for required purchases of Pool Chemicals for the Public Works Department, Parks and Recreation Division. Funding is available for the purchase of the Pool Chemicals in the Public Works Department, Parks and Recreation Division's Account Number 001419004-5659, General Fund, Park Maintenance Operating Materials and Supplies.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to twenty-two (22) Pool Chemical Companies. The Purchasing Agent did not receive any letters from the Pool Chemical Companies on the mailing list who indicated that they could not respond to the bid request. The responses were received as per the attached.

The bids were reviewed for conformance to specifications by Public Works Department, Parks and Recreation Division's Administration and the Purchasing Agent. Therefore, the Deputy Director of the Public Works Department is recommending that the bid for the Pool Chemicals be awarded to the following companies who submitted the lowest responsible bid for the Pool Chemicals, H. Krevit & Company of New Haven, CT. for the Sodium Hypochlorite in bulk delivery and Calcium Chloride in 50lb bags and Leslie's Poolmart, Inc. of Phoenix, AZ for Sodium Bicarbonate in 50lb bags and Calcium Hypochlorite in 50lb drums.

RESOLVED: That the Purchasing Agent is hereby authorized to issue standing purchase orders to H. Krevit & Company of New Haven, CT. for the bulk delivery of Sodium Hypochlorite at \$2.68 per gallon and Calcium Chloride at \$18.40 per 50lb bag and Leslie's Poolmart, Inc. of Phoenix, AZ. for Sodium Bicarbonate at \$15.95 per 50lb bag and Calcium Hypochlorite at \$79.95 per 50lb drum on an as-needed basis from June 16, 2014 to September 30, 2014 for the Parks and Recreation Division per the terms and specifications of Public Bid No 3774.

Jack Pieper  
Purchasing Agent

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**\*\*D.) ITEM # PUBLIC BID NO. 3789. PURPOSE: UNLEADED GASOLINE FOR THE PUBLIC WORKS DEPARTMENT.**

REPORT OF: Finance Dept., Purchasing Division

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #:

RE: Public Bid No. 3789, Unleaded Gasoline for the Public Works Department. (Informational Report)

DATE: May 28, 2014

Public Bid No. 3789 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Unleaded Gasoline for the Public Works Department. Funding is available for this purchase within the Public Works Department's Account Number 001315006-5624, General Fund, Gasoline/Oil/Grease.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to nineteen (19) Unleaded Gasoline Supplier Companies. The Purchasing Agent did not receive any letters from the Unleaded Gasoline Supplier Companies on the mailing list who indicated they could not provide a response to the bid request. Responses were received as per attached.

The bids were reviewed for conformance to specifications by the Public Works Administration and the Purchasing Agent. Therefore the Director of Public Works is recommending that the Bid for 87 Octane Unleaded Gasoline, at a fixed cost, be awarded to Dime Oil Company, LLC. of Waterbury, CT. who submitted the lowest price per gallon. Because of the volatility of the energy market, per Resolution 31880, the Purchasing Agent was able to lock in the price and awarded the bid to Dime Oil Company, LLC. of Waterbury, CT. at a fixed price of \$2.8011 per gallon plus taxes for the 87 Octane Unleaded Gasoline from May 15, 2014 to May 14, 2015. This price is \$.1441 per gallon cheaper than what the City was paying for the 87 Octane Unleaded Gasoline the last time it was put out to bid.

Jack Pieper  
Purchasing Agent

## **TAX DEPARTMENT**

**\*\*E.) ITEM # TAX ABATEMENTS, CORRECTIONS AND REFUNDS**

REPORT OF: Tax Collector

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #:

RE: Tax Abatements, Corrections and Refunds

The Collector of Taxes has referred a list of tax abatements, corrections and refunds. Acceptance and adoption is respectfully recommended.

Cheryl S. Blogoslawski  
Tax Collector

**REPORTS RETURNED FROM COMMITTEE  
CONSOLIDATED SUBCOMMITTEE**

**\*\*F.) 32711 FOOD PERMITS. PURPOSE: INCREASE CERTAIN FEES FOR ISSUANCE OF FOOD PERMITS TO BE CONSISTENT WITH PERMIT FEES IN OTHER MUNICIPALITIES.**

REPORT OF: CONSOLIDATED SUBCOMMITTEE

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to report the following:

ITEM #: 32711

RE: Amend Code of Ordinances, Section 10-37, to increase certain fees for the issuance of food permits.

The Consolidated Subcommittee held a regular meeting and public hearing on Thursday, May 15, 2014, at 7:00 PM in the Council Chambers, to which was referred the matter of item 32711, Amend Code of Ordinances, Section 10-37, to increase certain fees for the issuance of food permits. The Consolidated Subcommittee voted to accept and refer back to the Common Council with a favorable recommendation.

Alderman Emmanuel Sanchez  
Chair

**RESOLUTIONS RETURNED FROM COMMITTEE**

**1.) 32711 FOOD PERMITS. PURPOSE: INCREASE CERTAIN FEES FOR ISSUANCE OF FOOD PERMITS TO BE CONSISTENT WITH PERMIT FEES IN OTHER MUNICIPALITIES.  
A. PLATOSZ**

Item #32711 RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE: To increase certain fees for the issuance of food permits to be consistent with permit fees in other municipalities.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTION 10-37 of Chapter 10 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new].

Sec. 10-37. Classifications of food establishments; fees for issuance of licenses; duration; inspection intervals; reinspection fees; late charge.

(a) All licenses to conduct, operate or maintain any food establishment shall be issued for a period of one (1) year beginning July 1 and ending June 30 of the following year, except that any license issued after July 1 of any year shall expire as of the June 30 following the date of issuance of such license.

(b) Food establishments shall be classified as follows:

- (1) Class I establishment -- Food service establishment with commercially prepackaged food and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours; e.g., cold commercially packaged sandwiches and sandwich meat and cheeses, pastries, confectioneries, snacks, popcorn, pretzels, donuts, coffee, tea, soft drinks, etc.

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- (2) Class II establishment -- Food service establishment using cold or ready to eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours; e.g., cold deli sandwiches, salads, commercially prepared, processed and packaged sandwiches, hot dogs, kielbasa, soups, coffee, tea, soft drinks, etc.
- (3) Class III establishment -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation; e.g., hot meat sandwiches, pizza, soups, seafood, etc.
- (4) Class IV establishment -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public; e.g., meats, poultry, eggs, seafood, dairy, etc.

(c) Food establishments shall be inspected at the following intervals:

- (1) Class I establishment -- 360 days;
- (2) Class II establishment -- 180 days;
- (3) Class III establishment -- 120 days;
- (4) Class IV establishment -- 90 days;
- (5) Temporary food service establishment -- At intervals based on the applicable class of the establishment.

(d) Every applicant for a license to conduct, operate or maintain a food establishment shall pay a fee or fees for such establishment in accordance with the following schedule:

(1) Class I establishment:

- a. Fixed establishment -- ~~\$85.00~~ \$110.00 per year, or part thereof.
- b. Mobile establishment -- \$50.00 per year, or part thereof.

(2) Class II establishment:

- a. Fixed establishment -- ~~\$145.00~~ \$145.00 per year, or part thereof.
- b. Mobile establishment -- \$85.00 per year, or part thereof.

(3) Class III establishment:

- a. Fixed establishment -- ~~\$145.00~~ \$180.00 per year, or part thereof, plus \$2.00 per seat for each seat in excess of 35.
- b. Mobile establishment -- \$115.00 per year, or part thereof.

(4) Class IV establishment -- ~~\$170.00~~ \$215.00 per year, or part thereof, plus \$2.00 per seat for each seat in excess of 35.

(5) Temporary food service establishment -- \$20.00 per day up to a maximum of \$100.00 per year.

(e) Late charge for food establishment licensing fee. There shall be a thirty dollar (\$30.00) late charge for any food establishment licensing fee not received by June 30. In addition, there shall be an additional thirty dollars (\$30.00) charge for each additional thirty-day period that the fee remains delinquent.

(f) Reinspection fee. In the event that a food establishment shall require a reinspection as a result of having failed to attain a passing grade on the initial inspection (4 pt. item(s) not corrected or previous grade below 80), such food establishment shall be required to pay a reinspection fee of one hundred dollars (\$100.00) for each required reinspection.

(g) All new or extensively remodeled food establishments must undergo a plan review before beginning operation. A fee of one hundred twenty-five dollars (\$125.00) is to be paid for each plan review.

(Code 1970, § 11-3; Ord. of 9-95; Ord. No. 27823, 4-28-04; Res. No. 28693-2, 8-18-05; Res. No. 30847-2,

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1-27-10)

Alderman Adam Platosz

## NEW RESOLUTIONS

**2.) ITEM # 2014 NEIGHBORHOOD ASSISTANCE ACT PROGRAM. PURPOSE: SUBMIT APPROVED PROPOSAL TO THE STATE OF CONNECTICUT DEPARTMENT OF REVENUE SERVICES. C. CARLOZZI, JR., J. GIANTONIO, E. SANCHEZ**

Item # RE: 2014 NEIGHBORHOOD ASSISTANCE ACT PROGRAM

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

WHEREAS, under authorization of Chapter 228a of the Connecticut Statutes, the Neighborhood Assistance Act provides tax credits for business firms that contribute financially to community programs that have received both municipal and State of Connecticut Department of Revenue Services approval, and

WHEREAS, any municipality wanting to obtain benefits under the provisions of this Act must hold a Public Hearing and submit to the State of Connecticut Department of Revenue Services a list of community programs, approved by the local legislative body, which are eligible for investment by business firms, and

WHEREAS, a Public Hearing of the Common Council of the City of New Britain was held on April 30, 2014, on the subject of the Neighborhood Assistance Act Program;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby approves the Neighborhood Assistance Act Program 2014 Proposal List, and

BE IT FURTHER RESOLVED, that the Common Council authorizes the Mayor to submit the approved program proposals to the State of Connecticut Department of Revenue Services and to administer the Neighborhood Assistance Act Program in accordance with the statutory requirements.

Alderman Carlo Carlozzi, Jr.  
Alderman Jamie Giantonio  
Alderman Emmanuel Sanchez

**3.) ITEM # HISTORIC DOCUMENTS PRESERVATION GRANT. PURPOSE: CONNECTICUT STATE GRANT FOR THE PRESERVATION OF HISTORICAL DOCUMENTS & NON-DISCRIMINATION CERTIFICATE. J. GIANTONIO**

Item # RE: CONNECTICUT STATE GRANT FOR THE PRESERVATION OF HISTORICAL DOCUMENTS & NON-DISCRIMINATION CERTIFICATE

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

WHEREAS, effective July 1, 2000, the State of Connecticut passed into law Public Act 00-146, an "Act Concerning Real Estate Filings and Preservation of Historical Documents", and

WHEREAS, this legislation established a state "Historic Document Preservation" account, and

WHEREAS, Public Act 00-146 authorized this grant starting July 2001, and is available for fiscal year 2014/2015, and

WHEREAS, Town & City Clerk Mark H. Bernacki has applied for a \$7,500 grant for the period of July 1, 2014 to June 30, 2015; now, therefore be it,

RESOLVED, that Mayor Erin E. Stewart execute and deliver in name and on behalf of the City of New Britain a contract with the Connecticut State Library for a Historic Documents Preservation Grant; and,

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RESOLVED, that the City of New Britain hereby adopts as its policy to support the non-discrimination agreements and warranties required under Connecticut Statutes Sec. 4a-60(a)(1) and Sec. 4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142; and be it further,

RESOLVED, that a budget amendment in the amount of \$7,500 be appropriated within the city's Special Revenue Fund entitled "Historical Records Retention" established for this purpose to meet the needs of the Town Clerk's Office as follows:

INCREASE ESTIMATED REVENUE

#249108101-4222 State of Connecticut Historic Preservation Grant \$7,500

INCREASE EXPENDITURE BUDGET

#249108181-5331 Professional Services \$7,500

Alderman Jamie Giantonio

**4.) ITEM # DOWNTOWN SPECIAL SERVICES DISTRICT. PURPOSE: ADDITIONAL LEVY OF 4.2 MILLS FOR THE MUNICIPAL FISCAL YEAR BEGINNING JULY 1, 2014. J. GIANTONIO**

Item # RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

WHEREAS; the New Britain Downtown District was created in 1983 by majority vote of the property owners within the district in accordance with a resolution of the Common Council of the City of New Britain, and as amended by a resolution; and

WHEREAS; by requirement of Chapter 105a of the Connecticut General Statutes and of Chapter 20.5 of the Code of Ordinances establishing the district, the district budget as approved by a general meeting of property owners in the district is to be submitted to the City Treasurer, and a levy upon taxable interests in real property in the district is to be recommended to the Common Council; and

WHEREAS; at a general meeting of district property owners held on May 22, 2014 the attached budget was approved for submission to the City Treasurer; and

WHEREAS; the property owners approved a levy upon taxable interests of 4.2 mills for the municipal fiscal year beginning July 1, 2014, NOW, THEREFORE, BE IT

RESOLVED; that the Common Council of the City of New Britain acknowledges receipt of the budget for the New Britain Downtown District for the fiscal year beginning July 1, 2014 and ending on June 30, 2015, as approved by a majority of the property owners of this municipal special services district established within the boundaries of the City of New Britain; and BE IT FURTHER

RESOLVED; that in accordance with Section 7-339r(d) of the Connecticut General Statutes, the Common Council shall impose the recommended levy of 4.2 mills for the municipal fiscal year beginning July 1, 2014, on the taxable interest in real property in such district, as described in Chapter 20.5 of the Code of Ordinances establishing the district, and such levy shall be in addition to the regular municipal levy for the benefit of the district.

Alderman Jamie Giantonio

**5.) ITEM # TITLE V DELINQUENCY PREVENTION PROGRAM. PURPOSE: AMEND THE REVENUE AND EXPENDITURE ACCOUNT BUDGETS FOR THE TITLE V DELINQUENCY PREVENTION GRANT. S. BLACK, D. DEFRONZO, J. GIANTONIO, E. MAGNUSZEWSKI, D. SALERNO**

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

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Resolution Summary: PURPOSE: To amend the revenue and expenditure account budgets for the Title V Delinquency Prevention Grant. This delinquency prevention grant is a New Britain initiative to increase attendance, improve academic performance, and help improve student behavior.

WHEREAS, the City of New Britain submitted a three year Title V Delinquency Prevention Program grant to the State of Connecticut Office of Policy and Management, and

WHEREAS, in collaboration with the New Britain Parks and Recreation Department, the Opportunities Industrialization Center of New Britain, and the YWCA of New Britain, the City of New Britain will be providing middle school students and parents with positive and educational out of school time programs, and

WHEREAS, in conformance with the grant requirements, a Prevention Policy Board (PPB) has been established and includes a broad range of New Britain youth serving agency representatives, students and parents to coordinate the formulation of the City's Local Delinquency Prevention Plan, and

WHEREAS, at a previous meeting of the Common Council, resolution #31602 was approved to execute all documentation as required in the grant agreement to accept the OPM Title V Delinquency Prevention Program Grant in the amount of \$84,215 over a three year period of October 1, 2011-September 30, 2014 with a cumulative budget of \$84,215, now therefore be it

RESOLVED, that the amount of \$84,215 be appropriated in the City's special revenue fund account structure in accordance with the requirements of the grantor agency. The budgets for the following account numbers are to be amended by the Acting Finance Director.

		Current Budget	Increase	Amended Budget
236420125-4222	State of CT	59,215	25,000	84,215
	Total Revenue	59,215	25,000	84,215
236420125-5124	Part-Time Salaries	26,700	3,298	29,998
236420125-5231	Medicare	388	48	436
236420125-5440	Rentals/Subcontractors	28,280	20,000	48,280
236420125-5659	Supplies	3,847	1,654	5,501
	Total Expenditures	59,215	25,000	84,215

Alderman Shirley Black  
Alderman David DeFronzo  
Alderman Jamie Giantonio  
Alderman Eva Magnuszewski  
Alderman Daniel Salerno

**6.) ITEM # BUDGET TRANSFER. PURPOSE: GENERAL FUND BUDGET TRANSFER TO CORPORATION COUNSEL FOR OUTSIDE LEGAL SERVICES. M. TRUEWORTHY, A. PLATOSZ, D. SALERNO**

Item # RE: Corporation Counsel Budget Transfer

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

Overview: The purpose of this resolution is to transfer the budget in the Corporation Counsel division to cover the costs associated with outside services required as the result of a vacancy in the position of Legal Administrative Aide. This resolution is to transfer money within the FY 14 Corporation Counsel General Fund budget to cover the costs anticipated for the full fiscal year.

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Whereas, the Office of Corporation Counsel is responsible for conducting all civil cases, bringing civil actions brought for and against the City, and serving as legal advisors of all commissioners, boards, committees, executive officers and the Common Council. This office is in need of reallocating budgeted monies to cover the costs associated with outside services required as a result of a vacancy in the position of Legal Administrative Aide, and

Whereas, there are monies available in the full time salaries and legal services expenditure accounts, Therefore, Be it Resolved, that the FY 2013-2014 General Fund Budget be transferred for this purpose as follows:

		Current Budget	Increase /(Decrease)	Amended Budget
001109001-5121	Full-Time Salaries	573,585	(100,000)	473,585
001109001-5123	Longevity	2,600	0	2,600
001109001-5124	Part-Time Salaries	0	63,760	63,760
001109001-5331	Professional Services	11,000	40,000	51,000
001109001-5332	Legal Services	150,000	(9,140)	140,860
001109001-5412	Telecommunications	70	80	150
001109001-5436	Equipment Main't & Repairs	1,500	0	1,500
001109001-5525	Foreclosed Properties	15,000	0	15,000
001109001-5610	Postage, Copies, & Scans	1,100	2,000	3,100
001109001-5611	Office Supplies	2,000	2,500	4,500
001109001-5645	Technical Publications	9,500	0	9,500
001109001-5810	Dues/Fees/Memberships	400	800	1,200
	<b>Total Expenditures</b>	<b>766,755</b>	<b>0</b>	<b>766,755</b>

Alderman Michael Treworthy  
Alderman Adam Platosz  
Alderman Daniel Salerno

**7.) ITEM # AMEND CODE OF ORDINANCES. PURPOSE: AMEND CODE OF ORDINANCES ANTI-BLIGHT PROGRAM SEC. 1-17 TO BE IN COMPLIANCE WITH CITY OF NEW BRITAIN POLICE AND STATE LAW. J. GIANTONIO, D. NAPLES, W. PABON, D. SALERNO, L. SALVIO**

Item # RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: PURPOSE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article III of the Code of Ordinances, City of New Britain, be amended by amending Article III Anti-blight Program Sec. 1-17 to be in compliance with City of New Britain Policy and State Law (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

Sec. 1-17. Procedure for enforcement of municipal ordinances.

(a) *Appointment of hearing officers.* In accordance with section 7-152c of the General Statutes the following procedure is established for the enforcement of citations for violation of the ordinances of the City of New Britain. This section shall not apply to existing sections of the Code of Ordinances which already have an appeal or hearing procedure contained therein. The mayor as the chief executive officer of the city is hereby authorized

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to appoint a committee of no less than three (3) hearing officers to conduct hearings as authorized by this article. No such hearing officer shall be a police officer, or employees or persons who issue citations. No such hearing officer or person working under the direction of such hearing officer may otherwise directly or indirectly engage in the private business of collecting the fines, assessments or judgments imposed hereunder. All such citation hearing officers shall serve for a term of two (2) years.

(b) *Notice to persons issued citations.* Within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 of the General Statutes, the finance director shall send notice to inform the person cited by first class mail at his address according to the ~~registration records of the State of Connecticut Department of Motor Vehicles~~ City of New Britain, Land Records and or Tax Records. Such notice shall inform the person cited:

- (1) Of the allegation against him and the amount of the fines, penalties, and costs of fees due;
- (2) That he/she may contest his/her liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
- (3) That if he/she does not demand such a hearing, an assessment and judgment shall enter against him/her; and
- (4) That such judgment may issue without further notice.

(c) *Admission of citation violation.* If the person receiving the notice required pursuant to subsection 1-17(b) hereof does not either (a) pay the full amount of the fines, penalties, costs or fees without requesting a hearing, or (b) request a hearing as provided herein, within ten (10) days after the date of such notice, such person shall be deemed to have admitted liability and the ~~finance director~~ mayor and his or her designee shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance and shall follow the procedures set forth herein. If the person who is sent notice pursuant to subsection 1-17(b) wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the finance director. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

(d) *Appeal process.* Any person receiving a notice pursuant to subsection 1-17(b) of this article may request a hearing by mailing or delivering such request in writing to the hearing officer at the place designated within ten (10) days after the date of such notice. The chair of the hearing committee shall promptly schedule a hearing and give notice of the date, time and place of such hearing to the person requesting it. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of notice, provided the chair of the hearing committee shall grant any reasonable request by any interested party for postponement or continuance upon good cause shown. An original certified copy of the initial notice of citation issued by the police officer or other issuing officer or employee shall be filed and retained by the city, and shall be deemed to be a business record within the scope of section 52-180 [of the General Statutes] and evidence of the facts contained therein. The presence of the policeman or issuing officer or employee shall be required at the hearing if the person requesting the hearing so requests. A designated city official or employee, other than a hearing officer, may present evidence on behalf of the city. If such person fails to appear at a hearing, the presiding hearing officer may enter an assessment of default against him/her, in the amount of the fines, penalties, costs or fees provided for by the applicable ordinance. The hearing committee may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(e) *Decision of hearing officer; failure to pay assessment.* The hearing committee presiding at any hearing convened in accordance with the provisions of this article shall announce his/her decision at the end of the hearing. If the hearing committee determines the person is not liable, they shall dismiss the matter and enter their determination in writing accordingly provided however, that any decision may not provide a waiver of compliance with any municipal ordinance. If the hearing committee determines the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinance. If such assessment is not paid on the date of its entry, the chair of the hearing committee shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice or assessment with the clerk of a superior court facility designated by the chief court administrator, together with an entry fee of eight dollars (\$8.00), or such other amount as may from time to time be required by law, and request that said clerk enter judgment against such person in favor of the City of New Britain as provided in this



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all of the material used to board up the windows or doors in question ~~have~~ has been broken, pried off or apart or otherwise vandalized;

~~b.~~ Collapsing or missing walls, floors or roof;

~~b.e.~~ Exterior walls which contain holes, breaks, loose or rotting materials, which are not properly surface-coated to prevent deterioration, or the paint on which is significantly discolored or faded;

~~c.d.~~ Foundation walls which contain open cracks and breaks;

~~d.e.~~ Overhang extensions, including, but not limited to, canopies, marquees signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust, tearing, fading or other decay;

~~e.f.~~ Chimneys and similar appurtenances which are in a state of disrepair;

~~f.g.~~ Screening which contains tears or ragged edges;

~~g.h.~~ Vermin infestation;

~~h.i.~~ Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;

~~i.j.~~ Uncut grass, weeds or undergrowth at least one (1) foot in length;

~~j.k.~~ A fence with missing or rotted boards or with broken or ragged links or other material or which, if made from wood, is not properly surface-coated to prevent deterioration, ~~significant discoloration or fading~~;

~~k.l.~~ Bushes, other shrubbery, or trees allowed to grow anywhere in an area more than one (1) foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;

~~l.m.~~ Accumulation of stagnant or unsanitary water;

~~m.n.~~ Dead trees deemed hazardous to the public or to adjacent property;

~~n.o.~~ Display lights or exterior signs in a broken or disassembled state;

~~o.p.~~ Exterior paint significantly chipped or faded;

~~p.q.~~ Clothing left hanging from trees, shrubs or fences in the front yard of any residence;

~~q.r.~~ Interior furniture left outside, exposed to the elements;

~~r.s.~~ Accumulations of feces or putrefying substances;

~~s.t.~~ Vehicles parked on premises unlawfully;

~~t.u.~~ Graffiti, as defined in section 7-60 of this Code of Ordinances;

~~u.v.~~ Any violation of building, housing, zoning, fire or health codes.

(c) *Blighted premises* shall mean any building, structure or parcel of land whether vacant or occupied in which (1) City of New Britain determines that existing conditions pose a significant risk to health and safety or because of at least one (1) of the conditions identified in subparagraphs (b)(2)a. or b. of this section or (2) an anti-blight enforcement officer has found there to be at least fifteen (15) occurrences in a one-year period of any of the conditions identified in subsection (b)(2)a. or b. of this section that do not pose a significant risk to health and safety, but which, taken as a whole, such antiblight enforcement officer determines to cause the building, structure or parcel of land to have a significant deleterious effect on neighborhood quality of life, the economic viability of the surrounding area or the taxable value of the property, itself.

(d) *Building* shall mean a fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or occupied.

(e) As used herein, *the City of New Britain* shall include the fire marshal, director of health and director of licenses, permits and inspections. In addition, references to actions taken by the fire marshal, the director of health and/or the director of licenses, permits and inspections shall also apply to similar actions taken by the subordinates or representatives of these officials. [General] Statutes, section 29-260.

(f) *Dilapidated* shall mean no longer adequate for the purpose or use for which it was intended or having fallen into partial or total ruin or decay.

(g) *Legal occupancy* shall mean human habitation of a building that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes.

(h) *Neighborhood* shall mean an area of the city comprising buildings, structures or parcels of land any part of which is within a radius of one thousand (1,000) feet of a blighted premises.

(i) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

~~(j) Significant risk to health or safety shall refer to conditions that would likely result in illness, injury or death if allowed to persist.~~

~~(j)(k)~~ *Proximate property* shall mean any building, structure or parcel of land within one thousand (1,000) feet of a blighted premises.

~~(k)(l)~~ *Structure* shall mean that which has been or is built or constructed and which is, or should be, fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks or stairways.

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~~(l)(m)~~ *Vacant* shall mean a period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

~~(m)(n)~~ *Vacant parcel* shall mean a parcel of land with no buildings or structures thereon.

~~(n)(e)~~ *Anti-blight enforcement officer* means any city official or employee designated by the mayor as such. (Res. No. 30710-2, 9-9-09; Res. No. 31094-5, 1-11-12)

Sec. 7-43. Lien for costs and expenses incurred by the City of New Britain.

Whenever the owner fails to comply with an order or citation to repair, board, maintain, or demolish a building, sign, or structure and/or remove the blighting condition or in order to make the property safe and sanitary under any provision of the Connecticut General Statutes or the City of New Britain building, health, housing or safety codes or regulations and the City of New Britain has made repairs, boarded, or demolished the building, sign, or structure and/or removed the blighted condition or to make the property safe and sanitary after the owner's failure to do so, reasonable costs and expenses incurred by the City of New Britain shall be a lien against the real property in accordance with section 49-73b. of the General Statutes.

The lien shall be recorded with the records of land ~~evidence~~ records of the municipality, and the lien shall incur legal interest from the date of recording. The costs incurred the City of New Britain, plus interest thereon, in the repair, boarding or demolishing of a building, sign or structure and/or removal of the blighting condition, or to make the property safe and sanitary shall ~~be added to the amount of taxes due on the real property where the building, sign or structure was located.~~ be recorded as a lien and will take precedence over any other encumbrances except municipal tax assessments.

(Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12; Res. No. 31766-2, 4-11-12)

Sec. 7-44. Violations and penalties.

(a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.

~~(b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, an antiblight enforcement officer shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall be two hundred fifty dollars (\$250.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order. In the case of violations of subdivision (1) of subsection (b) of section 7-42, conditions shall be considered corrected only if no events identified as blighting conditions under subdivision (1) of subsection (b) of section 7-42 occur on the premises in question within a period of twenty one (21) consecutive days. If such a period of twenty one (21) consecutive days is not met, the entire number of blighting conditions under subdivision (1) of subsection (b) of section 7-42 that contributed to the premises being identified as a blighted premises in the order or modified order shall be considered ongoing blighting conditions for the purpose of assessing a fine of two hundred fifty dollars (\$250.00) per outstanding blighting condition per day after the expiration of the thirty-day period. The fine will double if not paid within ten (10) days of issuance.~~

(b) When the owner of the property has been found in violation of this article, a blight enforcement official shall issue a ticket for such violation, which ticket shall provide for a fine of ninety dollars (\$90.00) per violation payable to the City of New Britain. If any such fine is not paid within fifteen (15) days, a penalty in an amount equal to three (3) times the fine shall immediately become due and payable in addition to the original fine.

(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.

(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.

~~(e) A one-percent per day interest charge shall be applied for failure to pay, within forty five (45) days, any fine charged for violation of this article.~~ Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee or fine was imposed from the original date of such fine or fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. The Connecticut General Statutory lien will accumulate from the date of recording to the date of payment and will be added to the amount owed at the time of payment. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

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(f) Whenever, under article III of chapter 7 or chapter 13 of this Code or any rule or regulation promulgated by any officer of the city under authority vested in such officer by these ordinances, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation shall continue, shall constitute a separate offense. (Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12)

Sec. 7-45. Enforcement.

(a) The anti-blight enforcement officers shall be responsible for enforcement of this code.

(b) Complaints. The mayor ~~or his or her designee~~ shall cause there to be kept a correlated database of blighting conditions recorded by the departments of the city such that the number of blighting conditions present on each premises may be determined. ~~The anti-blight enforcement officers of the city shall regularly review this record.~~ Based on this database or other evidence, an antiblight enforcement officer, any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the City of New Britain. Any complaint made pursuant to this subsection shall be kept in the database provided for in this subsection, correlated by premises in question.

(c) Investigation. An antiblight enforcement officer shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the antiblight enforcement officer observes a condition which he/she believes may constitute a violation of a code outside of his/her competence, he/she shall notify the appropriate personnel, agency or department and request that personnel, agency or department to conduct an inspection and provide to the antiblight enforcement officer a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article. ~~The~~

~~antiblight enforcement officer shall make a determination, based on the database kept pursuant to subsection (a) of this section, such officer's own investigation, the reports from other code enforcement officials and the records of police calls to the premises, whether the property is a blighted premises in accordance with this article.~~

(d) Orders to take corrective action. Enforcement officer makes a determination, pursuant to subsection (c) of this section, that a property is a blighted premises or that fines or fees for a previous violation have remained unpaid for a period of thirty (30) calendar days, and prior notice to the property owner is mandated under the relevant state code, then the City of New Britain shall send a notice of violation and/or unpaid fines or fees and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. ~~If the owner cannot be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website.~~ The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. In the case of violations of subdivision (1) of subsection (b) of section 7-42, conditions shall be considered corrected if no further events identified as blighting conditions under subdivision (1) of subsection (b) of section 7-42 occur on the premises in question during any twenty-one (21) consecutive days after the effective date of the order. A copy of the order shall be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(e) The notice from the City of New Britain shall include 1) the allegations against him or her and the amount of fines, penalties, costs or fees due; 2) that the individual may contest liability before a hearing officer appointed by the mayor by delivering an appeal request in person or by mail written notice within ten (10) days of the date thereof; 3) that if no hearing is demanded an assessment and judgment may be entered and issued without further notice.

(f) Appeal of order. Any person aggrieved by any decision rendered herein may appeal pursuant to section 1-17 of the Code of Ordinances entitled "Procedure of enforcement of municipal ordinances".

(Res. No. 30710-2, 9-9-09; Res. No. 31094-2, 9-22-10; Res. No. 31094-5, 1-11-12)

Alderman Jamie Giantonio  
Alderman Don Naples  
Alderman Wilfredo Pabon  
Alderman Daniel Salerno  
Alderman Louis G. Salvio

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**UNFINISHED BUSINESS**

- 32554 RESOLUTION RE: APPROVAL OF AGREEMENT BETWEEN THE CITY OF  
NEW BRITAIN AND LOCAL 1186.  
TABLED 11/13/2013
  
- 32697 REPORT OF PURCHASING DEPT. RE: ON CALL ENGINEERING SERVICES – LANDFILL  
AND RECYCLING CENTER COMPLIANCE MONITORING – PUBLIC WORKS DEPT.  
TABLED 04/23/2014
  
- 32719 REPORT OF PURCHASING DEPT. RE: HEATING AND AIR CONDITIONING  
MAINTENANCE AND REPAIRS AT THE SENIOR CENTER.  
TABLED 05/14/2014