

January 11, 2012

## **REGULAR MEETING OF THE COMMON COUNCIL**

**JANUARY 11, 2012**

Mayor Timothy E. O'Brien called the Regular Meeting of the Common Council to order on Wednesday, the 11th day of January 2012 at 7:41 p.m. in the Common Council Chambers, City Hall.

Fifteen members were present at roll call: Ald. Trueworthy, Magnuszewski, Centeno, DeFronzo, Sanchez, Collins, Black, Carlozzi, Hermanowski, Platosz, Brown, Freeman, Pabon, Giantonio, and Bielinski.

Peter J. Denuzze, City Clerk gave the invocation: O God, our Heavenly Father, as we gather here tonight for a Regular Council Meeting, we invoke Thy blessings. May all proceedings be in a spirit of brotherhood and in the best interest of our City. We ask this in Thy name. Amen.

The pledge to the flag was led by City Clerk, Peter J. Denuzze.

Mayor O'Brien exercised a moment of personal privilege to recognize the attendance of Cub Scout Pack 732 from DeLoreto School.

Ald. Trueworthy moved to adopt the minutes of the Regular Meeting of December 14, 2011, seconded by Ald. Bielinski. So voted.

Ald. Trueworthy moved to amend the agenda by substituting 31708(14), by removing 31709(15), by adding 31694 (L1), 31710(16), 31711(17), 31712(18), and 31583-3(19), and by moving 31699(5) to the end of the Agenda. Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor.

### **PETITIONS**

**31713           ALD. PLATOSZ BY REQUEST FOR GRANTING OF A CERTIFICATE OF LOCATION APPROVAL TO ALLOW A MOTOR VEHICLE GENERAL REPAIRERS/DEALERS LICENSE AT 812 STANLEY STREET. REFERRED TO ZONING SUB-COMMITTEE AND CITY PLAN COMMISSION.**

**31714           ALD. SANCHEZ FOR REMOVAL OF ALL "NO PARKING ANY TIME" SIGNS FROM THE EAST SIDE OF WESTERLY STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Approved January 12, 2012 by Timothy E. O'Brien, Mayor.

## CONSENT AGENDA

### CITY CLERK

#### 31682 RE: CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE

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

#### CLAIMANTS NAME

- Atkins Sr., Tavori A.
- Cacciola, Gianfranco
- Curcio, Gary by James V. Sabatini, Esq.
- Gagne, Cecile
- Gerent-Mastrianni, Steve J.
- Harrison, Jayvior by his mother Laura Acosta by their Atty. Jon D.A. Reducha
- Humphrey, Tangelia by Atty. Matthew Sadler
- Wojewodzki, Ewa

Peter J. Denuzze  
City Clerk

### FINANCE DEPARTMENT

#### 31683 RE: LINE ITEM TRANSFERS 12/07/11 THRU 01/03/2012

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

In accordance with the city of New Britain ordinance of Article VII – Finance, Section 2-494(c), 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 throughout the fiscal year. This report represents the transfers executed by the mayor in accordance with the aforementioned ordinance for the period ending January 3, 2012

9. Department: Property Management  
From: 001316002-5121 (F.T. Salaries – Bldg/Grounds – City Hall)  
To: 001316008-5435 (Bldg/Grounds – Liberty Sq. Garage)  
Amount: \$3,000.00  
Brief Description: Funds needed to replenish account to cover elevator maintenance and other building/grounds repairs
10. Department: Public Works  
From: 001315004-5428 (Disposal Tip Fees)  
To: 001315005-5435 (Bldg. Grounds Maintenance & Repairs)  
Amount: \$12,000.00  
Brief Description: Funds needed for emergency repairs to boiler at 55 Harvard Street

Robert Curry  
Finance Director

## **PURCHASING DEPARTMENT**

**31684 RE: CHIPPING, GRINDING, TRANSPORTATION AND DISPOSAL OF WOOD DEBRIS RESULTING FROM STORM ALFRED – PARKS AND RECREATION DEPT. AND PUBLIC WORKS DEPT.**

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

Public Bid No. 3649 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Chipping, Grinding, Transportation and Disposal of Wood Debris resulting from Winter Storm Alfred for the Parks and Recreation and Public Works Department. Funding for the Chipping, Grinding, Transportation and Disposal of Wood Debris resulting from Winter Storm Alfred is available in the Public Works Department's account number, 01315009-5331, FEMA Storm Cleanup, Professional Services. The City is going to be reimbursed seventy-five (75) percent of the cost from FEMA, Federal Emergency Management Association.

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-nine (29) Wood Chipping Companies. The Purchasing Agent did not receive any letters from the Wood Chipping Companies on the mailing list who indicated that they could not respond to the bid request. Responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Parks and Recreation and Public Works Department's Administration, and the Purchasing Agent. Therefore the Director of the Parks and Recreation Department and Public Works Director is recommending the bid be awarded to Morin Logging, Inc of Durham, CT who was the lowest responsible bidder and met all of the bid specifications.

**RESOLVED:** That the Purchasing Agent is hereby authorized to issue a Purchase Order for \$105,115.00 and enter into a contract with Morin Logging, Inc of Durham, CT for the Chipping, Grinding, Transportation and Disposal of Wood Debris resulting from Winter Storm Alfred for the Parks and Recreation and Public Works Departments per the terms and specifications of Public Bid No. 3649.

Jack Pieper  
Purchasing Agent

**31685 RE: EXTERIOR WINDOW WASHING SERVICES AT CITY HALL FOR THE DEPT. OF PROPERTY MANAGEMNT**

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

Public Bid No. 3640 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Exterior Window Washing Services, to be performed semi-annually, at City Hall for the Department of Property Management. Funding is available for this purchase within the Department of Property Management's account number 001316002-5435, City Hall, Building Grounds Maintenance and Repairs.

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-five (25) Window Washing Companies. The Purchasing Agent did not receive any letters from Window Washing Companies on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in the Town Clerks Office.

The bids were reviewed for conformance to specifications by the Director of Property Management and the Purchasing Agent. Therefore the Director of Property Management is recommending that the bid be awarded to VIP Special Services , LLC of West Orange, NJ, who was the lowest bidder for this service.

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RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a purchase order to VIP Special Services, LLC of West Orange, NJ, for Exterior Window Washing Services, to be performed semi-annually, at City Hall for a price of \$2,475.00 per cleaning effective from January 1, 2012 to December 31, 2012 with an option to extend the contract for one (1) additional year if approved and agreed upon by the Director of Property Management for a price of \$2,475.00 per cleaning, per the terms and specifications of Public Bid No. 3640

Jack Pieper  
Purchasing Agent

**31686 RE: RECOVERY OF CHLOROFLUOROCARBONS AT NEW BRITAIN LANDFILL AND RECYCLING CENTER – PUBLIC WORKS DEPT.**

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

Public Bid No. 3646 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Recovery of Chlorofluorocarbons from refrigerators, air conditioners, dehumidifiers and freezers at the New Britain Landfill and Recycling Center for the Public Works Department. Funding is available for this purchase from the Public Works Department's account number, 001315004-5428, Sanitation, Disposal Tipping Fees.

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 eleven (11) Chlorofluorocarbon Recovery Companies. The Purchasing Agent did not receive any letters from the Chlorofluorocarbon Recovery Companies on the mailing list who indicated that they could not respond to the bid request. Responses received are on file in the Town Clerks Office.

The bid was reviewed for conformance to specifications by the Public Works Department Administration and the Purchasing Agent. Therefore the Director of the Public Works Department is recommending that the bid be awarded to VF Environmental Services of New Britain, CT who submitted the lowest responsible bid and meet all of the bid specifications.

RESOLVED: That the Purchasing Agent is authorized to enter into a contract and issue a purchase order to VF Environmental Services of New Britain, CT for the recovery of Chlorofluorocarbons at the City's Landfill and Recycling Center for a price of \$5.00 per unit for a period of two (2) years beginning January 15, 2012 to January 14, 2014 per the terms and specifications of Public Bid No 3646.

Jack Pieper  
Purchasing Agent

**31687 RE: ROSE GARDEN WALK IMPROVEMENTS AT WALNUT HILL PARK FOR THE PARKS AND RECREATION DEPT.**

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

Public Bid No. 3643 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Rose Garden Walk Improvements at Walnut Hill for the Parks and Recreation Department. Funding for the Rose Garden Walk Improvements at Walnut Hill Park is available in the Parks and Recreation Department's account number, JL#2131900111-52056, ADA Compliance, LOCIP, Parks, 2011.

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-

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six (26) Construction Companies. The Purchasing Agent did not receive any letters from the Construction Companies on the mailing list who indicated that they could not respond to the bid request. Responses received are on file in the Town Clerks Office.

The bids were reviewed for conformance to specifications by the Parks and Recreation Department's Administration, the City's On-call Engineering Company associated with this project and the Purchasing Agent. Therefore the Director of the Parks and Recreation Department is recommending the bid be awarded to T&T Concrete & Landscaping, LLC of Hartford, CT who was the lowest responsible bidder and met all of the bid specifications.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a Purchase Order for \$27,650.00 and enter into a contract with T&T Concrete & Landscaping, LLC of Hartford CT for the Rose Garden Walk Improvements at Walnut Hill Park for the Parks and Recreation Department per the terms and specifications of Public Bid No. 3643.

Jack Pieper  
Purchasing Agent

**31688 RE: PROFESSIONAL SERVICES – ANNUAL TECHNICAL SUPPORT AND MAINTENANCE FOR THE CITY ASSESSOR’S OFFICE SOFTWARE SYSTEM**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-531 a purchase order was requested by the City Assessor’s Office for the annual software maintenance and technical support of their appraisal software.

<u>Supplier</u>	<u>Services</u>	<u>Amount</u>
Vision Government Solutions, Inc. Northboro, MA.	Annual Software Maintenance and Technical Support	\$6,900.00

The City Assessor’s Office has requested a purchase order for the Annual Software Maintenance and Technical Support of their computer assisted mass appraisal software (CAMA), Vision Appraisal. The Vision Appraisal software maintains data on approximately 17,000 City properties including ownership information, land data and building data, building sketches and photos. Vision’s data is used by various City departments, City taxpayers, lawyers, title searchers and is an essential tool for the Assessor’s Office in the compilation of the annual real estate Grand List. Vision Government Solutions, Inc. has been providing this annual software maintenance and technical support service to the City Assessor’s office since 2002. The Vision Appraisal software is owned by Vision Government Solutions, Inc. and is the predominant software provider for this type of application. Therefore it would be very difficult to find another local software company to provide a competitive bid for annual software maintenance and support. Bid solicitation for the annual renewal of annual software maintenance and technical support would not be beneficial to the City. The cost of this annual software maintenance and technical support is shared by the Public Works Department. Funding for this annual software maintenance and technical support is available in the City Assessor’s account number 001107001-5352, Data Processing Account and the Public Works Department’s account number 001315001-5436, Equipment Maintenance and Repair.

RESOLVED: The Purchasing Agent is hereby authorized to issue a purchase order for \$6,900.00 to Vision Government Solutions, Inc. of Northboro, MA. for Annual Software Maintenance and Technical Support of the City Assessor’s Office appraisal software.

Jack Pieper  
Purchasing Agent

**31689 RE: PARTS FOR REPAIRS TO A TRENCH SHIELD FOR THE PUBLIC WORKS DEPT.**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-531 a purchase order was requested by the Public Works Department for the purchase of parts to fix a Trench Shield for their Sewer Division.

<u>Supplier</u>	<u>Item</u>	<u>Unit Price</u>
American Shoring, Inc. Newburgh, NY.	Trench Shield Parts Channel Locks, Spreaders & Lift Hooks	\$7,100.00

The Public Works Department has requested the purchase of parts to make repairs to their Trench Shield for their Sewer Division. The Trench Shield is old and in need of repairs. The Trench Shield is used to provide safety to the City employees while working on under-ground construction projects. The parts needed for the repairs will enable the Trench Shield to be safe again and comply with OSHA requirements. American Shoring, Inc is the manufacturer of their Trench Shield. American Shoring Inc has no dealers. Parts must be purchased from them directly. This fact has been verified by the Purchasing Agent. Bid solicitation for the purchase of the needed Trench Shield parts would not be beneficial to the City. The parts needed to make the repairs so the Trench Shield will be safe and operational again will cost less than buying a new one. Funding for this purchase is available in the Public Works Department's account number, 208315101- 5660, Sewer Fund, Vehicle Damage and Equipment Supplies.

RESOLVED: The Purchasing Agent is hereby authorized to issue a purchase order for \$7,100.00 to American Shoring, Inc of Newburgh NY for the purchase of Trench Shield parts for the Public Works Department.

Jack Pieper  
Purchasing Agent

**31690 RE: AIR PUMP FOR AN EXTRICATION TOOL FOR FIRE DEPARTMENT**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-531 a purchase order was requested by the New Britain Fire Department for the purchase of an air pump to fix their Extrication Tool known as the Jaws of Life.

<u>Supplier</u>	<u>Item</u>	<u>Unit Price</u>
Shipman's Fire Equipment Co, Inc. Waterford, CT.	Holmatro Air Pump	\$8,820.00

The New Britain Fire Department has requested the purchase of a new air pump for their Extrication Tool. The Extrication Tool's air pump is no longer working therefore it cannot be utilized to remove individuals from being trapped in vehicles due to a serious accident. The new air pump will make the Extrication Tool functional again. Shipman's Fire Equipment Company, Inc is the sole source dealer for sales, parts and services in Connecticut and Rhode Island for the Holmatro Company who manufactured this Extrication Tool. This fact has been verified by the Purchasing Agent who has documentation from the Holmatro Company. Bid solicitation for the purchase of the new air pump would not be beneficial to the City. Funding for this purchase is available in the New Britain Fire Department's account number, 001212002-5659, Operating Material and Supplies.

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RESOLVED: The Purchasing Agent is hereby authorized to issue a purchase order for \$8,820.00 to Shipman's Fire Equipment Company, Inc of Waterford, CT for the purchase of a Homatro Extrication Tool Air Pump for New Britain Fire Department.

Jack Pieper  
Purchasing Agent

**31691 RE: ON-CALL ENGINEERING SERVICES ENVIRONMENTAL SERVICES – 246 BEAVER ST. – PUBLIC WORKS DEPARTMENT**

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

The following on-call engineering project has been requisitioned following the award by the Common Council for on-call engineering contracts, Bid #3620, approved at its Regular Meeting of October 26, 2011.

Project Name: Environmental Services – 246 Beaver Street  
Vendor: CMG Environmental, Inc.  
Amount: \$8,800.00  
Line Items: 0083058101-5453 Capital Projects, Beaver Street  
Requested By: Public Works Department, Engineering Division

Scope: CMG Environmental Inc will provide oversight and general direction to the selected site contractor relative to the management and handling of subsurface soil in the known or suspected areas of environmental concerns. They will also provide assistance and direction as needed to segregate non-impacted from potentially impacted soils. CMG Environmental Inc will also provide periodic inspections of the sites to ensure compliance with the State of Connecticut DEEP and Federal Environmental requirements. They will also conduct groundwater compliance sampling that they will have tested at a State Certified analytical laboratory. CMG Environmental Inc will submit to the Public Works Department all inspection notes for their review. CMG Environmental Inc will conduct any required meetings with the Public Works Department, State DEEP or Federal Government to discuss the results of their tests.

Jack Pieper  
Purchasing Agent

**31692 RE: COOPERATIVE PURCHASING – HIGH JUMP AND POLE VAULT LANDING SYSTEM AND COVER REPLACEMENT – VETERANS STADIUM – PARKS AND RECREATION DEPT.**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-538 (a), a purchase order was requested for the following under the State of Connecticut's Cooperative Purchasing Plan for the Parks and Recreation Department.

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<u>Supplier</u>	<u>Item</u>	<u>Quantity</u>	<u>Price</u>
Game Time Sales, LLC Madison, CT	High Jump Landing System	1	\$ 7,799.00
	High Jump Weather Cover	1	\$ 799.95
	Pole Vault Landing System	1	\$17,299.00
	Pole Vault Weather Cover	1	<u>\$ 1,599.95</u>
	Total Price		\$27,497.90

The Parks and Recreation Department requested the purchase of new High Jump and Pole Vaulting Landing Systems and Weather Covers to be replaced at their track located at Veterans Stadium utilizing the State of Connecticut's Contract Award #11PSX0029. The purchase of the new landing systems and covers is necessary due to the wear and tear of the existing ones which are both over fifteen (15) years old and have become weathered and are a safety hazard to the athletes who use them. Coaches from schools who have utilized the track have informed the Parks and Recreation Department that the landing systems have outlived their useful life and are a serious safety concern to them. Replacing the landing systems and covers is a necessity for safety purposes in addition to continuing to attract high level statewide and regional track meets which are revenue generating events for the City. The replacement needs to be performed before spring to attract events held there by the Connecticut Interscholastic Athletic Conference, USA Track and Field, and New England Regional or National Championship of USA Track and Field. The funding for this purchase is available within the Park and Recreation Department's, account number, 001419001-5652, Parks Administration, Program Supplies.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$27,497.90 to Game Time Sales, LLC of Madison, CT for the purchase of High Jump and Pole Vault Landing System and Cover Replacement at Veterans Stadium for the Parks and Recreation Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #11PSX0029.

Jack Pieper  
Purchasing Agent

**31693 RE: EMERGENCY PURCHASE ORDER – REPLACEMENT OF FURNACE AT 55 HARVARD STREET – PUBLIC WORKS DEPARTMENT**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division V, Section 2-606a, an emergency purchase order was authorized by the Mayor and issued to the vendor listed below on January 4, 2012

<u>Supplier</u>	<u>Item</u>	<u>Unit Price</u>
Perfectemp Plantsville, CT.	Replacement of a Furnace at 55 Harvard Street	\$16,850.00

The Purchasing Agent reports that no formal bid solicitation and advertisement as outlined in the Purchasing Ordinances were made for this item. In accordance with Section 2-606b of the City Code of Ordinances, the Purchasing Agent reports:

An emergency purchase order was requested by the Public Works Department to replace the furnace at 55 Harvard Street. The furnace no longer is operational and with the winter season here, repairs were needed immediately to prevent water pipes in the building from freezing and breaking. The facility houses the Traffic Division offices, the welding shop and is used for winter storage of equipment. The Acting Public Works Fleet Manager was able to get three (3) informal quotes immediately from local heating companies to replace the furnace system. He recommended that the Purchase Order be issued to the Perfectemp of Plantsville, CT who provided the lowest informal bid. Funding for these repairs came from



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the Public Works Department's account number 001315005, 5435, Street/Highways, Building Grounds Maintenance and Repairs.

Jack Pieper  
Purchasing Agent

### **MAYOR'S OFFICE**

#### **31694 RE: APPOINTMENTS TO THE POLICE STATION BUILDING COMMITTEE**

To the Common Council of the City of New Britain: the undersigned beg leave to report the following:

The following individuals are hereby appointed to the Police Station Building Committee:

#### MAYORAL APPOINTEES

<u>NAME</u>	<u>ADDRESS</u>
Mark J. Fortin Chair	78 Linden Street
Maria Agramonte-Gomez	22 Shuttle Meadow Ave.
Humberto L. Centeno	28 McKinley Drive

#### PRESIDENT PRO TEM APPOINTEE

Alderman Roy Centeno 289 Slater Rd.

#### MAJORITY LEADER APPOINTEE

Alderwoman Suzanne Bielinski 544 Corbin Ave.

#### MINORITY LEADER APPOINTEE

Alderman Wilfredo Pabon 205 Birchwood Dr.

#### BOARD OF POLICE COMMISSIONERS APPOINTEE

Howard Dyson 188 South Mountain Dr.

Mayor Tim O'Brien

### **CLAIMS COMMITTEE**

#### **31695 RE: SETTLEMENT OF CLAIMS: JOSE L. COTTO, MARIA ARROYO, PATRICIA A. LEVESQUE, JOSE OROZCO**

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

The Committee on Administration, Finance and Law and the standing claims sub-committee of the Committee on Administration, Finance and Law at a regular meeting held on Wednesday evening, January 4, 2012 at 6:30 p.m. in Room 201, City Hall having held public hearings and made investigations of said claims, respectfully begs leave to recommend the following:

RESOLVED; that Jose L. Cotto of 53 Emily Drive, New Britain, Conn. be given leave to withdraw his claim for property damage sustained in an accident on September 8, 2011; and be it further

RESOLVED; that the sum of \$4,000.00 be paid to Maria Arroyo of 147 Lawlor Street, New Britain, Conn. and David Sauer, Esq., Law Offices of Marinelli, Sauer & Hartshorn, PC in full settlement of their claim for personal injuries sustained in an accident on May 8, 2011; and be it further

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RESOLVED; that Patricia A. Levesque of 54 Miller Street, New Britain, Conn. and Thomas P. Tabellione, Esq., Law Offices of Thomas P. Tabellione, PC be given leave to withdraw their claim for personal injuries sustained in an accident on November 24, 2010; and be it further

RESOLVED; that the sum of \$5,000.00 be paid to Jose Orozco of 188 Carlton Street, New Britain, Conn. in full settlement of his claim for property damage sustained in an accident on September 8, 2011.

Alderman Carlo Carlozzi, Jr.  
Chair

## COMMITTEE ON PLANNING, ZONING AND HOUSING

### 31094-4 RE: PROPOSED AMENDMENT TO 7-40 THRU 7-45 OF THE ORDINANCES REGARDING ANTI-BLIGHT PROGRAM

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

The Committee on Planning, Zoning and Housing at a regular meeting and public hearing held on Tuesday evening, January 3, 2012 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #31094 – 3 Sections 7-40 through 7-45 of Article III of the Code of Ordinances be amended regarding Anti-Blight Program voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Roy Centeno  
Chair

## RESOLUTIONS RETURNED FROM COMMITTEE

### 31094-5 RE: AMENDMENT TO SEC. 7-40 THRU 7-45 OF THE ORDINANCES – ANTI BLIGHT PROGRAM

To His 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. To amend Article III. ANTI-BLIGHT PROGRAM, Sections 7-40 through 7-45 of the Code of Ordinances to empower the city to improve neighborhood quality of life, improve the local economy and increase the Grand List.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Sections 7-40 through 7-45 of Article III, ANTI-BLIGHT PROGRAM, of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

#### ARTICLE III. ANTIBLIGHT PROGRAM\*

##### Sec. 7-40. Declaration of policy.

This article is authorized pursuant to Connecticut General Statutes, including but not limited to section 7-148, including but not limited to section 7-148(c)(7)(A)(i) which empowers a municipality to make rules relating to the maintenance of safe and sanitary housing. section 7-148(c)(7)(A)(ii)which

empowers a municipality to regulate the mode of using any buildings when such regulations seem expedient for the purpose of promoting the safety, health, morals and general welfare of the inhabitants of the municipality, section 7-148(c)(7)(A)(iii) which empowers a municipality to cause the removal and demolition of unsafe buildings and structures, section 7-148(c)(7)(H)(ii) which empowers a municipality to regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity, section 7-148(c)(7)(H)(viii) which empowers a municipality to preserve the public peace and good order, prevent and quell riots and disorderly assemblages and prevent disturbing noises, section 7-148(c)(7)(H)(xi) which empowers a municipality to provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health, section 7-148(c)(7)(H)(xiii) which empowers a municipality to make and enforce police, sanitary or other similar regulations and protect or promote the peace, safety, good government and welfare of the municipality and its inhabitants, and section 7-148(c)(7)(H)(xv) which empowers a municipality to make and enforce regulations which define and are intended to prevent housing blight, including regulations providing for reduction of assessments, maintenance of property, specification standards to determine neglect and fines for each violation of between ten dollars (\$10.00) and one hundred (\$100.00) per day.

. It is hereby found and declared that there exists within the City of New Britain a large number of real properties which are vacant and in a blighted condition and that the existence of such vacant and blighted properties contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the city and is inimical to the health, safety and welfare of the residents of the city. It is further found that blighted buildings reduce the city's Grand List by allowing the owners of blighted properties to reduce their own tax liability because the blighted conditions reduce the taxable value of the blighted premises, thereby increasing the tax burden on homeowners and other responsible property owners. It is further found that many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above.

#### **Sec. 7-41. Creation or maintenance of blighted premises prohibited.**

No owner of real property located in the City of New Britain shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted premises.

#### **Sec. 7-42. Definitions.**

For the purposes of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

(a) Accessory structure shall mean a structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

(b) A blighting condition shall refer to any of the conditions identified pursuant to this subsection that could contribute to defining a property as blighted premises ~~mean any condition in which the City of New Britain determines to be in violation of and pose a significant risk to health and public safety as set forth in the Connecticut Building, Fire Safety and Public Health Code and the Minimum Housing Code of the City of New Britain.~~ Multiple instances of the same type of blighting condition shall be separate blighting conditions.

(1) Each occurrence of the following public safety conditions shall constitute a blighting condition:

(A) Any felony or misdemeanor arrest on the premises, except any arrest:

(i) for trespassing pursuant to a standing order by the owner of the property owner that any person trespassing on the property should be arrested for trespassing,

(ii) made pursuant to a complaint by the victim of such crime when the victim is a resident of the premises, or

(iii) of any person because such person entered such property in violation of a protective order of any kind.

(B) Any police call to the property arising from complaints by neighbors for noise, loud music or any other disturbances, except any complaint excluded by an anti-blight enforcement officer because such officer determines that the complaints are made for false, malicious or frivolous reasons.

(2) Each instance of the following physical conditions shall constitute a blighting condition:

Each instance of the following physical conditions shall constitute a blighting condition:

(A) Doors, windows or other openings into houses, apartment buildings or commercial buildings which are (i) broken or missing, (ii) boarded-up with unpainted wood, metal or other material or (iii) boarded-up, but some or all of the material used to board-up the windows or doors in question have been broken, pried off or apart or otherwise vandalized;

(B) Collapsing or missing walls, floors or roof;

(C) 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;

(D) Foundation walls which contain open cracks and breaks;

(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;

(F) Chimneys and similar appurtenances which are in a state of disrepair;

(G) Screening which contains tears or ragged edges;

(H) Vermin infestation;

(I) Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;

(J) Uncut grass, weeds or undergrowth at least one foot in length;

(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;

(L) Bushes or trees allowed to grow anywhere in an area more than one foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;

(M) Accumulation of stagnant or unsanitary water;

(N) Dead trees deemed hazardous to the public or to adjacent property;

(O) Display lights or exterior signs in a broken or disassembled state;

(P) Exterior paint significantly chipped or faded;

(Q) Clothing left hanging from trees, scrubs or fences in the front yard of any residence;

(R) Interior furniture left outside, exposed to the elements;

(S) Accumulations of feces or putrefying substances;

(T) Vehicles parked on premises unlawfully;

(U) Graffiti, as defined in section 7-60 of this Code of Ordinances.

(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 as set forth in the State of Connecticut Building, Fire Safety and Public Health Codes and the minimum Housing Code of the City of New Britain~~ or because of at least one of the following conditions identified in subparagraphs (1) or (2) of this subdivision exist: 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 subdivisions (1) or (2) of subsection (b) of this section that do not pose a significant risk to health and safety, but which, taken as a whole, such anti-blight 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. 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.

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

(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.

(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.

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

(o) Anti-blight enforcement officer means any city official or employee designated by the Mayor as such.

**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, or demolish a building, sign, or structure and/or remove the blighting condition and the City of New Britain has made repairs, boarded, or demolished the building, sign, or structure and/or removed the blighted condition after the owner's failure to do so, reasonable costs incurred by the City of New Britain shall be a lien against the real property in accordance with Connecticut General Statutes Section 49-73b.

The lien shall be recorded with the records of land evidence 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, shall be added to the amount of taxes due on the real property where the building, sign or structure was located.

**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) Violations of the provisions of this Ordinance shall be punishable by a fine of one hundred dollars (\$100.00) for each day a violation exists and continues and will commence on day of notice. If prior notice to the property owner is mandated by state code, then the fine will commence for each day beyond the notice period as long as the blighted conditions persist. When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, an anti-blight 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 and fifty dollars (\$250) 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 and fifty dollars (\$250) per outstanding blighting condition per day after the expiration of the thirty (30) day period. The fine will double if not paid within ten days of issuance.~~

(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. 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.

(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.

#### **Sec. 7-45. Enforcement.**

(a) ~~The anti-blight enforcement officers director of licenses, permits and inspections and his/her designee, the director of health and his/her designee, the police chief and his/her designee and the fire marshal and his/her designee shall be responsible for enforcement of this code.~~

(b) Complaints. The Mayor 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. Any Based on this database or other evidence, an anti-blight 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. ~~The City of New Britain~~ An anti-blight enforcement officer shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the ~~inspector~~ anti-blight enforcement officer observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department 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 ~~director of licenses, permits and inspections~~ anti-blight 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 anti-blight 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. ~~The City of New Britain track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any of the conditions in subdivisions (1) or (2) of subsection (c) of section 7-42 identified by any city department. If these records reveal any premises to be blighted premises, as defined in subsection (c) of section 7-42, the and prior notice to the property owner is mandated under the~~ 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 can not 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 the ~~statutorily mandated notice~~ 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

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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 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".

Alderman Michael W. Trueworthy  
President ProTem

Alderwoman Suzanne Bielinski  
Majority Leader

Alderman Willie Pabon  
Minority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. DeFronzo. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

## **NEW BUSINESS**

### **RESOLUTIONS**

#### **31696 RE: MEMORANDUM OF ENDORSEMENT WITH THE REGIONAL PERFORMANCE INCENTIVE PROGRAM (ASSIST DIAL-A-RIDE PROGRAMS)**

To His 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 Central Connecticut Regional Planning Agency is pursuing a grant entitled Regional Performance Incentive Program under Section 5 of Public Act 11-16 (An Act Concerning Responsible Growth) which will assist Dial-A-Ride programs to be more efficient and responsive in scheduling and providing transportation, and

WHEREAS, the Regional Performance Incentive Program proposal includes all seven municipalities of the Central Connecticut Region and has invited all municipalities to participate in the project, and

WHEREAS, the Regional Performance Incentive Program may provide software and hardware to municipalities that will reduce employee time demands and would result in better scheduling and transportation service delivery , and

WHEREAS, the Regional Performance Incentive Program will not result in any cost the City and the City may opt-out of the project at any time and the Central Connecticut Regional Planning Agency has asked for the City's endorsement for the proposal; NOW, THEREFORE, BE IT



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RESOLVED, that the Mayor be authorized to enter into a Memorandum of Endorsement with the Regional Performance Incentive Program so that the Central Connecticut Regional Planning Agency can proceed with the grant application.

Alderman Shirley Black  
Alderman Rha-Sheen Brown  
Alderman Tonilynn Collins  
Alderman Emmanuel Sanchez

Ald. Black moved to accept and adopt, seconded by Ald. Collins. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31697 RE: CCSU FACILITY USE & NON-DISCRIMINATION CERTIFICATION**

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

The City, through its Parks and Recreation Department, partners with Central Connecticut State University for programs and events held on the CCSU campus, including the Winter Tennis Program held in CCSU's Indoor Sports Bubble.

WHEREAS, the Indoor Tennis Program is scheduled to run February-April, and

WHEREAS, the usage fee for the facility is waived by Central Connecticut State University, and

WHEREAS, the Parks & Recreation Department pays supervision charges of \$25 per hour, and

WHEREAS, 50 youth and adults from New Britain participate in the program, and

WHEREAS, the Central CT State University Event Management requires a signed facility use agreement in order to authorize use of their rental facility; NOW, THEREFORE BE IT

RESOLVED, that the New Britain Common Council authorizes that the Mayor of the City of New Britain, is empowered and authorized to execute contracts and all related agreements on behalf of the City and sign agreements for the New Britain Parks and Recreation Department to utilize the Central Connecticut State University Campus Facilities including, but not limited to, the Indoor Sports Bubble, all gymnasiums, pools, athletic fields now and for all future events; NOW, BE IT FURTHER

RESOLVED, That the City of New Britain, hereby adopts as its policy to support the nondiscrimination agreements and warranties required to support nondiscrimination under the Connecticut General Statutes § 4a-60(a)(1) and §4a-60a(a)(1), as amended in the State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142.

Alderman Shirley Black  
Alderman Jamie Giantonio  
Alderman Rha-Sheen Brown  
Alderman Eva Magnuszewski  
Alderman Dave DeFronzo  
Alderman Emmanuel Sanchez

Ald. Black moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31698 RE: EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**

To His 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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WhereAs; the City of New Britain is seeking to maintain a uniform policy for the Emergency Management Performance Grant (EMPG) payment; and

WhereAs; the City of New Britain recognizes that federal constraints will determine funding allocation and such allocations are calculated based on the City's population as a percentage of the total population participating in the program; and

WhereAs; the City of New Britain recognizes that the purpose of the EMPG program is to provide financial assistance to develop and to staff a comprehensive, all-hazard emergency management program; and

WhereAs; the City of New Britain recognizes that it is required to meet the program's performance requirements which includes NIMS compliance to maintain eligibility within the program; and

WhereAs; the City of New Britain recognizes that the program is performance oriented and acknowledges its requirement to demonstrate its commitment to building and improving the City's ability to respond to all-hazard emergencies and coordinating a multi agency emergency responses; and

WhereAs; the City of New Britain recognizes that acceptance of an award under this program constitutes a legally binding agreement to comply with all relevant and applicable Federal and State regulations and conditions; NOW, THEREFORE, BE IT

Resolved: that Mayor Timothy E. O'Brien Jr, is hereby authorized on behalf of the City of New Britain to accept the EMPG program conditions of eligibility for Federal Fiscal Year (FFY) 2012 beginning October 1St 2011 and to execute any and all documents necessary for the City to receive such grant funds.

Alderman Suzanne Bielinski  
Alderman Eva Magnuszewski  
Alderman Roy Centeno

Ald. Bielinski moved to accept and adopt, seconded by Ald. Magnuszewski. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31700 RE: LEAD-BASED PAINT HAZARD CONTROL PROGRAMS**

To His 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 City of New Britain has previously been a recipient of grant funds from the U. S. Department of Housing and Urban Development's Lead-Based Paint Hazard Control Grant Program, and

WHEREAS, the funds were used primarily for grants to property owners for the abatement of lead-based paint surfaces in residential properties, and

WHEREAS, the lead funds have been completely expended and additional funds are needed to continue to address the lead-based paint hazards within the City, and

WHEREAS, HUD has announced a Notice of Funding Availability for the 2012 round of the Lead-Based Paint Hazard Control Grant Program;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby authorizes the Mayor to submit an application to the U. S. Department of Housing and Urban Development under the Lead-Based Paint Hazard Control Grant Program, to provide such additional information as may be required, to execute other documents including a Grant Agreement if such an Agreement is offered, and to execute any amendments, rescissions and revisions thereto.

Alderman Lawrence J. Hermanowski

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Ald. Hermanowski moved to accept and adopt, seconded by Ald. Platosz. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31701 RE: STP-URBAN GRANT APPLICATION FOR HART STREET PHASE II PROJECT**

To His 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 Central Connecticut Regional Planning Agency(CCRPA) is inviting project submissions from municipalities for transportation projects to be funded under the federal Surface Transportation Program (STP-Urban);

WHEREAS, the funding will be awarded on a competitive basis according to project selection criteria procedures developed by the CCRPA Transportation Improvement Committee;

Whereas, the City of New Britain Department of Public Works is seeking to make an application to the CCRPA for the reconstruction of Hart Street Phase II, which involves the reconstruction of Hart Street from Linwood Street to Corbin Avenue;

WHEREAS, the City of New Britain has recently completed the Hart Street Extension project and the Hart Street Phase I project which are the areas to the east of the Hart Street Phase II project and this project will complete the improvements to the Hart Street corridor;

WHEREAS, with State, Federal and Local funds the total project award for the Hart Street Phase II Project is estimated at \$2,900,000;

WHEREAS, the City of New Britain is responsible for providing a 10 percent match for project related costs;

WHEREAS, the State of Connecticut Department of Transportation is responsible for providing a 10 percent match for project related costs;

WHEREAS, the federal STP-Urban program is responsible for providing an 80 percent match for project related costs;

THEREFORE, BE IT RESOLVED THAT it is in the best interest of the City of New Britain for the Department of Public Works to submit an STP-Urban Grant application to the CCRPA for the Hart Street Phase II Project.

BE IT FURTHER RESOLVED that should funding for the Hart Street Phase II project be approved, the City will provide the 10% match as required by funding guidelines.

Alderman Emmanuel Sanchez  
Alderman Tonilynn Collins  
Alderman Eva Magnuszewski  
Alderman Carlo Carozzi, Jr.  
Alderman Wilfredo Pabon

Ald. Magnuszewski moved to accept and adopt, seconded by Ald. Defronzo. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31702 RE: TRANSPORTATION ENHANCEMENT GRANT APPLICATION FOR THE MAIN STREET IMPROVEMENT PROJECT**

To His 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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WHEREAS, the Central Connecticut Regional Planning Agency(CCRPA) is soliciting project submissions from municipalities for transportation projects to be funded under the federal Transportation Enhancement Program;

WHEREAS, the funding will be awarded on a competitive basis according to project selection criteria procedures developed by the CCRPA Transportation Improvement Committee;

Whereas, the City of New Britain Department of Public Works is seeking to make an application to the CCRPA for Streetscape Improvements for Main Street from north of Lafayette Street, south, to East Main Street;

WHEREAS, this project will connect the recently completed Broad/Beaver/Main/North Streets Project, which included streetscape amenities, to East Main Street;

WHEREAS, with Federal and Local funds the total project award for the Main Street Streetscape Enhancement Project is estimated at \$500,000;

WHEREAS, the City of New Britain is responsible for providing a 20 percent match for project related costs;

WHEREAS, the federal Transportation Enhancement Program is responsible for providing an 80 percent match for project related costs;

THEREFORE, BE IT RESOLVED THAT it is in the best interest of the City of New Britain for the Department of Public Works to submit a Transportation Enhancement Grant Application for the Main Street Improvement Project.

BE IT FURTHER RESOLVED that should funding for the Main Street project be approved, the City will provide the 20% match as required by funding guidelines.

Alderman Tonilynn Collins  
Alderman Eva Magnuszewski  
Alderman Carlo Carozzi Jr.  
Alderman Wilfredo Pabon  
Alderman Emmanuel Sanchez

Ald. Collins moved to accept and adopt, seconded by Ald. Magnuszewski. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31703 RE: ACCEPTANCE OF HARDWARE ANALYSIS SYSTEM FROM THE MICHAEL BOLTON CHARITIES – APPROXIMATELY \$2,000 – POLICE DEPARTMENT**

To His 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 Michael Bolton Charities, under the auspices of the Innocent Justice Foundation has funding available to purchase hardware and software to enhance the capability to investigate crimes against children, and,

WHEREAS, there is no requirement for a cash match, and

WHEREAS, a hardware analysis system for cell phone data extraction, worth approximately \$2,000, will be donated to the Forensic Investigations Unit, THEREFORE BE IT,

RESOLVED, that Mayor Tim O'Brien is given authority to accept the hardware analysis system from the Michael Bolton Charities on behalf of the City of New Britain, valued at approximately \$2,000.

Ald. Suzanne Bielinski - Police Liaison  
Ald. Carlo Carozzi, Jr. - Police Liaison  
Ald. Roy Centeno - Police Liaison  
Ald. Lawrence Hermanowski- Police Liaison

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Ald. Wilfredo Pabon - Police Liaison  
Ald. Emmanuel Sanchez - Police Liaison

Ald. Pabon moved to accept and adopt, seconded by Ald. Sanchez. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31704 RE: ACCEPTANCE OF COMPUTER EQUIPMENT FOR THE FORENSIC INVESTIGATIONS UNIT FROM THE J. WALTON BISSELL FOUNDATION – POLICE DEPARTMENT**

To His 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 J. Walton Bissell Foundation, under the auspices of the Innocent Justice Foundation has funding available to purchase hardware and software to enhance the capability to investigate crimes against children and,

WHEREAS, there is no requirement for a cash match, and,

WHEREAS, forensic computer systems equipment, worth approximately \$10,000, used by examiners to investigate crimes against children through the recovery and examination of digital evidence, will be donated to the Forensic Investigations Unit, Therefore, Be It

RESOLVED, that Mayor Tim O'Brien be authorized to accept computer equipment for the Forensic Investigations Unit from the J. Walton Bissell Foundation, worth approximately \$10,000.

Ald. Suzanne Bielinski - Police Liaison  
Ald. Carlo Carozzi, Jr. - Police Liaison  
Ald. Roy Centeno - Police Liaison  
Ald. Lawrence Hermanowski- Police Liaison  
Ald. Wilfredo Pabon - Police Liaison  
Ald. Emmanuel Sanchez - Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. DeFronzo. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31705 RE: DEPT. OF PUBLIC WORKS TO SUBMIT CMAG GRANT APPLICATION TO THE CCRPA FOR THE SLATER ROAD/OSGOOD AVE. TRAFFIC SIGNAL PROJECT**

To His 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 Central Connecticut Regional Planning Agency (CCRPA) is inviting project submissions from municipalities for transportation projects to be funded under the federal Congestion Mitigation and Air Quality Improvement Program (CMAQ);

WHEREAS, the funding will be awarded on a competitive basis according to project selection criteria procedures developed by the CCRPA Transportation Improvement Committee;

WHEREAS, the City of New Britain Department of Public Works is seeking to make an application to the CCRPA for the installation of a new traffic signal at the intersection of Slater Road and Osgood Avenue;

WHEREAS, the City of New Britain is developing an industrial park, Pinnacle Business Park, and the DiLoreto School is undergoing an expansion, both of which will have an impact on the traffic signal at the intersection of Slater Road and Osgood Avenue;

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WHEREAS, with Federal and Local funds the total project award for the new Traffic Signal installation is estimated at \$225,000;

WHEREAS, the City of New Britain is responsible for providing a 20 percent match for project related costs;

WHEREAS, the federal CMAQ program is responsible for providing an 80 percent match for project related costs;

THEREFORE, BE IT RESOLVED THAT it is in the best interest of the City of New Britain for the Department of Public Works to submit a CMAQ Grant application to the CCRPA for the Slater Road/Osgood Avenue Traffic Signal Project.

BE IT FURTHER RESOLVED that should funding for the Slater Road/Osgood Avenue traffic signal project be approved, the City will provide the 20% match as required by funding guidelines.

Alderwoman Tonilynn Collins  
Alderwoman Eva Magnuszewski  
Alderman Carlo Carozzi  
Alderman Wilfredo Pabon  
Alderman Emmanuel Sanchez

Ald. Carozzi moved to accept and adopt, seconded by Ald. Collins. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31706 RE: BUDGET TRANSFER – LOCIP - \$20,232.21 PARKS AND RECREATION DEPARTMENT**

To His 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 Purpose: To reduce several LOCIP appropriations of projects that have been completed in order to increase the 2010 LOCIP appropriation for the replacement of the bleachers at Veterans Memorial Stadium which have outlived their useful life.

WHEREAS, Several Parks and Recreation Department LOCIP projects have been completed and these accounts still contain a balance, AND

WHEREAS, The Parks and Recreation Department recently went out to bid through the City's purchasing agent for the replacement of the bleacher backs at Veterans Memorial Stadium on the home side with an alternate price for completing the visitor side, AND

WHEREAS, over the past 30 years in the outdoor elements the bleachers have faded, cracked, bent, and have outlived their useful life, AND

WHEREAS, the bids came in higher than expected and an additional \$20,232.21 is required to cover the replacement of the bleacher backs on both sides of the stadium while also providing for some contingency for any unforeseen issues during the project, AND

WHEREAS, the School District's Athletic Department and Administration have long requested a change to the New Britain High School colors(maroon and gold) as the replacement colors to the existing faded blue color, AND

WHEREAS, the City would be saving money by hiring one contractor to mobilize and complete both sides of the stadium as opposed to leaving the other half of the stadium unfinished, THEREFORE BE IT

RESOLVED, that the Finance Department, in conjunction with the State of Connecticut, perform the following LOCIP transfers:

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From:		
2131900107-52011	Chesley/Osgood Basketball Rehab.	\$ 2,927.21
2131900108-52022	Martha Hart Basketball rehab.	\$ 5,400.00
2131900110-52037	Veterans Stadium Re-roof	\$ 9,500.00
2131900112-52065	Walnut Hill Tennis Pillar repair	<u>\$ 2,405.00</u>
	Total:	\$20,232.21
To:		
2131900110-52034	Veteran's Stadium Bleachers	\$20,232.21

Alderwoman Eva Magnuszewski  
Alderman Rha-Sheen Brown  
Alderwoman Shirley Black  
Alderman David DeFronzo  
Alderman Jamie Giantonio  
Alderman Emmanuel Sanchez

Ald. DeFronzo moved to accept and adopt, seconded by Ald. Magnuszewski. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31707 RE: PARKS DEPARTMENT BUDGET AMENDMENT AND BUDGET TRANSFER – WOOD DEBRIS FROM OCT. 24, 2011 STORM ALFRED**

To His 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 Parks department is responsible for park maintenance and the maintenance of street trees, and;

WHEREAS, On the weekend of October 29, 2011 Winter Storm Alfred hit Connecticut and caused numerous power outages throughout the City of New Britain. Winter Storm Alfred was responsible for downed trees and branches all throughout the City. The Parks department is in charge of cleaning the wood debris that was left from this massive winter storm. Since the Storm's damage was so widespread, the City is eligible for 75% reimbursement of the total cost for the debris removal by FEMA. The remaining 25% would have to be covered by the City of New Britain.

Whereas, The City has gone out to bid on the wood debris removal for Winter Storm Alfred and has awarded the bid to Morin Logging, Inc of Durham, CT for a total of \$105,115.

WHEREAS, The FY 2011-2012 General Fund Contingency includes monies within its account, THEREFORE, BE IT,

RESOLVED, That monies be transferred within the FY 2011-2012 General Fund budget for this purpose as follows:

FROM:		
001625101-5871	Contingency	\$26,279
TO:		
001315009-5331	FEMA Storm Cleanup Professional Services	\$26,279

AND BE IT FURHTER RESOLVED, That monies be transferred within the FY 2011-2012 General Fund budget for this purpose as follows:

INCREASE REV:		
001624005-4561	Miscellaneous Revenue	\$78,836
INCREASE EXP:		
001315009-5331	FEMA Storm Cleanup Professional Services	\$78,836

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Alderman Eva Magnuszewski  
Alderman Rha-Sheen Brown  
Alderman Shirley Black  
Alderman David DeFronzo  
Alderman Jamie Giantonio  
Alderman Emmanuel Sanchez

Ald. Sanchez moved to accept and adopt, seconded by Ald. Collins. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31708 RE: BUDGET TRANSFER - \$24,000 – REGISTRARS OF VOTERS – REDISTRICTING**

To His 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 Registrars of Voters office is responsible for handling all the election services that pertain to the citizens of New Britain, and;

WHEREAS, Every ten years after the census has been taken and calculated, Federal and State political boundaries change according to population. Federal and State laws require each municipality to conform to the new boundaries.

Whereas, the process of redistricting is very costly and requires resources from other City departments such as Public Works in order to draft up maps based on the City's population. Once the maps are completed, the Registrar of Voters can start the process of redistricting. Additional expenses associated with redistricting include city-wide mailing to all registered voters as well as the envelopes and printing of letters, printing of new maps, and postage.

WHEREAS, The FY 2011-2012 General Fund Contingency includes monies within its account, THEREFORE, BE IT,

RESOLVED, That monies be transferred within the FY 2011-2012 General Fund budget for this purpose as follows:

FROM:		
001625101-5871	Contingency	\$24,000
TO:		
001101001-5331	Common Council – Professional Services	6,000
001104001-5331	Voters Democrat – Professional Services	9,000
001104002-5331	Voters Republican – Professional Services	<u>9,000</u>
	TOTAL:	\$24,000

Alderman Larry Hermanowski  
Alderman Wilfredo Pabon

Ald. Hermanowski moved to accept and adopt, seconded by Ald. Pabon. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31710 RE: PROPOSED AMENDMENT TO SEC. 2-584 (C) OF THE ORDINANCES CHANGING THE NUMBER OF MEMBERS FROM SEVEN TO FIFTEEN ON THE NEW BRITAIN COMMISSION ON THE ARTS**

PROPOSED AMENDMENT ON FILE IN TOWN CLERK'S OFFICE



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Ald. Carlozzi moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Trueworthy. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31711 RE: PROPOSED AMENDMENT TO 2-128 OF THE ORDINANCES ADDING SUBSECTION (F) REGARDING RULES OF PROCEDURE IN MEETINGS**

PROPOSED AMENDMENT ON FILE IN TOWN CLERK'S OFFICE

Ald. Trueworthy moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

**31712 RE: ALD. TRUEWORTHY, HERMANOWSKI, PABON AND GIANTONIO APPOINTED TO THE COMMON COUNCIL REAPPORTIONMENT COMMISSION**

To His 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: Appointing members of the Common Council Reapportionment Commission of the Common Council.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that the following be appointed as members of the Common Council Reapportionment Commission:

Alderman Michael Trueworthy  
Alderman Larry Hermanowski  
Alderman Wilfredo Pabon  
Alderman Jamie Giantonio

Alderman Michael W. Trueworthy,  
President

Alderwoman Suzanne Bielinski,  
Majority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

Ald. Trueworthy moved the Council enter into Executive Session to discuss Resolution 31699 regarding agreement with Kyle T. Hedstrom, Golf pro at Stanley Golf Course and Resolution 31583-3 regarding Costco development, and that in regard to 31699 they be accompanied by Bill DeMaio, Corporation Counsel, John King, and Mayor O'Brien, and in regard to 31583-3, they be accompanied by Atty. Seth Feigenbaum, and Mayor O'Brien. Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Executive Session began at 8:25 p.m.

The Council voted to return to order at 9:30 p.m. on motion of Ald. Bielinski, seconded by Ald. Trueworthy.

## RESOLUTIONS

### **31699 RE: AGREEMENT WITH KYLE T. HEDSTROM, GOLF PROFESSIONAL AT STANLEY GOLF COURSE**

To His 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, Kyle T. Hedstrom is the Golf Professional at Stanley Golf Course pursuant to an agreement with the City of New Britain for the last eight years which expired on December 31, 2011; and

WHEREAS, On January 9, 2012, the Parks and Recreation Commission approved a new Agreement for a term of five (5) years from January 1, 2012, through December 31, 2016; and

WHEREAS, The same terms and conditions of the Agreement will be incorporated into a three (3) year renewal by mutual agreement from January 1, 2017 through December 31, 2019; and

WHEREAS, Mr. Hedstrom shall be paid a professional services fee of \$85,000 for all years of the Agreement; and

WHEREAS, Mr. Hedstrom will also be entitled to fees on a graduated scale based on revenue from golf course play, cart and range fees; and

WHEREAS, Mr. Hedstrom is required to employ two Assistant Golf Professionals; a sufficient number of employees in the Pro Shop for normal league and tournament play; and cart staff to clean, stage, and put away golf carts at his expense to maintain the efficient operation of the golf course; and

WHEREAS, Mr. Hedstrom is responsible for a seven day per week operation through the golfing season (March 1st through December 24th) from 5:00a.m. to 10:00p.m.; and

WHEREAS, Mr. Hedstrom is responsible to administer the driving range twelve months per year, seven days per week, day and evening hours; now, therefore, be it

RESOLVED, That Timothy E. O'Brien, Mayor, be and is hereby authorized to execute on behalf of the City of New Britain the attached agreement with Kyle T. Hedstrom as Golf Professional of Stanley Golf Course for the term January 1, 2012, through December 31, 2016.

Alderwoman Shirley Black  
Alderman Rha-Sheen Brown  
Alderman David DeFronzo  
Alderman Jamie Giantonio  
Alderwoman Eva Magnuszewski  
Alderman Emmanuel Sanchez

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

### **31583-3 RE: RATIFICATION OF PROPERTY PURCHASE AGREEMENT WITH COSTCO WHOLESALE CORPORATION**

To His 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 Common Council on September 14, 2011 referred Resolution No. 31583-2 to the Common Council and the Committee on Planning, Zoning and Housing regarding the sale of 15.32 acres of land located at 245 Hartford Road (the "Property") to Costco Wholesale Corporation ("Costco") for the sum of not less than four million, one hundred thousand dollars (\$4,100,000.00); and

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WHEREAS, the Common Council held a duly noticed public hearing on October 4, 2011, to consider Resolution No. 31583-2 and the potential sale of the Property to Costco, and numerous members of the public spoke at said public hearing; and

WHEREAS, on October 12, 2011, the Common Council adopted Resolution No. 31583-2 regarding the Purchase Agreement with Costco for the Sale of Approximately 15.32 Acres at 245 Hartford Road to Costco Wholesale Corporation for the sum of four million one hundred thousand dollars; and

WHEREAS, Mayor Stewart signed Resolution No. 31583-2 on October 14, 2011 on behalf of the City of New Britain; and

WHEREAS, said Resolution authorized Mayor Stewart to enter into a Property Purchase Agreement subject to the prior review and approval by the Common Council; and

WHEREAS, Mayor Stewart did negotiate the terms and conditions for the acquisition and executed the Property Purchase Agreement with Costco Wholesale Corporation on November 11, 2011; now, therefore, be it

RESOLVED, That the Common Council has reviewed the executed Property Purchase Agreement attached hereto and hereby ratifies the terms and conditions set forth therein.

Alderman Michael W. Trueworthy (by request)

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Pabon. Resolution adopted with Ald. DeFronzo and Ald. Magnuszewski opposed. Approved by Mayor Timothy O'Brien Jr. the 12th day of January 2012.

There being no further business to come before the Council, Ald. Bielinski moved to adjourn, seconded by Ald. Trueworthy. So voted. Meeting adjourned at 9:46 p.m.

ATTEST: Peter J. Denuzze, City Clerk