

September 10, 2014

REGULAR MEETING OF THE COMMON COUNCIL

SEPTEMBER 10, 2014

Mayor Erin E. Stewart called the Regular Meeting of the Common Council to order at 9:07 p.m. on Wednesday, the 10th day of September 2014 in the Common Council Chambers, City Hall.

Fifteen members were present at roll call: Ald. Trueworthy, Magnuszewski, Black, Collins, Platosz, Sanchez, Carlozzi, DeFronzo, Salvio, Pabon, Giantonio, Smedley, Salerno, Naples, and Bielinski.

The pledge to the flag was led by former Alderman, Paul Catanzaro.

The invocation was given by Mark H. Bernacki, City Clerk: O God, our Heavenly Father, as we mark the 13th anniversary of the September 11th terrorist attacks, we ask for your blessings and help in continuing to overcome the feelings of grief for all the victims and their families. Give us the strength and resolve to stay together as a nation in defending our freedom and way of life, knowing full well that under your guidance we will continue to be the greatest nation on earth. Give our president the courage and vision to protect our citizens from future harm and lead the world through the strength of our convictions and ideals. We ask this in Thy name. Amen.

Mayor Stewart thanked the Mayor of our Sister City, Poltusk, Poland for gifts presented to her.

Ald. Collins moved to accept and adopt the minutes of the Special Meeting of June 5, 2014 and the Regular Meeting of June 11, 2014, seconded by Ald. Bielinski. So voted.

Ald. Salerno was granted a point of personal privilege and thanked the Friendship Center for their prompt placement of a homeless family.

Ald. Collins moved to amend the Agenda by substituting 32848(H), and 32853(1), by adding 32806-1(M), 32806-2(N), 32820-1(O), and 32856(4). Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor.

PETITIONS

- 32857** ALD. SALVIO AND COLLINS FOR INSTALLATION OF “NO PARKING” SIGNS ON EITHER SIDE OF STREET BETWEEN 700-772 ELLIS STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.
- 32858** ALD. BIELINSKI FOR MONITORING TRAFFIC FLOW AND STOP SIGN COMPLIANCE ON THE CORNER OF STANLEY STREET AND SOUTH STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.
- 32859** ALD. SMEDLEY FOR INVESTIGATING PARKING IN AREA OF 467 MYRTLE STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.
- 32860** ALD. SMEDLEY FOR INVESTIGATING TRAFFIC CONDITIONS IN AREA OF GOVERNOR STREET AND SELANDER STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.

Ald. Collins moved to adopt the Consent Agenda, seconded by Ald. Trueworthy. Roll call vote – all members voted in favor. Approved September 10, 2014 by Erin E. Stewart, Mayor.

September 10, 2014

CONSENT AGENDA

CITY CLERK

32841 RE: CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE

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

CLAIMANTS NAME

- Janusz, Julius J.
- Lawson, Corine G. (minor) by Atty. Jon Patrucco
- Rorie, Emilia
- Santiago, Beatrice Estate of by Attys. Cartelli
- Santos, Elizabeth by Atty. Michael C.Jainchill
- Szalaj, Pawel

Mark H. Bernacki
City Clerk

OFFICE OF CORPORATION COUNSEL

32842 RE: JOHN ARROYO V. CITY OF NEW BRITAIN ET AL.

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

Please be advised that Summary Judgment has been ordered in favor of the City of New Britain Defendants by the Connecticut Superior Court Honorable Judge Gleeson on August 13, 2014. The Plaintiff, John Arroyo, in his five count complaint alleged that he was falsely arrested and that the City failed to properly train its police officers. On May 13, 2014, the City Defendants moved for summary judgment on the following grounds: 1) the police defendants had probable cause to arrest the plaintiff; (2) the police defendants are entitled to qualified immunity; and (3) the City is not liable on a respondent superior theory. The Honorable Court ruled that based on evidence presented by the City defendants, it was obvious that there was no genuine issue of material fact that the police defendants had probable cause to arrest the plaintiff. Because probable cause constitutes a complete defense to an action for false arrest, summary judgment was appropriate in favor of the defendants.

Irena J. Urbaniak
City Attorney

32843 RE: HECTOR ORTIZ V. CITY OF NEW BRITAIN ET AL

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

RESOLVED, By the Common Council of the City of New Britain that the sum of FIVE THOUSAND DOLLARS (\$5,000.00) be paid to Hector Ortiz and William Rivera, Esq., his attorney, in full settlement of his suit against the City of New Britain, now pending in Superior Court, Judicial District of New Britain, at New Britain, for bodily injuries he allegedly sustained on October 13, 2010 when he was leaving Papa's Pub located at 493 West Main Street, New Britain, CT. Plaintiff alleges that as a result of crowd control, he suffered lumbar strain/sprain, left knee contusions, cervical strain/sprain, facial injuries, right distal clavicle mild spheral migration and mild acromioclavicular joint dysfunction. Plaintiff has in total medical bills \$11878.08. There is a lien for the medical bills.

This recommendation is made upon the advice of City Attorney Irena J. Urbaniak, based on a business decision, after settlement negotiations between Honorable Judge Abrams, City Attorney Irena J. Urbaniak and William Rivera, Esq., with the approval and consent of Gennaro Bizzarro, Esq.

September 10, 2014

This suit is to be withdrawn by the plaintiff without costs to the City of New Britain and settlement is to be made without admission of any liability.

Irena J. Urbaniak
City Attorney

FINANCE DEPARTMENT

32844 RE: LINE ITEM TRANSFERS – JULY 1, 2014 THRU SEPT. 2, 2014

To Her 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(3), the following departments have transferred monies from one line item to another within their departmental budget (total department budget has not changed). Each transfer will be continuously numbered from month to month throughout the fiscal year. This report represents the transfers executed by the mayor in accordance with the aforementioned ordinance for the period ending September 2, 2014.

- | | | |
|--------------------|--|-----------------------------------|
| 1. Department: | Water | |
| From: | 9303500101-5659 | (Operating Material and Supplies) |
| To: | 9303500101-5300 | (Consulting and Contractual) |
| Amount: | \$10,000.00 | |
| Brief Description: | Funds needed for engineering and inspections | |

Rebecca Salerni
Deputy Finance Director

PURCHASING DEPARTMENT

32845 RE: RENTAL OF CONSTRUCTION EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT

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

Public Bid No. 3798 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Rental of Construction Equipment for a (2) two year period on an as-needed basis by the Public Works Department. Funding is available for this purchase within the Public Works Department's Street, Park and Recreation Division, Sanitation and Sewer Divisions account numbers 001315005-5440, 00135004-5440, 001419004-5440 and 208315101-5440 General Fund and Sewer Fund, Equipment Maintenance and Rental.

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 thirty-six (36) Construction or Equipment Rental Companies. The Purchasing Agent did not receive any letters from the Construction or Equipment 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 Public Works Administration and the Purchasing Agent. Therefore the Public Works Director is recommending that the bid be awarded to, JVIII Construction, Inc. of Rocky Hill, CT, Berlin Industries, LLC of New Britain, CT, East PBE, Inc. of Newington, CT, Hertz Corporation of North Haven, CT and United Rentals of Bloomfield, CT who were the lowest bidders for the rental of various types of construction equipment.

RESOLVED: That the Purchasing Agent is hereby authorized to issue purchase orders when the rental of Construction Equipment is needed to the following companies, JVIII Construction, Inc. of Rocky Hill, CT, Berlin Industries, LLC of New Britain, CT, East PBE, Inc. of Newington, CT, Hertz Corporation of

September 10, 2014

North Haven, CT and United Rentals of Bloomfield, CT per the prices that are high-lighted on the attachment to provide for the Public Works Department's annual rental of construction equipment on an as-needed basis from September 15, 2014 to September 14, 2016 per the terms and specifications of Public Bid No. 3798

Jack Pieper
Purchasing Agent

**32846 RE: VETERANS STADIUM STORAGE CONTAINERS FOR THE PUBLIC WORKS DEPT.
PARKS AND RECREATION DIVISION**

To Her 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 by the New Britain Public Works Department, Park and Recreation Division, for the purchase of three (3) New Metal Storage Containers.

<u>Supplier</u>	<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
Havener Enterprises, Inc. Bradley, IL.	Metal Storage Containers 8'x16'x7.5'	3	\$2,999.00	\$8,997.00
			Shipping Fees:	<u>\$2,950.00</u>
			Total Cost:	\$11,947.00

The New Britain Public Works Department, Park and Recreation Division, has requested the purchase of three (3) New Metal Storage Containers. The Storage Containers will be located at Veterans Stadium in Willow Brook Park. The Storage Containers are needed due to the installation of the new artificial turf field and the nine (9) lane track at the stadium. The upgrades to the field and track at the stadium required the purchase of new track and field maintenance equipment. The new track and field equipment needs to be stored in a secured and water proof area at the stadium so it will not be damaged or stolen when not in use. Havener Enterprises, Inc. is the manufacturer of the Metal Storage Containers and has no dealers. They are the only ones that produce a Metal Storage Container that includes a water-proof bamboo flooring. The Purchasing Agent has verified this and has confirming documentation. Bid solicitation for the purchase of the new Metal Storage Containers would not be beneficial to the City. Funding is available for this purchase in the Public Works Department, Park and Recreation Division's account number 0083237401-5454, Capital Projects, Willow Brook Park Improvements, Construction Contracts and 203419101-5740, Park Security, other Miscellaneous Equipment.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$11,947.00 to Havener Enterprises, Inc. of Bradley, IL for the purchase of three (3) New Metal Storage Containers to be utilized at Veterans Stadium in Willow Brook Park for the Public Works Department, Park and Recreation Division.

Jack Pieper
Purchasing Agent

**32847 RE: COOPERATIVE PURCHASING, 2015 FORD F250 4 X 4 PICKUP TRUCK AND 2015
FORD F550 TRUCK FOR PUBLIC WORS DEPT.**

To Her 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 Public Works Department.

September 10, 2014

<u>Supplier</u>	<u>Item</u>	<u>Price</u>
Crowley Ford, LLC	2015 Ford F250 4x4 Pickup Truck	\$36,715.20
Plainville, CT.	2015 Ford F550 4x4 Truck	<u>\$95,665.78</u>
	Total	\$132,380.98

The Public Works Department requested the purchase of a new 2015 Ford F250 4x4 Pickup Truck with Snow Plow and Utility Bed and a 2015 Ford F550 4x4 Truck with a Snow Plow and Stainless Steel Body utilizing the State of Connecticut's contract Award 10PSX0239. The new 2015 Ford F250 4x4 Pickup Truck will replace a Pickup Truck that the Public Works Department, Property Management Division has been utilizing since 1996 that is rusted and needs mechanical repairs. The new 2015 Ford F550 4x4 Truck will replace a Dump Truck that the Public Works Department has been utilizing since 2002 that is rusted and also needs mechanical repairs. Because of the age of these trucks, parts are becoming obsolete making it hard to obtain and make the needed repairs. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 and #32387-5 on August 13, 2014. Funds are available within the Public Works Department's account numbers, 0041500111-56149, Capital Equipment Bond, ¾ Ton Pickup with Plow and 0041900114-570030, Capital Equipment Bond, Low Boy Dump Truck, Streets and Parks.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$132,380.98 to Crowley Ford, LLC of Plainville, CT for the purchase of a 2015 Ford F250 4x4 Pick Truck with Snow Plow and Utility Bed and a 2015 Ford F550 4x4 Truck with a Snow Plow and Stainless Steel Body for the New Britain Public Works Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #10PSX0239.

Jack Pieper
Purchasing Agent

32848 RE: COOPERATIVE PURCHASING - DUMP TRUCKS AND AERIAL BUCKET TRUCK FOR THE PUBLIC WORKS DEPARTMENT

To Her 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), purchase order was requested for the following under the State of Connecticut's Cooperative Purchasing Plan for the Public Works Department.

<u>Supplier</u>	<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Freightliner of Hartford East Hartford, CT.	2015 Freightliner 6 Wheel Dump Truck With a Snow Plow	2	\$193,364.04	\$386,728.08
	2015 Freightliner 6 Wheel Aerial Bucket Truck	1	\$205,105.00	<u>\$205,105.00</u>
	Total			\$591,833.08

The New Britain Public Works Department requested the purchase of two (2) new 2015 Freightliner six (6) Wheel Dump Truck with a Snow Plow and one (1) new 2015 Freightliner six (6) Wheel Aerial Bucket Truck utilizing the State of Connecticut's Contract Award #10PSX0239. The new dump trucks will replace existing ones that were purchased in 1999 and are in need of mechanical repairs and have rusted frame rails. The new aerial bucket truck will replace an existing one that was purchased in 1982 and is also in need of mechanical repairs. Because of the age of the existing dump trucks and aerial bucket truck, parts are also becoming obsolete making it hard to obtain to make the needed repairs. The new replacement dump trucks are needed so they will be available to plow and sand City streets next winter. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 and 32387-5 on August 13, 2014. Funding is available for this purchase within the Public Works Department's account number, 0041900114-570030, Capital Equipment Bond, Low Boy Dump Truck,

September 10, 2014

Field Services, 0041900111-56021, Low Boy Dump Truck, Field Services and 001900111-56127, Aerial Bucket Truck, Field Services/Parks.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$591,833.08 to Freightliner of Hartford of East Hartford, CT for the purchase of two (2) 2015 Freightliner six (6) Wheel Dump Trucks with Snow Plows and a 2015 Freightliner six (6) Wheel Aerial Bucket Truck for the New Britain Public Works Department, utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #10PSX0239.

Jack Pieper
Purchasing Agent

32849 RE: COOPERATIVE PURCHASING, NEW COMMERCIAL MOWERS FOR THE PUBLIC WORKS DEPARTMENT

To Her 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 Public Works Department.

<u>Supplier</u>	<u>Item</u>	<u>Quantity</u>	<u>Each/Price</u>
Turf Products Corporation	Toro Groundsmaster 5900	1	\$83,106.35
Enfield, CT.	Toro Groundsmaster 4100-D	1	<u>\$61,061.25</u>
	Total		\$144,167.60

The Public Works Department requested the purchase of two (2) new Toro Groundmaster Mowers utilizing the State of Connecticut's Contract Award #13PSX0321. The new Toro Groundmaster Mowers will replace existing commercial mowers that the Public Works Department has utilized since 1999. The existing mowers are having mechanical problems. Because these mowers are old, parts are becoming obsolete and no longer available causing the mowers to become un-repairable. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 on August 13, 2014. Funds are available within the Public Works Department's account number, 0041500111-56044, Capital Equipment Bond, Mowing Equipment for Public Works.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$144,167.60 to Turf Products Corporation of Enfield, CT for the purchase of a new Toro Groundsmaster 5900 and a new Toro Groundsmaster 4100-D for the Public Works Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #13PSX0321.

Jack Pieper
Purchasing Agent

32850 RE: COOPERATIVE PURCHASING, NEW COMMERCIAL MOWERS FOR PARKS AND RECREATION - FAIRVIEW CEMETERY

To Her 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 Public Works Department, Parks and Recreation Division, Fairview Cemetery.

<u>Supplier</u>	<u>Item</u>	<u>Quantity</u>	<u>Each/Price</u>
Bacher Corporation	Hustler "0" Turn	2	\$11,511.05
East Windsor, CT.	Super Z Mower		
	Total		\$23,022.10

September 10, 2014

The Public Works Department requested the purchase of a two (2) new Hustler "0" Turn Super Z Mower utilizing the State of Connecticut's Contract Award #13PSX0321. The new Hustler "0" Turn Super Z Mowers will replace existing commercial mowers that the Fairview Cemetery has utilized since 2000. The existing mowers have motor problems and bad hydraulic pumps that are inoperative and cannot be repaired or replaced. Because these existing mowers are old, the motor parts and hydraulic pumps have become obsolete and are no longer available causing the mowers to become un-repairable. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 on August 13, 2014. Funds are available within the Public Works Department's account number, 0041500111-56044, Capital Equipment Bond, Mowing Equipment for Public Works.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$23,022.10 to Bacher Corporation of East Windsor, CT for the purchase of two (2) new Hustler "0" Turn Super Z Mowers for the Public Works Department, Parks and Recreation Division, Fairview Cemetery, utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #13PSX0321.

Jack Pieper
Purchasing Agent

32851 RE: COOPERATIVE PURCHASING, NEW FOUR (4) WHEEL DRIVE TRACTOR FOR PROPERTY MANAGEMENT DEPT.

To Her 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 Public Works Department, Property Management Division.

<u>Supplier</u>	<u>Quantity</u>	<u>Item</u>	<u>Price</u>
Ruwet-Sibley Equipment Corporation New Milford, CT.	1	Kubota 4 Wheel Drive Tractor with Mower and Snow Blower	\$30,745.52

The Public Works Department, Property Management Division, requested the purchase of a new Kubota four (4) Wheel Drive Tractor with Mower and Snow Blower utilizing the State of Connecticut's Contract Award, #13PSX0321. The Tractor will be used to cut grass at City properties and remove snow from downtown sidewalks during the winter season. The new Tractor's Snow Blower will have rubber cutting edges so it will not damage the newly installed Downtown Street Scape pavement and sidewalk bricks when removing snow. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 on August 13, 2014. Funds are available within the Public Works Department's account number, 0041500111-56120, Capital Equipment Bond, Snow Removal Equipment, Field Services/Property Management.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$30,745.52 to Rutwet-Sibley Equipment Corporation of New Milford, CT for the purchase of a Kubota four (4) Wheel Drive Tractor with Mower and Snow Blower for the Public Works Department, Property Management Division, utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #13PSX0321.

Jack Pieper
Purchasing Agent

32852 RE: COOPERATIVE PURCHASING, NEW COMMERCIAL SNOW BLOWERS FOR PUBLIC WORKS DEPT.

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

September 10, 2014

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 Public Works Department.

<u>Supplier</u>	<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Schmidt's & Serafine's True Value Waterbury, CT.	Toro Power Max HD/1028	4	\$1,519.22	\$6,079.97
	Toro Power Clear 721 R-C	4	\$537.99	<u>\$2,111.96</u>
			Total	\$8,191.93

The Public Works Department requested the purchase of four (4) Toro Power Max and four (4) Toro Power Clear Snow Blowers utilizing the State of Connecticut's Contract Award #13PSX0321. The new Toro Snow Blowers will replace existing Snow Blowers that the Public Works Department has utilized since 1999 and 2000. The existing Snow Blowers are rusted and having mechanical problems. Because these Snow Blowers are old, parts are becoming obsolete and no longer available causing the Snow Blowers to become un-repairable. Funding for this purchase was approved by the Standing Bonding Subcommittee, Resolution #31127-5 on August 13, 2014. Funds are available within the Public Works Department's account number, 0041500111-56120, Capital Equipment Bond, Snow Removal Equipment, Field Services/Property Management.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$8,191.93 to Schmidt's & Serafine's True Value of Waterbury, CT for the purchase of four (4) new Toro Power Max HD/1028 and four (4) new Toro Power Clear 721 R-c Snow Blowers for the Public Works Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #13PSX0321.

Jack Pieper
Purchasing Agent

CITY PLAN COMMISSION

32806-1 RE: CERTIFICATE OF LOCATION TO ALLOW A STATE MOTOR VEHICLE REPAIRER'S LICENSE – MARY SCULLY FOR AMERICAN AUTO BODY WORKS, LLC – 121 EAST ST

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

APPLICANT: Mary Scully for American Auto Body Works, LLC
ADDRESS: 121 East Street
ZONE: T (Two-Family)

The City Plan Commission, at its regular meeting held on September 8, 2014, voted 6 to 0, to recommend that this certificate of location approval be granted:

BACKGROUND: The applicant is requesting the granting of a certificate of location approval to allow a state motor vehicle repairer's license, in accordance with Section 14-54 of the Connecticut General Statutes. The subject location is an existing repair garage located at the southeastern corner of East Street and Bingham Street. The business, long known as Beckman's Auto Center, was established under the area's prior Business "B" zoning and has been in existence at this location for at least 65 years. The 1967 city-wide re-zoning changed the area to the current T, two-family residential zoning, but the business has continued operation, grandfathered as a legal nonconforming use.

This current request is to allow business reorganization where the auto body repair would be run as a separate business from the general repairs operation. The applicant indicates that there would be essentially no change in the appearance and character of the business on the property. The current

September 10, 2014

license for the site for used auto sales is a significant part of the business and would be unchanged with this request.

FINDINGS: The applicant's submitted plans show the existing 5,790 square foot building with eight (8) front garage bays. The body shop would occupy the southern portion of the building with the existing prep room and spray booth facilities and a 40 by 50 foot open shop floor area. The general repair operations would occupy the smaller northern portion of the building with a repair area approximately 40 by 50 feet in area. The two businesses would have shared office space, customer waiting area and restroom facilities.

The existing parking layout on the site provides a total of 22 parking spaces, a total of 16 in front of the building and 6 at the rear. At least one of these spaces will need to be re-striped and signed as handicapped accessible.

CONCLUSION: This location has been licensed for auto repair business, including auto body repair, for many years; and the request to separate into two individual licenses, one for the auto body work and one for general repairs, would be expected to have a negligible effect, if any, on the outward appearance and character of the business. As shown, the space appears to be adequately suited to the applicant's small auto repair business. It should be noted that this approval is specifically for the requested repairer's business only, and that there will be no sales related to this specific license.

It should be noted, that the business is a nonconforming use in a residential zoning district. Any additional business identification signage, beyond what currently exists, will either need to conform to residential zone restrictions or will need to obtain a zoning variance.

RECOMMENDATION: The City Plan Commission has no objections to the granting of a certificate of location approval to allow the modification for the separation of this repair business into two licenses.

Louis G. Amodio, Chairman
City Plan Commission

ZONING COMMITTEE

32806-2 RE: CERTIFICATION OF LOCATION AMERICAN BODY WORKS LLC - 121 EAST STREET

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

RE: Certificate of Location
Applicant: American Auto Body Works LLC
Address: 121 East Street
Zone: District T

The Zoning Subcommittee of the Committee on Planning, Zoning and Housing held a special meeting and public hearing on Tuesday, September 9, 2014, at 7:00 pm in the Council Chambers, to which was referred the matter of item #32806, Mary Scully of American Auto Body Works LLC seeks granting of a certificate of location approval to allow a motor vehicle general repairer's license for property at 121 East Street, voted to accept and recommend that the following petition be referred back to the Common Council with a favorable recommendation.

Alderman Carlo Carlozzi, Jr.
Chair

September 10, 2014

COMMITTEE ON PLANNING, ZONING AND HOUSING

32820-1 RE: THE SALE OF 66 WINTHROP STREET

To Her 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 held a special meeting and public hearing on Tuesday, September 9, 2014, at 7:00 pm in the Council Chambers, to which was referred the matter of item #32820, purchase and sale agreement for 66 Winthrop Street, voted to accept and refer back to the Common Council with a favorable recommendation.

Alderman Carlo Carlozzi, Jr.
Chair

NEW BUSINESS

RESOLUTIONS

32853 RE: DOWNTOWN STREETScape IMPROVEMENTS PHASE IV AND PHASE V PROJECTS - AGREEMENTS WITH FUSS AND O'NEILL

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

WHEREAS, The City of New Britain Public Works Department has prepared a Complete Street Livability and Downtown Master Plan which will be used to help the City convey its vision for the downtown as well as identify and prioritize projects that will bring this vision to reality;

WHEREAS, Phase I of the Downtown Streetscape Enhancement project was completed with the new Police Station. Phase II, which includes the southerly and northerly sections of Main Street and a portion of Chestnut Street, was substantially completed this year and Phase III, which includes the redesign of Central Park and will extend the streetscape improvements on Main Street northerly to Columbus Boulevard and along West Main Street to High Street, will begin construction in the spring of 2015;

WHEREAS, the City of New Britain has received a Local Road Accident Reduction Program (LRARP) grant for \$3.2M, including a 10% City match, from the Connecticut Department of Transportation for improvements to Columbus Boulevard and Bank Street known as the Downtown Streetscape Improvements Phase IV project;

WHEREAS, the City of New Britain has received a Bus Livability Grant for \$2.0M, including a 20% City match, from the FTA for improving the Main Street overpass of the Route 72 superstructure, known as the Downtown Streetscape Improvements Phase V project;

WHEREAS, the City of New Britain has also received a DECD Financial Assistance Grant for \$500,000 to be used in part for the Design of these projects;

Whereas, through a qualifications based selection process under Public Bids 3795 and 3796, the City of New Britain Public Works Department, working with the Department of Municipal Development and the Downtown District Commission, determined Fuss and O'Neill to be the most qualified consultant to perform design services for both the Downtown Streetscape Improvements Phase IV and Phase V projects;

WHEREAS, the final scopes and fees will need to be negotiated prior to entering into agreements with Fuss and O'Neill and the Purchasing Agent will report to the Common Council the final negotiated fees for which funding is available in the Public Works Streetscape Improvement Bond Account Number 0083238401-5331;

September 10, 2014

THEREFORE BE IT RESOLVED, that the Common Council authorizes the Mayor to negotiate the scope and fees and enter into agreements with Fuss and O'Neill and the Purchasing Agent to issue purchase orders to Fuss and O'Neill for the Design of the Downtown Streetscape Improvements Phase IV and Phase V projects.

Alderman Carlo Carlozzi, Jr.
Alderwoman Eva Magnuszewski
Alderman Emmanuel Sanchez
Alderman Don Naples

Ald. Carlozzi moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved September 10, 2014 by Mayor Erin E. Stewart.

32854 RE: AGREEMENT WITH ECOVANTA FOR RECYCLING OF ELECTRONIC WASTE

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

Whereas, Pursuant to the CT electronics recycling law (Sections 22a-629 through 22a-640 of the CT General Statutes) and the CTDEEP regulations promulgated thereunder (collectively, the "State-E-Recycling program"), the City is required to provide for the recycling of discarded CEDs generated by households within its boundaries;

Whereas, Resolution # 30639, May 2009, authorized the city to enter into an agreement with Green Monster of West Hartford to recycle the electronics recycling at no charge to the City;

Whereas, ECOvanta is a Connecticut DEEP approved Certified Electronics Recycler and has agreed to enter into an agreement with the City to assume responsibility for recycling the e-waste collected at the recycling center at no charge to the City;

Whereas, ECOvanta will pay the City of New Britain \$0.015/lb for all recycled e-waste;

Whereas, ECOvanta will collect, recycle and provide a certificate of destruction for all e-waste collected;

Whereas, ECOvanta will include the collection and disposal of fluorescent bulbs at no charge to the City;

Whereas, the average tonnage of e-waste recycled in the past 5 years is 68 tons per year, which would result in approximately \$2,000 annual revenue;

Therefore, Be It Resolved, the Common Council authorizes the City's purchasing agent to enter into an agreement with ECOvanta on behalf of the City of New Britain for collection and recycling of electronic waste disposed of by City residents at the New Britain Residential Recycling Center.

Alderman Carlo Carlozzi, Jr.
Alderwoman Eva Magnuszewski
Alderman Don Naples
Alderman Emmanuel Sanchez

Ald. Carlozzi moved to accept and adopt, seconded by Ald. Sanchez. So voted. Approved September 10, 2014 by Mayor Erin E. Stewart.

32855 RE: SEPTEMBER 2014 DESIGNATED AS LEUKEMIA, LYMPHOMA AND MYELOMA AWARENESS MONTH

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

September 10, 2014

WHEREAS, blood cancers currently afflict more than 1,129,813 people in the United States, with an estimated 149,990 new cases diagnosed each year, and an estimated 1,940 new cases diagnosed in Connecticut each year, and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 54,630 people in the United States and an estimated 640 people in Connecticut this year, and

WHEREAS, the Leukemia & Lymphoma Society (LLS), through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, LLS maintains an office in Connecticut to support patients with these diseases and their family members, and

WHEREAS, the City of New Britain is similarly committed to the eradication of these diseases and supports the treatment and care of its citizens that suffer from them, and

WHEREAS, the City of New Britain encourages private efforts to enhance research funding and education programs that address these diseases,

Now, Therefore, Be It RESOLVED, that the City of New Britain joins with LLS in designating the month of September 2014 as Leukemia, Lymphoma and Myeloma Awareness Month, to enhance the understanding of blood-related cancers and to encourage voluntary participation in activities to support education programs and the funding of research programs to find a cure for them.

Alderwoman Suzanne Bielinski
Alderwoman Tonilynn Collins
Alderman Wilfredo Pabon
Alderman Jamie Giantonio

Ald. Bielinski moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved September 10, 2014 by Mayor Erin E. Stewart.

Mayor Stewart relinquished the Chair to Mayor Pro Tempore, Suzanne Bielinski.

Ald. Bielinski asked that a moment of silence be observed in memory of former Fire Chief Mark Carr and his family.

Ald. Trueworthy recused himself due to a potential conflict of interest in regard to the following resolution.

32856 RE: HEARING AND SPECIAL MEETING TO DETERMINE WHETHER OR NOT ALD. MICHAEL TRUEWORTHY SHOULD CONTINUE AS A MEMBER OF THE COMMON COUNCIL

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

Resolution Summary: PURPOSE. To conduct a meeting pursuant to § 4-10 of the Charter of the City of New Britain re: the actions of Alderman Michael Trueworthy on July 22, 2014.

WHEREAS, the Charter of the City of New Britain vests the Common Council with the full legislative power and authority of the City, and

WHEREAS, §4-10 of the Charter of the City of New Britain empowers the Common Council by a majority vote of the membership of the entire Common Council to remove from office any elective officer of the City for "dishonesty, incompetency, incapacity, neglect of duty, disobedience of any lawful order of a competent authority, or misfeasance or malfeasance in office," and

September 10, 2014

WHEREAS, §4-10 of the City Charter requires that prior to any such vote, a hearing before the Common Council must occur, where the accused will be given the opportunity to be heard, and

WHEREAS, Section 2-27 of the Code of Ordinances for the City of New Britain establishes Council powers and procedures for removal of officials, to wit “upon written charges made by the Mayor or by three members of the Council presented in writing to the Council. The Council shall thereupon by a majority vote determine whether such charges shall be presented and tried”, and

WHEREAS, the following charges are hereby made by the undersigned members of the Common Council regarding the conduct of Alderman Michael Trueworthy on July 22, 2014, as documented in New Britain Police Department reports filed on or about July 25, 2014:

Charge 1: Alderman Michael Trueworthy, in his official capacity on the morning of July 22, 2014, without proper authority and without consulting the Mayor, cognizant City Department heads or his Council colleagues, sent an email message to one of the negotiating parties for the CostCo project, proposing “taking our land/driveway/access road back by eminent domain”, an action which, due to time delays, could have placed the entire CostCo project in jeopardy.

Charge 2: Alderman Michael Trueworthy, on the morning of July 22, 2014, telephoned the Mayor several times and “slurring his words” called her vulgar names. Shortly before noon on the same day, Alderman Trueworthy appeared in City Hall and demanded entry to the Mayor’s private office, and upon gaining entry, proceeded to berate and threaten the Mayor, demanding a drink and calling her more vulgar names until he was subdued and escorted out of the building by friends called to assist.

Charge 3: Alderman Michael Trueworthy on July 22, 2014, caused a public disturbance at the West Side Tavern in New Britain, where he acted drunk and disorderly, used homophobic slurs at the owner and was forced to leave the establishment.

Charge 4: Alderman Michael Trueworthy, by his disorderly, disgraceful and highly disrespectful conduct on July 22, 2014, violated the trust of his elected office and brought discredit upon himself, the Common Council, and the City of New Britain.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of New Britain will hold a hearing at a special meeting, pursuant to Section 2-27 of the Code of Ordinances for the City of New Britain, to make a determination as to whether Alderman Michael Trueworthy should continue as a member thereof, such meeting to be held no later than September 24, 2014.

Ald. Jamie Giantonio
Ald. Wilfredo Pabon
Ald. Don Naples
Ald. Louis Salvio
Ald. Daniel Salerno
Ald. Robert Smedley

Ald. Giantonio moved to accept and adopt, seconded by Ald. Pabon. Ald. Giantonio moved to call the question, seconded by Ald. Giantonio. So voted. Roll call vote on motion to accept and adopt – 6 in favor, 7 opposed. IN FAVOR: Ald. Salvio, Pabon, Giantonio, Smedley, Salerno and Naples. OPPOSED: Ald. Magnuszewski, Black, Collins, Platosz, Sanchez, Carlozzi and DeFronzo. RESOLUTION DEFEATED. Approved September 10, 2014 by Mayor Erin E. Stewart.

There being no further business to come before the Council, Ald. Giantonio moved to adjourn, seconded by Ald. DeFronzo. So voted. Meeting adjourned at 10:03 p.m.

ATTEST: Mark H. Bernacki, City Clerk