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REGULAR MEETING OF THE COMMON COUNCIL

OCTOBER 23, 2013

Mayor Timothy E. O'Brien called the Regular Meeting of the Common Council to order at 7:56 p.m. on Wednesday, the 23rd day of October 2013 in the Common Council Chambers, City Hall.

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

Three members were absent: Ald. Magnuszewski, Collins, and Brown.

Ald. Trueworthy noted that Ald. Magnuszewski is ill this evening and Ald. Collins and Ald. Brown are out of town.

The invocation was given by the Asst. City Clerk.

The pledge to the flag was led by Dan Garcia.

The Council stood at ease while Ald. Trueworthy and Mayor O'Brien presented a plaque to Ald. Hermanowski for his many years of service to the City as an Alderman. Several Alderman - DeFronzo, Carlozzi, Bielinski, and Centeno thanked Ald. Hermanowski for his help and guidance over the years. Mayor O'Brien said that Ald. Hermanowski has been a tremendous asset to the City and that he is a deeply honorable man.

Ald. DeFronzo – granted a point of personal privilege – thanked all department heads for their help, especially Director of Public Works, Mark Moriarty.

Ald. Bielinski moved to amend the Agenda by substituting 32532(7), and moving it to the front of the agenda, and by adding an attachment to 32474(1), motion seconded by Ald. Trueworthy. Roll call vote – all members present voted in favor.

PETITIONS

32533 ALD. BROWN FOR INSTALLATION OF “NO PARKING” SIGNS IN THE VICINITY OF 50 ONEIDA STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.

32534 ALD. FREEMAN FOR INSTALLATION OF “STOP” SIGNS AT THE INTERSECTION OF PUTNAM STREET AND WILLOW STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.

Ald. Bielinski moved to adopt the Consent Agenda, seconded by Ald. Trueworthy. Roll call vote – all members present voted in favor. Approved October 25, 2013 by Timothy E. O'Brien, Mayor.

CONSENT AGENDA

CITY CLERK

32522 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:

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CLAIMANTS NAME

- Rio, Ronald
- Rodgers, Vincent

Peter J. Denuzze
City Clerk

PURCHASING DEPARTMENT

32523 RE: REFUSE COLLECTION AND REMOVAL FROM VARIOUS CITY FACILITIES - PUBLIC WORKS

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. 3739 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Refuse Collection and Removal from Various City Facilities for the Property Management Division. Funding is available for this purchase from the Public Works Department, Property Management Division's Building, Grounds Maintenance and Repairs, account numbers, 001316002-5435, City Hall, 001316003-5435, Police Headquarters, and 001316004-5435, Outside Grounds.

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 sixteen (16) Refuse Collection and Removal Companies. The Purchasing Agent did not receive any letters from the Refuse Collection and Removal Companies on the mailing list indicating they could not provide a response to the bid request. The responses received are on file in the Town Clerks Office.

The bids were reviewed for conformance to specifications by the Deputy Director of Public Works and the Purchasing Agent. Therefore the Director of Fleet and Facilities is recommending that the bid be awarded to HQ Dumpsters and Recycling LLC of Southington, CT who was the lowest bidder and meet all of the bid specifications.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order and enter into a contract with HQ Dumpsters and Recycling LLC of Southington, CT for Refuse Collection and Removal at Various City Facilities per the weekly pricing indicated on the attached for a period from November 11, 2013 to November 10, 2016, per the terms, conditions and specifications of Public Bid No. 3739.

Jack Pieper
Purchasing Agent

32524 RE: EXTERIOR STRUCTURE REPAIRS TO THE COMMUNITY EMERGENCY RESPONSE TEAM BUILDING - 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:

Public Bid No. 3751 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Exterior Structure Repairs to the Community Emergency Response Team Building. The bricks on the exterior needed to be reappointed or replaced to stop water from leaking inside the building when it rains. Funding is available for the Exterior Structure Repairs within the Fire Department's account number, 2131200112-52075, LOCIP Fire Administration 2012, Emergency Management Building Repairs.

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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-seven (27) Masonry Contractors. The Purchasing Agent did not receive any letters from the Masonry Contractors on the mailing list indicating they could not provide a response to the bid request. The responses received are on file in the Town Clerks Office.

The bids were reviewed for conformance to specifications by the Fire Department's Administration and the Purchasing Agent. Therefore the Fire Chief is recommending that the bid be awarded to J.A. Rosa Construction, LLC, of Wolcott, CT who submitted the lowest responsible bid and met all of the bid specifications.

RESOLVED: That the Purchasing Agent be and is hereby authorized to issue a purchase order for \$23,890.00 and enter into a contract with J.A. Rosa Construction, LLC of Wolcott, CT for the Exterior Structure Repairs to the Community Emergency Response Team Building for the New Britain Fire Department per the terms and specifications of Public Bid No. 3751.

Jack Pieper
Purchasing Agent

32525 RE: ON-CALL ENGINEERING SERVICES – WEST MAIN STREET GATEHOUSE AND PIPING IMPROVEMENTS

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. This project was presented and approved by the Water Commission at their October 8, 2013 meeting.

Project Name:	West Main Street Gatehouse and Piping Improvements
Vendor:	Tata & Howard
Amount:	\$42,700.00
Line Items:	9303501100-5331 Water Capital Improvements, Professional Services
Requested By:	Public Works Department/Utilities Division

Scope: Tata & Howard will perform an inspection of the 100 year old gatehouse, pipes and valves to assess their conditions and take measurements for design of water pipe improvements and demolition of the gatehouse because the current large valves in the gatehouse are inoperable due to age. They will also conduct hydraulic modeling analysis of the alternative for removing the gatehouse from service and to determine appropriate phasing to minimize system impacts. They will have field surveys of the area and adjoining streets conducted so they can prepare mapping and base drawings to portray existing and proposed conditions for the development of construction drawings. They will meet with the Utilities Division to discuss their findings and to answer any questions they have about the project. Once approved, Tata & Howard will develop the design specifications and project plans so it can be put out to bid. They will also prepare the necessary applications that must be submitted to the State of Connecticut for this project. Once it is put out to bid, Tata & Howard will conduct a pre-bid meeting at the site and answer any questions from the bidders during the bidding process. Tata & Howard will review the bids submitted to ensure compliance with the bid specifications. Once the project was been awarded, Tata & Howard will conduct meetings with the contractor in additions to on-site visits to assure that the work being conducted meets specifications.

Resolved: That the Purchasing Agent is hereby authorized to issue a Purchase Order for \$42,700.00 to Tata & Howard to provide Engineering Services for the West Main Street Gate

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House and Piping Improvements for the Public Works Department, Utility Division, per their On-Call Engineering Services, Bid 3620.

Jack Pieper
Purchasing Agent

32526 RE: EMERGENCY PURCHASE ORDER – PROTECTIVE EQUIPMENT REPAIRS – FIRE 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 V, Section 2-606a, emergency purchase orders were authorized by the Mayor and issued to the vendor listed below on October 16, 2013.

<u>Supplier</u>	<u>Item</u>	<u>Total Price</u>
Elliott Enterprises, Inc. Newfield, ME.	Protective Equipment Repairs	\$8,877.98

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:

A Purchase Order was requested by the New Britain Fire Department for the repairs to protective equipment worn by firefighters during emergencies. Some of the protective equipment had rips that needed to be patched or sewed, and others were missing closer hooks, loops or snaps. The repairs were needed to ensure the health and safety of the firefighters who were wearing them and to make sure that their equipment was functioning in the appropriate manner. Because of the importance and urgency of getting the protective equipment repaired the Mayor under his executive authority approved a purchase order. Funding for these repairs came from the Fire Department's account number 001212002-5659, Fire Operations, Operating Material and Supplies.

Jack Pieper
Purchasing Agent

DEPARTMENT OF PUBLIC WORKS

32487-1 RE: REPAIR OF POTHOLE IN FRONT OF 57 PENDLETON ROAD

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

The pothole in front of 57 Pendleton Road was repaired by Public Works Street Division crew on October 9, 2013.

Mark E. Moriarty,
Director Public Works

TAX DEPARTMENT

32527 RE: TAX ABATEMENTS, CORRECTIONS AND REFUNDS

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

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

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CONSOLIDATED COMMITTEE

32474-1 RE: REVISIONS TO THE MATTABASSETT CHARTER

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

The Consolidated Committee at a regular meeting held on Thursday evening, October 17, 2013 at 7:00 p.m. in the Council Chambers to which was referred the matter of item #32474 revisions to the Mattabassett Charter voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Lawrence Hermanowski
Acting Chair

32485-1 RE: PROPOSED AMENDMENT TO THE ORDINANCES ADDING ARTICLE XIX TO CHAPTER 14 REGARDING LICENSING FOR BARBERSHOPS, SALONS AND COSMETOLOGY

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

The Consolidated Committee at a regular meeting and public hearing held on Thursday, October 17, 2013 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #32485 – Code of Ordinances be amended by adding Article XIX regarding Licensing for Barbershops, Salons and Cosmetology voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Lawrence Hermanowski
Acting Chair

NEW BUSINESS

RESOLUTION

32532 RE: RECOGNITION OF THE BORINQUENEERS, 65TH INFANTRY REGIMENT

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:

Summary: A Resolution concerning the Recognition of The Borinqueneers, 65th Infantry Regiment of the U.S. Army

WHEREAS, the 65th Infantry Regiment was the largest, longest-standing and only active-duty segregated Latino military unit in U.S. history. The 65th Infantry Regiment was completely based, and for the most part, trained in Puerto Rico; and

WHEREAS, Members decided to name themselves “Borinqueneers” and they were originally activated on June 4, 1920, after which the unit participated in World War I & II and Korea; and

WHEREAS, During their service, members of the regiment, which was a segregated unit, endured such indignities as being forced to use separate showering facilities from their non-

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Hispanic "Continental" officers and ordered not to speak Spanish under penalty of court-martial;
and

WHEREAS, Although comprised mainly of Puerto Ricans, the Borinqueneers also included some Mexican-Americans, African-Americans, Filipinos, Virgin Islanders and other nationalities;
and

WHEREAS, The regiment has a record of heroic acts like the one in early 1951 while fighting in Korea: The Borinqueneers are credited with the last battalion-sized bayonet assault in US Army history by charging straight up hill toward the enemy, over running them and overtaking the enemy's strategic position, allowing the US forces to continue moving forward; and

WHEREAS, The State of Connecticut is proudly the home of several members of the original Borinqueneers; and

WHEREAS, The City of New Britain and its residents have a proven record of honoring its veterans and also recognizing and celebrating the richness of all cultures present in the city;
NOW, THEREFORE, BE IT

RESOLVED, that the area at the intersection of Beaver St, Washington St. and Farmington Avenue, at the north side of the reconfigured Beaver Street will be designated in honor of this unit; and be it further

RESOLVED, that the designated area will have in the near future, a monument to recognize the history and courage of the regiment, and also to recognize that regardless of the discrimination that they suffered by their own colleagues, they fought tirelessly to support the values and ideas represented in the constitution of the United States of America.

Alderman Michael Trueworthy
President to the Common Council

Alderwoman Suzanne Bielinski
Majority Leader

Alderman Adam Platosz
Asst. Majority Leader

Alderwoman Tonilynn Collins
Asst. Majority Leader

Alderwoman Eva Magnuszewski
Asst. Majority Leader

Alderman Jamie Giantonio
Asst. Minority Leader

Alderman Wilfredo Pabon
Minority Leader

Alderman Lawrence Hermanowski

Alderman Emmanuel Sanchez

Alderman Carlo Carlozzi, Jr.

Alderwoman Shirley Black

Alderman J. Tobias Freeman

Alderman David DeFronzo

Alderman Roy Centeno

Alderman Rha-Sheen Brown

Ald. Trueworthy moved to accept, adopt and refer to the Parks and Recreation Dept. and the Veterans' Commission, seconded by Ald. Sanchez. RESOLUTION ADOPTED UNANIMOUSLY. Approved Oct. 25, 2013 by Mayor Timothy E. O'Brien.

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RESOLUTIONS RETURNED FROM COMMITTEE

32474-2 RE: REVISIONS TO THE MATTABASSETT CHARTER – THE ADMISSION OF THE CITY OF MIDDLETOWN AS A MEMBER OF THE MATTABASSETT DISTRICT

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 is a member of the Mattabassett District along with the towns of Berlin and Cromwell.; and

WHEREAS, the purpose of the Mattabassett District is the relief of waters in, bordering, or entering the district from pollution or threatened pollution arising from causes within or without the district and the consequent improvement of conditions affecting public health through a variety of methods; and

WHEREAS, the Mattabassett Board of Directors approved a number of updates and revisions to its Charter on June 17, 2013 which include the addition of a fourth member, Middletown; and

WHEREAS, it is believed that adding Middletown is in the best interest of the District and the City of New Britain; and

WHEREAS, the updates and revisions to the Mattabassett Charter are in the attached exhibit; NOW, THEREFORE, BE IT

RESOLVED, that the Common Council authorizes the addition of Middletown as a Mattabassett District Member and approves the updates and revisions to the Charter which were approved by the Mattabassett Board of Directors; and be it further

RESOLVED, that the City of New Britain approves of the admission of the City of Middletown as a member of the Mattabassett District

Alderman Michael Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Platosz. So voted. Approved October 27, 2013 by Mayor Timothy E. O'Brien.

32485-2 RE: AMENDMENT TO THE ORDINANCES ADDING ARTICLE XIX TO CHAPTER 14 REGARDING LICENSING FOR BARBERSHOPS, SALONS AND COSMETOLOGY

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 provide for the licensing, regulation and inspection of barber shops, salons and cosmetology.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Chapter 14 of the Code of Ordinances, City of New Britain, be amended by adding Article XIX entitled Licensing for Barbershops, Salons and Cosmetology to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

[NEW] ARTICLE XIX. LICENSING FOR BARBERSHOPS, SALONS & COSMETOLOGY*

Sec. 14 – 400. Definitions

For the purpose of these regulations:

1.1 “Authorized Agent” means the person designated by the Director of Health to act for him or her in the performance of his/her duties.

1.2 “Barber” means a person licensed pursuant to Chapter 386 of the General Statutes of the State of Connecticut.

1.3 “Barbering” means (CT General Statutes Sec. 20-234) the following-described practices, when done upon the head, face and neck for cosmetic purposes and done for the public, with or without compensation therefore, shall be construed as practicing the occupation of barber or master barber within the meaning of this chapter: Shaving or trimming the beard; cutting hair, styling or cutting hairpieces and wigs; giving facial and scalp massage or application of oils, creams, lotion or other preparations, either by hand or mechanical appliances, singeing, shampooing or dyeing the hair or applying hair tonic, and applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face or neck; provided nothing this chapter shall permit any of these services or acts herein described to be used for the treatment or cure of any physical or mental disease or ailment.

1.4 “Barbershop” means any establishment engaged in the practice of barbering for the public.

1.5 “Director of Health” means the Director of Health of the New Britain Health Department or his/her duly authorized representative.

1.6 “Disinfectant” means an Environmental Protection Agency (EPA) registered product with demonstrated bactericidal, virucidal and fungicidal activity used in accordance with manufacturer’s instructions.

1.7 “Hairdressing and Cosmetology” means (CT General Statutes Sec. 20-250) the art of dressing, arranging, curling , waving, weaving, cutting, singeing, bleaching and coloring the hair and treating the scalp of any person, and massaging, cleansing, stimulating, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams, powders, oils or clays and doing similar work on the face, neck and arms, and manicuring the fingernails and, for cosmetic purposes only, trimming, filing and painting the healthy toenails, excluding cutting nail beds, corns and calluses or other medical treatment involving the foot or ankle of any person for compensation, provide nothing in this definition shall prohibit an unlicensed person from performing facials, eyebrow arching, shampooing or braiding hair or manicuring the fingernails.

1.8 “Hairdressing or Cosmetology Shop/Salon” means any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.

1.9 “Nail Salon” means an indoor establishment, kiosk, or site regardless of duration, that offers, provided, permits or allocates space for the manicuring of finger nails and pedicuring of toe nails or enlists to use of chemicals which include but is not limited to resins, plasticizers, solvents, pigments, creams, emollients, adhesives, paints or compressed air brush equipment for the purpose treating, pointing, repairing, and enhancing the human finger nails and toe nails.

1.10 “Nail Technician” means a person, who for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hand, including but not limited to, the application and removal of sculptured or artificial nails.

1.11 "Operator" means an operator is any person, including, but not limited to, a licensed hairdresser/cosmetician or barber, or unlicensed person who is performing tasks allowed under the scope of this code and the Connecticut General Statutes.

1.12 "Person" means an individual, firm, partnership, company, corporation, trustee, association or any public or private entity.

1.13 "Person in Charge" means the individual present in the barbershop or hairdressing and/or cosmetology salon/shop that is the apparent supervisor of the barbershop or hairdressing and/or cosmetology salon/shop at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purposes of this Code.

1.14 "Sanitary Condition" means safe and clean shop/salon conditions that prevent the spread of communicable diseases and protect the public health and welfare.

1.15 "Work Area" is defined as a separate room with more than one work station, or a private room set aside to serve one customer at a time.

1.16 "Work Station" is defined as a chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

Sec. 14-401. Establishment requirements

2.1 No barbershop, hairdressing, cosmetology shop and/or nail salon having a permanent location shall be relocated, constructed, remodeled, or extensively altered, nor shall a structure be converted to use as a barbershop or hairdressing and/or cosmetology shop, except in accordance with plans and specifications approved by the New Britain Health Department, heretofore known as NBHD.

2.2 Plan review and submission

- (a) When a barbershop, hairdressing, cosmetology shop and/or nail salon establishment is constructed or remodeled, plans drawn in a minimum ¼ inch scale and specifications for construction must be submitted along with barbershop, hairdressing, cosmetology shop and/or nail salon establishment license application to the department for approval.
- (b) The plans must include, but are not limited to: description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.
- (c) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors walls, and ceilings.
- (d) All plans must be approved by NBHD prior to construction of the barbershop, hairdressing, cosmetology shop and/or nail salon establishment.

2.3 Prior to the opening of the barbershop, hairdressing, cosmetology shop and/or nail salon, the Director of Health, or authorized agent, shall conduct a pre-operational inspection to determine compliance with this section, the Connecticut General Statutes, and the Public Health Code of the State of Connecticut.

Sec. 14-402. Purpose

3.1 The purpose of these standards is to regulate sanitary conditions at barbershops, hairdressing and cosmetology shops/salons in a way that will:

- (a) Protect and promote public health, safety, and welfare
- (b) Prevent the spread of disease including, but not limited to, viral bacterial, and fungal infections.

Sec. 14-403. Permits

4.1 No person shall maintain or operate any barbershop or hairdressing and/cosmetology shop and/or nail salon without having valid permit issued by the Director of Health. Only a person who complies with the requirements of this Code shall be entitled to receive or retain such a permit.

4.2 Every barbershop or hairdressing and/or cosmetology salon and/or nail salon must comply with local Planning and Zoning regulations and all other applicable codes before being issued a permit.

4.3 Application for a permit shall be made on forms furnished by the Director of Health, wherein the applicant shall state his/her name(s) and address(es), and whether such applicant is an individual, firm or association, including but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, and if not an individual, the name(s) of the partners, members, officers, or if applicable, the duly authorized representative thereof, including but not limited to, a fiduciary, trustee, or receiver, together with their addresses; establishment name, the address of the place of business, and give such pertinent information as the Director of Health may require and affix his signature to the application. All permits are valid for one (1) year or a portion thereof, and are renewable on October 1st of each year.

4.4 No permit shall be granted to any individual to operate a barber shop or hairdressing shop unless such person has been licensed as a barber or hairdresser/cosmetician for at least two years.

4.5 Every applicant for a permit to operate a barbershop or hair dressing, cosmetology shop and/or nail salon shall pay an annual permit fee set forth under ~~section~~ Article 19. Additional charges of fifty dollars (\$50) may be assessed for re-inspection due to uncorrected violations of this regulation after the ~~first/second inspection.~~ initial or any subsequent inspection.

4.6 There shall be a twenty (\$20.00) late charge for any barbershop, hairdressing, cosmetology shop and/or nail salon licensing fee not received by September 30th. In addition, there shall be an additional twenty dollars (\$20.00) charge for each additional thirty (30) day period that the fee remains delinquent.

4.7 No permit shall be issued or renewed until a completed application has been submitted, all fees have been paid, and the applicant's barbershop and/or cosmetology salon and/or nail salon meets the requirement set forth in this Ordinance and all other applicable state and local regulations.

4.8 Permits shall be valid until the expiration date indicated on the ~~license~~ permit unless prior to that date the permit is suspended or revoked by the Director of Health, or until such time as the facility changes owners, closes, or goes out of business.

4.9 Permits shall not be transferable from person to person or from location to location.

4.10 Permit(s) must be displayed in a prominent location with the establishment where patrons can observe it (them).

Sec. 14-404. Inspection

5.1 The Director of Health shall promulgate such rules and procedures as are necessary to ensure compliance with this Code and all other applicable state and local regulations.

5.2 At least once a year, the Director of Health, or his/her authorized agent, shall inspect each barbershop, hairdressing and/or cosmetology shop/salon and/or nail salon and shall make as many additional inspections as are necessary for the enforcement of this code, the Connecticut General Statutes, and the Public Health Code of the State of Connecticut.

5.3 The Director of Health, or his/her authorized agent, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop/salon for the purpose of making inspection to determine compliance with this Code, the Connecticut General Statutes, and the Public Health Code of the State of Connecticut.

5.4 In the event that the Director of Health finds unsanitary or other conditions in the operation of a barbershop or hairdressing and/or cosmetology shop/salon, or if a violation or set of violations appears on two (2) or more consecutive notices to the permit holder, or person in charge, citing such condition, specifying the corrective action to be taken and time frame within which such action shall be necessary. If corrective action is not made in stated time, the permit may be revoked or suspended and a written order issued to the owner or operator to cease the operation of the salon.

Sec. 14-405. Permit suspension and revocation; hearings; appeals.

6.1 Failure to comply with the provisions of this code and applicable regulations shall be grounds for revocation or suspension of any permit issued under the provisions of this code.

6.2 The Director of Health may suspend, without warning, prior notice or hearing, any permit to operate a barbershop or hair dressing and or cosmetology shop/salon if,

(a) The owner, operator or person in charge has interfered with the performance of the Director of Health's duties;

(b) The operation constitutes an imminent hazard to public health including, but not limited to, any one of the following:

(1) There is an ongoing outbreak of infectious, pathogenic or toxic agent capable of being transmitted to consumers.

(2) The absence of potable water, supplied under pressure, in a quality which, in the opinion of the Director of Health, is capable of meeting the needs of the facility; or

(3) A sewage backup into the facility.

(4) An unlicensed individual is performing procedures requiring licensure by the Connecticut General Statutes.

6.3 Suspension shall be effective immediately upon delivery of the written order to the permit holder or person in charge of the facility by the Director of Health. When a permit is suspended, all barbershop, hairdressing and/or cosmetology and/or nail salon services shall cease, shall cease the operation of the salon upon receipt of the order.

6.4 When a permit is to be suspended, the holder of the permit, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request from hearing is filed with the Director of Health by the holder of the permit within three (3) business days. If no written request for a hearing is filed within three (3) business days, the suspension is sustained; The Director of Health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.

6.5 Upon receiving a request for a hearing, the Director of Health shall schedule a hearing not later than ten (10) business days from the date of actual receipt of the request, to afford the owner the opportunity to present evidence and argument on all facts or issues involved to examine the merits of such suspension.

6.6 The Director of Health shall examine the merits of such suspension and render a decision in writing to vacate, modify, or affirm such suspension within ten (10) business days of the date of the hearing held under this section.

6.7 The permit holder who is aggrieved by such action of the Director of Health may, within three (3) business days, after the making of such decision, appeal to the Commissioner of Public Health, in accordance with Section 19a-229 of the Connecticut General Statutes, who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify, or affirm such suspension.

Sec. 14-406. SANITATION

(1) General Cleanliness

Each shop/salon shall be maintained to provide a safe and sanitary environment. All supplied facilities shall be kept clean, sanitary and in good repair.

(2) Disinfection of Reusable Equipment

(a) After each use on a patron, all electrical and non-electrical instruments not specifically used for single service, shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant or sanitizer, and stored in a protected manner until their next use.

(b) Disinfectant shall be used and changed in accordance with manufacturer's instruction to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the bottom of the disinfection container.

(c) Ultraviolet disinfection is prohibited.

(d) Disinfectants include, but are not limited to:

1. Quaternary ammonium compounds (1:1000 dilution for 30 seconds)
2. Alcohol, (ethyl, 70%, or isopropyl 99%)
3. Lubricant sanitizer (10 second contact time, 10 minute drain time)
4. Disinfectant spray (see manufacturer's instructions)
5. Bleach (see manufacturer's instructions)

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6. Lysol, compound cresol solution, phenolic compound (5% solution for 3 minutes or 2% solution for 10 minutes)
7. Anti-microbial additive (see manufacturer's instructions)
8. Boiling water (5 minutes)
9. Autoclave (see manufacturer's instructions)
10. Other method pre-approved by the Director of Health

(e) After handling a customer affected with an eruption or whose skin is broken out or is inflamed or contains pus, the instruments shall be effectively cleaned, washed with soap or a detergent and water, then higher level disinfected by thoroughly submersing in boiling water for twenty (20) minutes; in alcohol (as specified in #2 above) for five minutes; or by another method of higher level disinfection approved by the pre-Director of Health.

(f) Shaker top containers must be provided for dispensing lotions and powders.

(3) Disposable and Single-Use Equipment

(a) Disposable or single-use articles shall be disposed of in a waste receptacle after use on each patron unless stored in a separate closed, clean container labeled with the patron's name and used only on that patron.

(b) All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealable plastic bags prior to placing in the waste receptacle.

(c) All sharp or pointed articles shall be disposed of in a puncture-proof container.

(4) Sanitation of Foot Spas and Water baths

(a) An anti-microbial additive shall be placed in each foot spa or water bath during use.

(b) After each patron, the shop/salon shall drain all water and debris, properly disinfect, and dry the foot spa or water bath.

(c) At the end of each day, the shop/salon shall remove and immerse any filter in disinfectant and flush the foot spa or water bath with low sudsing soap and water.

(5) Prohibited Equipment and Products

(a) It is prohibited to use or store the following items in a shop/salon except for display or historical purposes:

1. A lancet or any other device used to break the skin
2. A razor blade (Credo blade) callus shaver
3. A multi-use double-edged straight edge razor
4. Shaving brushes, shaving mugs, powder puffs, sponges and brush neck dusters unless they are single-use disposable implements.
5. Any substance banned by the Food and Drug Administration, including liquid methyl methacrylate monomer (MMA) and methylene chloride.

(b) Materials to stop the flow of blood may be used only in liquid or powdered form.

(6) Towels

(a) Clean, properly laundered or disposable towels shall be used for each patron. A commercial linen service shall be used for laundering if not done on the premises.

(b) All linens and towels shall be deposited in a covered cleanable receptacle after use by a patron.

(c) Clean towels and linens shall be stored off the floor in a clean, protected location.

(7) Neck Protection and Capes

(a) If multiple use capes are used, a sanitary neck strip or clean towel shall be placed around a patron's neck so that the cape does not come in contact with the skin of the neck.

(b) Neck strips shall be discarded after use on each patron.

(c) Multiple use capes shall be cleaned as often as necessary to ensure a sanitary condition and shall be stored off the floor between uses.

(8) Headrest Cover

(a) The headrest of chairs shall be covered with a single-use disposable cover.

(9) Cosmetics

(a) When only a portion of cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as not to contaminate the remaining portion.

(b) Multi-use of cosmetic applicators is prohibited. This includes the use of lipsticks, powder puffs, makeup brushes and sponges, which are not disposable.

(c) Lotions and powders shall be dispensed from a sanitary self-dispensing container.

(d) Eyebrow pencils shall be sharpened after each use.

(e) Makeup brushes may be allowed for use if it can be demonstrated that the brushes are being effectively sanitized between uses. Makeup brushes must go through higher level disinfection if exposed to conditions in Section J(2)(d) of this ordinance.

(10) Operators

(a) Operators shall thoroughly wash their hands with soap and water immediately after using the toilet, eating, or smoking. Before serving each customer, operators shall thoroughly wash their hands with soap, shampoo, or hand disinfectant.

(b) No operator shall smoke, eat or drink at the workstation.

(c) Operators shall wear clean, washable garments.

(d) Combs and other instruments shall not be placed or carried in the pockets of the operator.

(e) No operator shall remove warts or moles or treat any disease of a patron, nor perform any medical procedure, such as an injection, nor dispense any medical device.

(f) No operator shall knowingly serve any patron who is afflicted with impetigo, barber's itch, lice, nits, or ringworm, or other skin conditions in a communicable form.

(g) All operators shall have an exclusion policy regarding a communicable disease that may be transmitted through the services of a barber, hairdresser, cosmetologist or nail technician. In addition, all operators shall be excluded from performing their respective services if they have disease in a communicable form, when, in the opinion of the Director of Health, could be transmitted to patrons during the normal scope of services.

(11) Animals, Pets, Reptiles or Birds

(a) No animal, pet, bird or reptile shall be allowed in the work area or other regulated areas of the shop/salon. This prohibition shall not apply to service animals for the disabled (CT General Statutes Sec. 46-A-42,44).

(12) Foods and Beverages

(a) Food and beverages shall not be prepared, stored or sold in the permitted premises, except with a valid Food Permit from the New Britain District Health Department. Coffee and tea may be prepared and kept for the convenience of employees and patrons, but no charge is to be made to patrons who are served. Food and nonalcoholic beverages may, however, be brought into the permitted premises, from an approved source, for immediate consumption and also may be dispensed by means of automatic vending machines on the premises.

(b) Beverages provided to patrons shall be provided in a disposable container. Food is not allowed at any workstation.

(13) Water and Plumbing

(a) Every shop/salon must have an approved water supply with sufficient hot and cold running water under pressure.

(b) Hot water at any faucet shall not exceed 110°F.

(c) All plumbing fixtures must be protected against back-siphon age or back flow.

(d) Waste water shall be discharged into municipal sewers where available or into an approved on-site sewage disposal system. Prevailing Connecticut Department of Environmental Protection, Best Management Practices should be utilized to minimize impact from discharges/disposal of waste or excess products.

(e) Plumbing fixtures shall be clean and free from defects.

(14) Toilet and Sink Facilities

(a) Each shop/salon shall provide adequate toilet and hand washing facilities for patrons and employees, in accordance with all state and local regulations.

(b) Toilet and hand washing facilities shall be in working condition at all times, and kept clean and sanitary.

(c) Each hand washing sink shall have a soap dispenser and disposable towels and/ or an air dryer for hand drying.

(d) At least one hand washing facility shall be located convenient and accessible to each private treatment room.

(e) Shampoo bowls shall be used for barbering, hairdressing and cosmetology work only.

(f) A covered refuse receptacle shall be provided in the ladies' room.

(g) The door to the toilet room must be self-closing.

(15) Lighting and Ventilation

(a) Lighting shall be sufficient to provide adequate illumination in the work area.

(b) The shop/salon shall be properly and adequately ventilated to remove excess heat, vapors, and odors. All vented excess heat, vapors and odors shall not cause a nuisance condition for tenants and occupants of adjacent buildings or premises and/or to the general public.

(c) Windows shall be effectively screened against insects, rodents and other vermin.

(16) Floors, Walls, and Ceilings

(a) Floors and walls in work areas must have non-porous, easily cleanable coverings and shall be kept clean and in good repair. Floors where tinting or shampooing are done or where chemicals for bleaching hair are used, shall have hard and washable surfaces.

(b) Hair clippings shall not be allowed to accumulate on floors or chairs. Hair clippings shall be removed to a proper receptacle after serving each patron.

(c) Ceilings shall be kept clean and in good repair.

(d) Cracks in floors, walls and ceilings shall be filled in so as to prevent the harboring of insects and rodents.

(e) Work areas shall be provided with an effective floor-wall coved juncture molding to prevent accumulation of filth where the floor meets the wall.

(f) All drawers and cabinets used at work stations to store materials and equipment shall be free from accumulations of hair, nails, skin, dirt, and dust, and shall be visually clean upon inspection.

(17) Barbershop or hairdressing and/or cosmetology shop in residence

(a) A Barbershop or hairdressing and/or cosmetology shop located in a residence must be confined to a separate room, separated with ceiling high partitions and provided with a door to be closed at all times.

(b) The area within a home operated as a barbershop or hairdressing and/or cosmetology shop must be equipped with the facilities and instruments required in all such establishments.

(18) Other

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(a) Material Safety Data Sheets (MSDS) shall be made available to the Director of Health, or his designated agent, upon request.

**Sec. 14-407. New Britain Environmental Health Department
Proposed Fee Schedule
2010**

<u>Barbershops, Hairdressing and Cosmetology Salons</u>	Fee
<u>Establishment Permit</u>	
With 1-5 work stations:	\$75.00
With 6-10 work stations	\$100.00
With 11+ work stations	\$150.00
1st/2nd Reinspection Fee	\$50.00/inspection
Renewal Permit Application Late Fee	\$25.00
Returned Check Fee	\$20.00

** Plan Review Fee: \$50.00

Alderman Lawrence Hermanowski
Alderman Adam Platosz
Alderman David DeFronzo

Ald. Hermanowski moved to accept and adopt, seconded by Ald. DeFronzo. Ald. Hermanowski moved to amend Sec. 14-405, 6.3 by striking the words "services shall cease" and inserting the words "shall cease the operation of the salon upon receipt of the order". Amendment seconded by Ald. Bielinski. Amendment carried. RESOLUTION AS AMENDED ADOPTED. Approved October 25, 2013 by Mayor Timothy E. O'Brien.

NEW BUSINESS

RESOLUTIONS

**32528 RE: ALLOWING THE COMMISSION ON HUMAN RIGHTS & OPPORTUNITIES TO
SOLICIT AND RECEIVE CONTRIBUTIONS TO SPONSOR THE ANNUAL DR.
MARTIN LUTHER KING, JR. BREAKFAST/ASSEMBLY**

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: This resolution allows the Commission on Human Rights & Opportunities to solicit and receive contributions to sponsor the annual Breakfast/Assembly to commemorate the life and legacy of Dr. Martin Luther King Jr. on Monday, January 20, 2014, sponsored by Mayor Timothy O'Brien and the New Britain Commission on Human Rights and Opportunities.

WHEREAS; Dr. Martin Luther King, Jr. created a powerful and enduring legacy for all Americans by calling upon our Nation to ensure equal justice under law and uphold our founding ideals of life, liberty, and the pursuit of happiness for all people; and

WHEREAS; August 28, 2013 marked the 50th anniversary of Dr. King's "I Have a Dream" speech. The empowerment that this very speech brought to our nation has allowed people to

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come together in a vibrant spirit and solidarity in many fashions in our history. This Breakfast/Assembly is to honor, celebrate and reflect on the timeless speeches and teachings from a renowned civil rights leader recalling on all of us that we are part of the great dream Dr. King had for all America; and

WHEREAS;the Commission on Human Rights and Opportunities solicits and receives donations from the community and its businesses to defray the associated expenses to sponsor the annual Breakfast/Assembly in commemoration of the Dr. Martin Luther King Jr. National Holiday on Monday, January 20, 2014 NOW, THEREFORE, BE IT

RESOLVED: that the Common Council hereby authorizes Mayor Timothy O'Brien, through the Commission on Human Rights & Opportunities, to solicit the necessary financial support to defray the breakfast/program expenses, and that upon receipt, be placed in an appropriate revenue and expenditure account established by the Finance Department under the administrative power of the Commission on Human Rights and Opportunities, as outlined below:

Revenues: #265521101-4476
\$2,000

Expenditures: #265521101-5336
\$2,000

Alderman Tonilynn Collins
Alderman Rha-Sheen Brown
Alderman Michael Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Black. So voted. Approved October 25, 2013 by Mayor Timothy E. O'Brien.

32529 RE: AUTHORIZING THE MAYOR TO SIGN THE GRANT AGREEMENT FOR BROOKSIDE ROAD BRIDGE, BRIDGE 088012

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 existing bridge on Brookside Road was structurally deficient and in need of replacement, and

WHEREAS, the Public Works Department, using its own forces, completed the bridge replacement in July, 2011 at a substantial savings over hiring a private contractor, and

Whereas, the City of New Britain has received a revised Grant Agreement from the State of Connecticut which is for 32.97% (94,548.83) of the total project cost of \$286,772.32, and

THEREFORE BE IT RESOLVED, that Timothy O'Brien, Mayor, of the City of New Britain is authorized to sign the "GRANT AGREEMENT BETWEEN THE STATE OF CONNECTIUCT AND THE CITY OF NEW BRITAIN UNDER THE LOCAL BRIDGE PROGRAM FOR BROOKSIDE ROAD OVER WILLOW BROOK, BRIDGE No. 088012 STATE PROJECT No. 9088-012

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

Ald. Pabon moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved October 25, 2013 by Mayor Timothy E. O'Brien.

32530 RE: EVERY KID COUNTS AFTER SCHOOL 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:

Program Objective: The Parks and Recreation Department will provide comprehensive after school programming at Lincoln Elementary School. The students in grades three through five are targeted to attend the after school program from 3:35 to 5:45 p.m. The three major components of the after school program are education, recreation, and cultural arts.

Initial Year of Grant Funding: July 1, 2013.

Local Program Operation Department: Recreation Division, Public Works.

Resolution Purpose: The Recreation Division is requesting approval of a HUD Grant in the amount of \$29,000. The Recreation Division is respectfully requesting that the Finance Department set up expenditures and revenue accounts, and,

WHEREAS, the City, through its Recreation Division, will be receiving a HUD Grant for an elementary after school program. Funding has been granted for this program that will provide services such as recreational activities, homework help, and mentoring to City youth in an after-school environment, and

WHEREAS, the HUD Grant monies will pay for personnel and program supply costs associated with the proposed programming strategy for the period of July 1, 2013, through June 30, 2014 and

WHEREAS, the Consolidated School District of New Britain granted money for an Extended School Hours Program at Lincoln Elementary School in the amount of \$4,000 for additional students to attend the after school program on Mondays, Tuesdays, and Thursdays throughout the year, therefore, be it

RESOLVED, that the amount of \$33,000 be appropriated in the City's special revenue fund account structure in accordance with the requirements of the grantor agency. The account number has been established by the Finance Director, then it be further

RESOLVED, that the Common Council authorizes Mayor Tim O'Brien to sign appropriate documents required for this grant.

		Original
238420132-4223	HUD - Federal	\$ 29,000
238420132-4479	Consolidated School District	<u>\$ 4,000</u>
	TOTAL:	\$ 33,000
HUD		
238420132-5124	Part-time Salaries	\$ 21,018
238420132-5231	Medicare	\$ 305
238420132-5412	Telecommunications	\$ 450
238420132-5440	Rental and Leasing of Property	\$ 3,027
238420132-5540	Advertising and Printing	\$ 200
238420132-5611	Office Supplies	\$ 1,000
238420132-5659	Operating Materials & Supplies	<u>\$ 3,000</u>
	Total Expenditures:	\$ 29,000
CSDNB		
238420132-5124	Part Time	\$ 4,000
	Total Expenditures:	\$ 4,000

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

Ald. Black moved to accept and adopt, seconded by Ald. Sanchez. So voted. Approved October 25, 2013 by Mayor Timothy E. O'Brien.

32531 RE: AMENDING THE PARKS AND RECREATION DIVISION'S DONATIONS ACCOUNT - THE DARIUS MILLER BAND SHELL REHABILITATION 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:

Resolution Summary: PURPOSE: To amend the expenditure and revenue accounts for the Parks and Recreation Division's Donations Account. The Parks and Recreation Division often receives financial donations from individuals, organizations, businesses, civic groups, trust funds, etc. These generous contributions often are donated for very specific projects and/or programs that can run over multiple fiscal years. There are also instances in which the donator does not give an exact purpose for the contribution but leaves that decision to Parks and Recreation administrators. The Parks and Recreation Division also coordinates fund raisers in which money raised is divided up amongst several organizations. This account allows the Division to disperse these funds in the manner in which they were intended.

Whereas, The Darius Miller Trust Fund was set up to allow the City to use the interest of said fund to make improvements to Walnut Hill Park and the Darius Miller Band Shell, and

Whereas, these trust fund interest payouts are deposited into the Parks and Recreation Division's donations account to perform said improvements, and

Whereas, the Darius Miller Band Shell was evaluated by an architectural/engineering firm and they identified several areas that need renovation including the shell floor, foundation work, siding, and requires re-surfacing, re-painting after renovation, as well as installation of sound system and security video system AND

Whereas, "Band shell Renovations" bids came in higher than expected and additional funds are required to complete the project, AND

Whereas, the additional funding is available in the donations account but a budget revision is required to increase revenue and the construction contracts expenditure accounts , AND

Whereas, the Bank of America Darius Miller Trustees have approved the use of these funds for this project, Therefore be it

RESOLVED, the Parks and Recreation Division's Donations Account be amended as follows in order to appropriate the required funding to complete the Darius Miller Bandshell rehabilitation project:

<u>Account #</u>	<u>Description</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Revenue:				
283420111-4512	Donations	60,000	300,000	360,000

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Expenditure:

283420111-5454	Construction Contracts	10,000	300,000	310,000
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Alderman Shirley Black
Alderman Rha-Sheen Brown
Alderman David DeFronzo
Alderman Jamie Giantonio
Alderman Eva Magnuszewski
Alderman Emmanuel Sanchez

Ald. Black moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved October 25, 2013 by Mayor Timothy E. O'Brien.

There being no further business to come before the Council, Ald. Bielinski moved to adjourn, seconded by Ald. DeFronzo. So voted. Meeting adjourned at 8:50 p.m.

ATTEST: Audrey Malkemus, Asst. City Clerk