

January 14, 2015

REGULAR MEETING OF THE COMMON COUNCIL

JANUARY 14, 2015

Mayor Erin E. Stewart called the Regular Meeting of the Common Council to order at 7:55 p.m. on Wednesday, the 14th day of January 2015 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, Gianantonio, Smedley, Salerno, Naples, and Bielinski.

The invocation was given by City Clerk, Mark H. Bernacki:

O God, our Heavenly Father, we thank You for the New Year. Guide us through these turbulent times the world is confronted with. Look down on the people of France. Lift their spirits and comfort them in knowing they are not alone in their hour of grief. Put love and compassion in the hearts of people that claim they are doing Your work through death and destruction. Guide them to put aside their grievances so that we all can live in peace. As we begin a cold frigid new year, remind us of our truest values. Help us to provide assistance to the less fortunate, whether providing a warm shelter, warm clothing or a hot meal. We ask this in Thy name. Amen.

The pledge to the flag was led by Pal Football Coach, Doran Mitchell.

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

The Council stood at ease as Mayor Stewart, along with Police Chief James Wardwell, Officer Barry Hertzler and Dennis Beatty recognized the Pal Football Team. Jr. Pee Wee Cheerleading won 3rd place in the nation, Midget Football Team won 2nd place in the nation, and Midget Cheerleading won 1st place in the nation.

The Good Sportsmanship Award was presented to the Pal Football Team – the first time a New England Team was awarded this recognition.

Mayor Stewart returned to the Chair.

Ald. Bielinski, seconded by Ald. Trueworthy, moved for a recess. So voted. Recess began at 8:09 p.m.

The Council returned to order at 8:33 p.m.

Ald. Collins moved to accept and adopt the minutes of the Regular Meeting of Nov. 12, 2014, seconded by Ald. Bielinski. So voted.

Ald. Collins moved to amend the Agenda by adding 32957-1(P), 32981(4), 32957-2(5), Item 7, and by moving 32966(C) to the end of the Agenda. Roll call vote – all members voted in favor.

PETITIONS

- 32982 RE: ALD. COLLINS FOR CHANGING THE ZONE OF PROPERTIES FRONTING ON THE EASTERN SIDE OF ARCH STREET FROM B-1 (NEIGHBORHOOD BUS.) AND T (TWO-FAMILY) TO B-3 (SECONDARY BUS.) FROM 66 WALLACE STREET TO 700 ARCH STREET. REFERRED TO CITY PLAN COMMISSION AND THE ZONING SUBCOMMITTEE.**
- 32983 RE: ALD. SALERNO FOR REPLACING FADED “NO PARKING” SIGN IN THE AREA OF 249 GROVE STREET. REFERRED TO THE DEPT. OF PUBLIC WORKS.**

Ald. Collins moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Approved January 15, 2015 by Mayor Erin E. Stewart.

CONSENT AGENDA

CITY CLERK

32965 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

- Ellison, Joseph by Atty. William B.M. Wynne
- Gonzalez Jr., Hector W.
- Kania, Alfred
- Noga, Wanda by Atty. Timothy Sullivan
- Pawelczyk, Greg
- Rivera, Jasmin
- Shaffer, Barbara J.
- Soovajian, Genevieve
- Soovajian, Osheen B.

Mark H. Bernacki
City Clerk

CITY PLAN COMMISSION

32930-1 CERTIFICATION OF LOCATION 117-A CHRISTIAN LANE – E & AN, LLC

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

APPLICANT: E & AN, LLC
 ADDRESS: 117-A Christian Lane
 ZONE: I-2 (General Industry)

The City Plan Commission, at its regular meeting held on January 5, 2015, voted 6 to 0, to recommend that this certificate of location approval be granted:

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BACKGROUND: The applicant is requesting the granting of a certificate of location approval to allow issuance of a used motor vehicle dealer's license and general repairer's license, in accordance with Section 14-54 of the Connecticut General Statutes. The subject property is situated on the western side of Christian Lane and is zoned I-2, general industry, which permits auto sales and automotive repair operations by right. The property is a single parcel (111-117 Christian Lane), and the applicant is leasing a separate portion of the site and existing building, designated as 117-A Christian Lane.

FINDINGS: The overall property totals slightly under two (2) acres in area and was formerly used by a bookbindery and later a commercial trash recycling operation and truck storage/maintenance facility. There is a large masonry and steel building on the site with an approximate floor area of 15,000 square feet. The site is entirely fenced, and there is sufficient room for parking of more than 100 vehicles in total.

The site was initially granted an auto repairer's and dealer's license in March 1988 (ZBA Application #3159), under ESP Autobody, involving the southeastern quadrant of the property and building area. There have been several subsequent license approvals granted on the site and, inclusive of this current applicant's space, all four of the tenant spaces are either presently or, have in the past, been licensed auto dealers' and repairers' locations. This current request is for a used auto sales and repair operation in a portion of the property that was most recently licensed under Prestige Auto, LLC in July 2012, petition #31922.

The applicant's subject space is located at the front of the property at the southern portion of the lot. The tenant area is slightly over one-third of an acre in area and encompasses approximately 3,600 square feet of building space, with a large shop area accessed by two overhead garage doors, a small waiting area and office space area. The site shows a total of 14 parking spaces including four (4) sales display vehicles at the front of the lot, near the street; the four (4) storage and/or repair spaces in a fenced area along the southern lot line with the remaining spaces available with two (2) designated customer spaces and four (4) employee spaces.

CONCLUSION: The I-2 zone allows auto sales and repair by right, and this property and several others in the immediate vicinity have long been utilized for a variety of auto sales, repairs, and related activities. The proposed re-licensing at this address would have essentially no effect on the overall character of the site and general area.

RECOMMENDATION: The City Plan Commission finds that this site is suited to the use and has been licensed for auto sales and repairs in the past. The Commission, therefore, has no objections to the granting of the certificate of location approval for this dealer/repairer license on this property.

Louis G. Amodio, Chairman
City Plan Commission

OFFICE OF CORPORATION COUNSEL

32967 RE: ALBERT HAIR V. CITY OF NEW BRITAIN

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 the above captioned matter has been dismissed by the Honorable Judge Warren W. Eginton of the United States District Court on December 30, 2014. The plaintiff had claimed excessive force and constitutional violation by the New Britain Police Department.

Irena J. Urbaniak
City Attorney

32968 RE: STEVEN KRAUSS, ET AL V. CITY OF NEW BRITAIN

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 United States District Court Honorable Judge Shira A. Scheindlin on May 23, 2014 in

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the above captioned matter. On February 14, 2012, the City of New Britain Defendants filed a Motion for Summary Judgment on the grounds that the individual defendants had probable cause or arguable probable cause to arrest and search plaintiffs, or alternatively, that plaintiffs consented to the searches. The Honorable Court held that: 1.) arrests were supported by probable cause; 2.) City Defendants relied on a tip of a citizen informant whose reliability was presumed; 3.) City Defendants independently corroborated a number of the elements of the informant's tip; 4.) Even if defendants lacked probable cause to arrest plaintiffs, they were nonetheless entitled to qualified immunity; 5.) City Defendants had probable cause to conduct a warrantless search of the motor vehicle; 6.) As to the excessive force, due process and equal protection claims, the plaintiffs' failed to show the use of force was unreasonable and that they were subjected to differential treatment; and 7.) As to the Monell Claim, the plaintiffs failed to establish an underlying constitutional violation.

Plaintiff's Counsel filed an Appeal with the Second Circuit Court of Appeals in New York. The Second Circuit dismissed the case on December 22, 2014

Irena J. Urbaniak
City Attorney

FINANCE DEPARTMENT

32969 RE: LINE ITEM TRANSFERS – 09/03/2014 THRU 01/06/2015

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 January 6, 2015

- | | | |
|--------------------|---------------------|---------------------------|
| 2. Department: | Mayor | |
| From: | 001105002-5876 | (Administrative Overhead) |
| To: | 001105004-5611 | (Office Supplies) |
| Amount: | \$6,574.00 | |
| Brief Description: | Rebudget line items | |
| 3. Department: | Mayor | |
| From: | 001105002-5876 | (Administrative Overhead) |
| To: | 001105001-5877 | (Administrative) |
| Amount: | \$3,426.00 | |
| Brief Description: | Rebudget line items | |

Rebecca Salerni
Deputy Finance Director

PURCHASING DEPARTMENT

32970 RE: COOPERATIVE PURCHASING – LAPTOP COMPUTERS – POLICE 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 by the New Britain Police Department for the purchase of Laptop Computers and installation accessories.

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<u>Supplier</u>	<u>Needed Items</u>	<u>Total Price</u>
Telreco Wallingford, CT	Laptop Computers, Memory Modules, DC Power Adapters	\$59,701.00

The New Britain Police Department requests the purchase of fourteen (14) Panasonic Toughbook laptop computers and associated installation accessories. These laptops will be replacements in patrol vehicles that cannot be upgraded to accept new operating software. Telreco is the State Contract dealer for Panasonic Toughbook Laptops under contract #13PSX0059. They are also the sole source supplier for Panasonic Toughbook Laptops in the area. The Purchasing Agent has verified this, and therefore bid solicitation for the purchase of these laptops would not be beneficial to the City. Funding is available for this purchase in the Police Department's Asset Forfeiture account #28921128-5740.

BE IT RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$59,701.00 to Telreco of Wallingford, CT for the purchase of fourteen (14) Panasonic Toughbook laptop computers and associated installation accessories for the New Britain Police Department utilizing the State of Connecticut's Contract Award #13PSX0059.

Jack Pieper
Purchasing Agent

32971 RE: PROFESSIONAL SERVICES – EXTENDED MAINTENANCE FOR A DAP HANDHELD COMPUTER, INTERFACE UNIT AND SOFTWARE SUPPORT SERVICES FOR THE 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:

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-531 a purchase order was requested by the Public Works Department, Utilities Division, for Extended Maintenance on a DAP Handheld Computer, Interface Unit and Software Support Services.

<u>Supplier</u>	<u>Services</u>	<u>Price</u>
TI-Sales Sudbury, MA.	Extended Maintenance for a DAP Handheld Computer, Interface Unit and Software Support Services	\$7,087.00

TI-Sales is the only provider of this Extended Maintenance for the DAP Handheld Computer and Interface Unit as well as providing Software Support for these units for the Utilities Division. Ti-Sales has provided this service to the Utilities Division for many years. Ti-Sales is also the only distributor in the area that can supply the needed maintenance and software support for this DAP Handheld Computer and Interface Unit. It would be very difficult to find another area distributor or computer support company to provide the needed maintenance and software support for this DAP Handheld Computer and Interface Unit. The DAP Handheld Computer is a key component in the Utilities Division's meter reading and billing system. It is in continuous use, and is essential to the Utilities Division's ability to continue to operate. This purchase request has also been presented to the Water Commission at their January 13, 2015 meeting. At this meeting they approved the Deputy Director of the Public Works Department's recommendation to extend the Maintenance for the DAP Handheld Computer, Interface Unit and Software Support Services from TI-Sales for another year. Funding to pay for the Extended Maintenance for the DAP Handheld Computer, Interface Unit and the Software Support is available in the Public Works Department, Utilities Division's, account 9303500204-5659, Maintenance, Expenditures, Transmissions and Distributions, Operating Material and Supplies.

Resolved: that the Purchasing Agent be and hereby authorized to issue a Purchase Order for \$7,087.00 to TI-Sales of Sudbury, MA for the Extended Maintenance on the DAP Handheld Computer, Interface Unit and Software Support Services for the Public Works Department, Utilities Division, for a period of one (1) year to December 31, 2015.

Jack Pieper
Purchasing Agent

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32973 RE: EMERGENCY PURCHASE ORDER – GARAGE DEMOLITION – 266 ARCH STREET

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 V, Section 2-606a, emergency purchase order was authorized by the Mayor and issued to the vendor listed below on December 11, 2014

<u>Supplier</u>	<u>Item</u>	<u>Total Price</u>
Associated Builder Wrecker, Inc. Springfield, MA.	Garage Demolition At 266 Arch Street	\$9,500.00

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

A Purchase Order was requested by the Department of Municipal Development for the demolition of a garage at 266 Arch Street. The location is vacant property that the Department of Municipal Development is responsible for. An inspection was conducted by the Building Department of the location on December 5, 2014. The inspection revealed that the garage was unsafe pursuant to State of Connecticut Building Codes. More than one half (1/2) of the garage's roof structure that included rafters and ceiling joists had collapsed due to wood decay. The side wall of the garage was also in a state of collapsing onto the neighboring property. Now with the winter season and the possibility of heavy wet snow it was determined the garage had to be demolished immediately before it completely collapsed. Because the condition of the garage was a public safety issue the Mayor under her executive authority approved the purchase order. Funding for the demolition of the garage came from the Department of Municipal Development's account 3027600637-5835, CDBG Grant Fund, CDBG Spot Demolition, Programs.

Jack Pieper
Purchasing Agent

32974 RE: PROFESSIONAL SERVICES – ANNUAL TECHNICAL SUPPORT AND MAINTENANCE FOR THE CITY ASSESSOR'S OFFICE SOFTWARE SYSTEM

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 2-531 a purchase order was requested by the City Assessor's Office for the annual software maintenance and technical support of their appraisal software.

<u>Supplier</u>	<u>Services</u>	<u>Amount</u>
Vision Government Solutions, Inc. Northboro, MA.	Annual Software Maintenance and Technical Support	\$8,025.00

The City Assessor's Office has requested a purchase order for the Annual Software Maintenance and Technical Support of their computer assisted mass appraisal software (CAMA), Vision Appraisal. The Vision Appraisal software maintains data on approximately 17,000 City properties including ownership information, land data and building data, building sketches and photos. Vision's data is used by various City departments, City taxpayers, lawyers, title searchers and is an essential tool for the Assessor's Office in the compilation of the annual real estate Grand List. Vision Government Solutions, Inc. has been providing this annual software maintenance and technical support service to the City Assessor's office since 2002. The Vision Appraisal software is owned by Vision Government Solutions, Inc. and is the predominant software provider for this type of application. Therefore it would be very difficult to find another local software company to provide a competitive bid for annual software maintenance and support. Bid solicitation for the annual renewal of annual software maintenance and technical support would not be beneficial to the City. The cost of this annual software maintenance and technical support is shared by the Public Works Department. Funding for this annual software maintenance and technical support is available in the City Assessor's account number 001107002-5352, Revenue Collections, Data

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Processing and the Public Works Department's account number 001315001-5436, Public Works Administration, Equipment Maintenance and Repair.

RESOLVED: The Purchasing Agent is hereby authorized to issue a purchase order for \$8,025.00 to Vision Government Solutions, Inc. of Northboro, MA. for Annual Software Maintenance and Technical Support of the City Assessor's Office appraisal software.

Jack Pieper
Purchasing Agent

**32975 RE: FURNISHING AND DELIVERY OF TIRES, TUBES, ROAD SERVICES AND REPAIRS
– 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:

Public Bid No. 3810 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the furnishing and delivery, on a city-wide basis of new tires, tubes, road services and repairs for City cars, trucks and off-road vehicles and equipment for the Public Works Department, Municipal Garage. Funding is available for this purchase from the Public Works Department's account number 001315006-5660, Street/Fleet, Vehicle Damage, Equipment and Supplies.

Invitations to bid were solicited, and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to Seventeen (17) local tire dealers. The Purchasing Agent did not receive any letters from the tire dealers on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bid was reviewed for conformance to specifications by the Public Works Department Administration, the City's Fleet Manager and the Purchasing Agent. Connecticut Tire is a New Britain based tire dealer and has provided excellent service to the City for tires, tubes, road services and repairs for the past ten (10) years. They were able to provide lower prices for tire repairs and services that the City requires. The other tire companies who submitted a bid did not meet all of the bid specifications and could not provide all of the required tires or services needed by the Public Works Department. Therefore the Director of the Public Works Department is recommending that the bid be awarded to Connecticut Tire of New Britain, CT because they once again met all of the bid specifications and are located within the City to assure tire replacement, repairs and services can be performed in a timely manner.

RESOLVED: That the Purchasing Agent be and is hereby authorized to issue a standing purchase order and enter into a contract per the attached discounts and pricing for a period of two (2) years from February 1, 2015 to January 31, 2017 with Connecticut Tire of New Britain, CT for the purchase of tires, tubes, road services and repairs for City cars, trucks, off-road vehicles and equipment per the terms and specifications of Public Bid No. 3810.

Jack Pieper
Purchasing Agent

32976 RE: COOPERATIVE PURCHASING – COPIER FOR REGISTRARS OF VOTERS

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 Registrars of Voters for the following under the State of Connecticut's Cooperative Purchasing Plan, Contract Award #012PSX0026:

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<u>Supplier</u>	<u>Description</u>	<u>Pricing</u>
A&A Office Systems Middletown, CT.	Savin MP4002 Copier Three (3) year Copier Maintenance	\$7,400.00 \$0.0075 per copy

The Registrars of Voters requested the purchase of a multifunctional copier that can copy, print, scan, e-mail, and staple. The Registrars of Voter's existing copier that they own is over seven (7) years old. It is not working properly and failed the weekend before the November election. Parts to make the needed repairs to the copier are becoming hard to obtain and some are no longer available. The price submitted by A&A Office Systems for the purchase of the new copier is the same as the State of Connecticut's Contract, 012PSX0026 that A&A Office Systems has with them. A & A will be also charging the Registrars of Voters a maintenance charge of \$0.0075 per copy which is a savings of twenty-five (25) percent per copy. This charge includes all maintenance, repairs services toner and supplies excluding paper for the new copier. Funding is available for the new Copier is in the Democratic Registrar's 001104001-5436 Equipment Maintenance and Repairs and in the Republican Registrar's account number 001104002-5436, Equipment Maintenance and Repairs.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a Purchase Order for \$7,400.00 for the new copier and enter into a three year maintenance agreement at \$0.0075 per copy with A & A Office Systems of Middletown, CT for the Registrars of Voters utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #012PSX0026.

Jack Pieper
Purchasing Agent

32977 RE: ON-CALL ENGINEERING SERVICES FOR THE 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:

Public Bid No. 3806 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the engagement of Professional On-Call Engineering Services for the Public Works Department for a two (2) year period, with the option for an extension for one (1) additional year. The solicited services are intended to supplement City resources and not to provide a substitute for specific project requests for proposals where the size and complexity dictates a unique solicitation. The Public Works Department at its option may select an outside firm other than those to whom an award was made when a specific expertise is warranted through a request of Common Council authorization. On-call engineering engagements may be no greater than ten percent of a budgeted project construction costs or \$50,000.00 whichever is less. Funding will be available for this purchase in various project accounts.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald and Hartford Courant Newspapers, the City and State of Connecticut's Department of Administration Services websites and mailed to One Hundred and twenty-nine (129) Engineering and Architectural firms. The Purchasing Agent did not receive any letters from the engineering firms who were on the mailing list indicating they could not provide a response to the bid request. A list of the Engineering and Architectural firms who submitted a bid is on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Public Works Department's City Engineer and the Purchasing Agent. Input was also received from the Utilities Division who may require these services. Each proposal submitted was evaluated and scored on the basis of the following criteria:

- Consultant's technical understanding of the scope of services as evidenced by the quality of the proposal submitted.
- Background and experience of the firm in providing the range of services requested.
- Demonstrated effectiveness of the consultant's proposed delivery system to ensure quality service and timely completion of services. Client references.

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- Background, education, qualifications and relevant experience of key personnel to be assigned to this contract.
- Competitiveness of proposed fees and costs.

The following Engineering and Architectural firms were selected for recommendation of a contract award:

Alfred Benesch & Company	Martinez Couch & Associates, LLC
BL Companies	Malone & MacBroom
Cardinal Engineering Associates, Inc.	Parsons Brinckerhoff
CDM Smith	Pirie Associates Architects, LLC
CDR Maguire, Inc.	Quisenberry Arcari Architects, LLC
CMG Environmental, Inc.	Salamone & Associates, PC
Comprehensive Environmental, Inc.	Tata & Howard, Inc.
Desman Associates	Terracon Consultants, Inc
Fuss & O'Neil	Tighe & Bond
GEI Consultants	TLB Architects, LLC
Geolnsight, Inc.	To Design, LLC
Kaestle Boos Associates, Inc.	Urban Engineers, Inc.
Kratzert, Jones & Associates, Inc	Woodard & Curran
Lenard Engineering, Inc.	Wright-Pierce

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with the above-listed firms for the provision of On-Call Engineering Services for a two (2) year period, January 16, 2015 to January 15, 2017 with the option for an extension for one (1) additional year per the terms and conditions of Public Bid No. 3806.

Jack Pieper
Purchasing Agent

ZONING COMMITTEE

32957-1 RE: PROPOSED SALE OF 57 COURT ST. TO RAYMOND J. AKOURY COMMERCIAL BUILDERS LLC

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 Wednesday, January 14, 2015, at 6:30 pm in the Council Chambers, to which was referred the matter of item #32957, purchase and sale agreement for 57 Court Street, voted to accept and refer back to the Common Council with a favorable recommendation.

Alderman Carlo Carlozzi, Jr.
Chair

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

32972 RE: BEEHIVE STADIUM RENOVATIONS – PARKS, RECREATION AND COMMUNITY SERVICES 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. 3799 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Beehive Stadium Renovations. The renovations are to the grandstand,

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concession building, locker rooms and press box. Funding is available for the renovations in various Parks, Recreation and Community Services Department's account numbers, 0083237701-5454, Beehive Stadium Improvements, Construction Contracts, 0083237501-5454, Citywide Park ADA Improvements, Construction Contracts and 2131500115-52084, LOCIP Fiscal Year 2015, ADA Compliance, All City Parks.

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 forty-two (42) Contractors. The Purchasing Agent did not receive any letters from the Contractors on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Parks, Recreation and Community Services Department's Administration, the City's On-call Engineering Company associated with this project and the Purchasing Agent. Therefore the Director of the Parks, Recreation and Community Services Department is recommending the bid be awarded to J.A. Rosa Construction, LLC of Wolcott, CT. who submitted the total lowest responsible bid and met all of the bid specifications for the base bid and alternate bid.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a Purchase Order for \$1,081,442.00 and enter into a contract with J.A. Rosa Construction, LLC of Wolcott, CT. for the Renovations at Beehive Stadium and the Alternate for the Parks, Recreation and Community Services Department per the terms and specifications of Public Bid No. 3799.

Jack Pieper
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

REGISTRARS OF VOTERS

32932-1 RE: ISSUES THAT OCCURRED ON ELECTION DAY – NOV. 4, 2014

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

As requested by Petition # 32932, to provide a report to the Common Council pertaining to issues of note that occurred on election day, November 4th, and the performed or suggested action(s) taken to address such issues, our review submits the following:

Issue: 'A' tabulator at Pulaski Middle School (District 12) malfunctioned and would not process ballots.

Solution: 'B' (back-up) tabulator was sent out to district. Ballots cast to that point through 'A' machine were sequestered and run through the 'B' machine after 8:00 pm. Machine count vs. official list count was fully reconciled.

Post-election:

LHS (tabulator company) found dust and static buildup inside the ballot box and determined this was cause of malfunction. To be cleaned in May during scheduled annual maintenance.

Issues: 'A' tabulator at DiLoreto Magnet School (District 14) malfunctioned and would not process ballots.

Solutions: 'B' (back-up) tabulator was sent out to district. Ballots cast to that point through 'A' machine were sequestered and run through the 'B' machine after 8:00 pm. Machine count vs. official list count was fully reconciled.

Post-election:

LHS (tabulator company) found 'A' tabulator to have a bad ballot reader and took it back for repair (under contract).

- Issues:
1. 'A' tabulator at Slade Middle School (District 15) malfunctioned and would not process ballots.
 2. 50 ballots missing during tabulator replacement.
 3. 'B' tabulator tape printouts at end of night were not fully legible.

- Solutions:
1. 'B' (back-up) tabulator was sent out to district. Ballots cast to that point through 'A' machine were sequestered and run through the 'B' machine after 8:00 pm. Machine count vs. official list count was fully reconciled.
 2. Found 50 ballots – one processed ballot became lodged at an angle high up inside the ballot box and it suspended the next 49 ballots.
 3. Ran multiple tape printouts to gather all candidate totals.

Post-election:

LHS (tabulator company) found dust and static buildup inside the ballot box and determined this was cause of ballots becoming jammed when 'A' tabulator was being used. 'B' tabulator was found to have a bad printer which caused the illegible tape printouts. Both to be cleaned in May during scheduled annual maintenance.

Issue: Campaign signs and personnel inside 75 ft. markers at Generale Ameglio Hall (District 7), Smalley Academy (District 8) and DiLoreto Magnet School (District 14).

Solution: Moderators instructed campaign personnel to remove themselves and all signs beyond the 75 ft. markers. This action needed to be repeated a few times at each district.

Post-election:

Common Council passed amendment to Chapter 3 Section 3-11 of city Ordinance providing exception for political signs to be posted on public property during election days.

Issue: Parking during morning hours at Slade Middle School (District 15) mostly non-existent for voters due to a city-wide teacher in-service training. This caused a number of voters to be frustrated and leave without voting.

Solution: Registrar of Voters Peter Gostin visited the principal at 9:30 am and received concession that teachers would move vehicles from first two rows to alternate parking areas at 10 am break. In-service ended at noon which resolved the issue for the balance of the day.

Post-election:

Juan Verdu has spoken with BOE President Sharon Saavedra-Beloin, who said the issue will be brought up to the Board and Superintendent Kelt Cooper to ensure the first two rows are reserved for voters on election day as long as our office provides the school with signs. Both Registrars will stay on top of this issue and see it through.

Other Notes of Interest:

Item:

A debriefing session was held in early December with all Moderators to review best practices and enlist their thoughts and ideas for improving election day operations for 2015.

Pre-2015 election: Increase training regarding write-in vote procedures to account for valid candidate votes, and improve election day registration (EDR) training that addresses initial voter check-in screening, more complete log book entries, and better documenting and sorting of EDR ballot deliveries.

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Item:

The electronic poll book trials at Pulaski Middle School and HRA were a success. Check-in of voters was much quicker vs. the manual voter list normally used. There was a short shutdown of the e-poll book laptops due to an internal clock reset issue, but this was fixed within a half hour and no other problems occurred the rest of the day.

Pre-2015 election: A city-wide rollout of electronic poll books to take place for the 2015 municipal elections. Advantages include quicker check-in of voters, shorter waits in line, elimination of cost for 68 poll worker positions (party checkers), 30 second interval updates that provide instant information to the political parties as to who has voted by district and/or across the city along with turnout percentages.

Peter Gostin
Juan Verdu
Registrars of Voters

Ald. Carlozzi moved to accept, seconded by Ald. DeFronzo. Report accepted with Ald. Carlozzi and Ald. Platosz opposed. Approved January 15, 2015 by Mayor Erin E. Stewart.

ZONING COMMITTEE

32930-2 RE: CERTIFICATE OF LOCATION FOR 117-A CHRISTIAN LANE E & AN LLC

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 regular meeting and public hearing on Tuesday, January 6, 2015, at 7:00 pm in the Council Chambers, to which was referred the matter of item #32930, E & AN, LLC for the granting of a certificate of location approval to allow issuance of a used motor vehicle dealer's license voted to accept and refer back to the Common Council with a favorable recommendation.

Alderman Carlo Carlozzi, Jr.
Chair

Ald. Bielinski moved to accept and adopt, seconded by Ald. Collins. Ald. Bielinski moved to amend by adding a copy of petition #32930, seconded by Ald. Trueworthy. Amendment carried. Report as amended accepted and adopted. Ald. DeFronzo, Sanchez, Giantonio, Salvio, Magnuszewski and Collins recused themselves – they did not attend the Planning, Zoning and Housing Committee meeting. Approved January 15, 2015 by Mayor Erin E. Stewart.

Ald. DeFronzo, Sanchez, Giantonio, Salvio, Magnuszewski, and Collins returned to the Chambers.

NEW BUSINESS

RESOLUTIONS

32978 RE: BUDGET TRANSFER – FINANCE DEPT. \$2,258

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 an agreement signed on April 4, 2013 between the City of New Britain and Local 818 bargaining unit, payment in the amount of \$2,258 is to be made to an employee of the Finance

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Department for the compensation time related to the FEMA and FHWA filings for Winter Storm Alfred and Winter Storm Charlotte.

WHEREAS, the FEMA and FHWA monies were received as "Miscellaneous Revenue" in previous fiscal years,

WHEREAS, a transfer from the Contingency Account to the Finance Department Full Time Salaries Account is necessary to make this payment;

WHEREAS, the FY 2014 – 2015 budget includes monies within the Contingency Account,

THEREFORE, BE IT, RESOLVED, that a budget amendment in the General Fund for FY 2014 – 2015 be executed to formally increase/(decrease) the appropriate accounts as follows:

<u>Account Number</u>	<u>Account Description</u>	<u>Current Budget</u>	<u>Increase/ (Decrease)</u>	<u>Amended Budget</u>
Decrease Expenditures:				
001625101-5871	Contingency	\$733,311	(\$2,258)	\$731,053
Increase Expenditures:				
001107004-5121	Finance – Full Time Salaries	\$802,745	\$2,258	\$805,003

Alderman Adam Platosz
Alderman Daniel Salerno

Ald. Salerno moved to accept and adopt, seconded by Ald. Platosz. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

32979 RE: THE SALE OF 1.221 ACRE PARCEL OF LAND BY THE NEW BRITAIN BOARD OF WATER COMMISSIONERS TO THE RAGGED MOUNTAIN FOUNDATION

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, a certain parcel of land, 1.221 acres, located in the Town of Southington two thousand feet east of Andrews Street and abutting land currently owned by the Ragged Mountain Foundation has been verified to be Class II Water Company Land by the Water Department ; and

WHEREAS the riparian water rights to said parcel shall be retained by City of New Britain Board of Water Commissioners with the approval of the Connecticut Department of Public Health, Water Supplies Section ; and

WHEREAS a permanent conservation easement on the land shall be retained by City of New Britain Board of Water Commissioners to preserve the land in perpetuity predominantly in its natural scenic and open condition for the protection of natural resources and public water supplies while allowing for recreation consistent with such protection and improvements necessary for the protection or provision of safe and adequate potable water; and

WHEREAS Section 12. Subsection (e) of section 25-32 of the Connecticut General Statutes allow the City of New Britain to sell this Class 2 water company land to the Ragged Mountain Foundation; and

WHEREAS application must be made to the Commissioner of the Connecticut Department of Public Health to grant said sale; and

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WHEREAS, the City of New Britain Board of Water Commissioners voted at its Regular Meeting of December 9, 2014 to sell the parcel to the Ragged Mountain Foundation, and to forward the sale to the Mayor and the Common Council with a favorable recommendation for their approval.; and

WHEREAS, the Mayor has approved the sale of the parcel and recommends it to the Common Council of the City of New Britain in accordance with Section 15-4(x) of the Charter of the City of New Britain; therefore, be it

RESOLVED, that the Common Council of the City of New Britain hereby approves the sale of the 1.221 acre parcel by the City of New Britain Board of Water Commissioners to the Ragged Mountain Foundation for a total purchase price of four thousand fifty-three dollars (\$4053.00) plus survey and closing costs and the Mayor and the Chairman of the City of New Britain Board of Water Commissioners are hereby authorized to execute any and all documents necessary for the conveyance of said property.

Alderman Daniel Salerno
Alderman Adam Platosz
Common Council Liaison
Water Department

Ald. Platosz moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Giantonio. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

32980 RE: THE PURCHASE OF 2 MARKED FORD INTERCEPTOR UTILITY VEHICLES – POLICE DEPT.

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 Drug Investigation Fund is an existing special revenue fund to which most revenue is credited as the result of the Federal drug asset forfeiture program, the greatest share of the proceeds from which are returned to Police Departments for use in drug control strategy, and

WHEREAS, the purpose of this resolution is to have the Council approve the purchase of two (2) marked Ford Interceptor Utility vehicles with funds that have accumulated in the Drug Investigation fund from MHQ, the State contract holder for police vehicles, and

WHEREAS, these utility vehicles will be used in the Traffic Safety Bureau for traffic accident investigations, traffic control, funeral escorts, parade escorts and for community policing, thus freeing up three (3) Ford Crown Victoria patrol cars to receive canine containment units, and

WHEREAS, the two (2) Ford Interceptor Utility vehicles will be purchased with funds in the Drug Investigation Fund at no cost to the City THEREFORE BE IT

RESOLVED, that the Council approve the purchase of two (2) marked Ford Interceptor Utility vehicles from MHQ of Middletown, CT, the State contract holder for police vehicles, and allocate funds that have accumulated in the Drug Investigation fund to outfit all of them with emergency equipment and graphics as follows:

Drug Investigation Fund

Revenue:		
289211128-4223	Fund Balance Federal	\$94,640
Expenditure:		
289211128-5740	Equipment	\$94,640

Ald. Suzanne Bielinski - Police Liaison
Ald. Carlo Carlozzi, Jr. - Police Liaison
Ald. Wilfredo Pabon - Police Liaison
Ald. Emmanuel Sanchez - Police Liaison
Ald. Robert Smedley - Police Liaison

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Ald. Bielinski moved to accept and adopt, seconded by Ald. Pabon. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

32981 RE: BUDGET TRANSFER - \$30,840 FROM CONTINGENCY ACCOUNT TO YOUTH SERVICE BUREAU AND DISABILITIES COMMISSION

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, in September 2014, the Common Council approved the Mayor's City-wide reorganization plan. This reorganization included the merger of the Community Services Department with the Recreation Division (formerly a division of the Public Works Department) creating a new Recreation and Community Services Department.

Whereas, due to this merger, the Director of the former Community Services Department submitted his resignation.

Whereas, due to his longevity with the City of New Britain, his payout for unused sick, vacation and personal time amounted to \$30,840.

Whereas, every year, monies are budgeted in the Contingency Account for unanticipated expenditures. The current contingency balance stands at \$733,311. Therefore, be it

RESOLVED, that the amount of \$30,840 be transferred from the Contingency Account into the Youth Service Bureau and Disabilities Commission Accounts as specified below:

Budget Increase:

278536001-5121	YSB FT Salaries	\$26,214
001523003-5121	Disabilites Comm FT Salaries	\$ 4,626
Total Budget Increase		\$30,840

Budget Decrease:

001625101-5871	General Fund Contingency	\$30,840
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Alderman Daniel Salerno
Alderman Jamie Giantonio

Ald. Salerno moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

32957-2 RE: THE SALE OF 57 COURT STREET TO RAYMOND J. AKOURY, COMMERCIAL DESIGN BUILDERS LLC FOR NOT LESS THAN \$40,000

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 convey a City of New Britain-owned property for rehabilitation and housing.

WHEREAS, the City of New Britain currently owns property known as 57 Court Street which had been acquired through the foreclosure process on 6/7/13; and

WHEREAS, Raymond J. Akoury, Commercial Design Builders, LLC, has offered to purchase the property for Forty Thousand Dollars (\$40,000.00) and will rehabilitate the condition of the building; and

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WHEREAS, Raymond J. Akoury, Commercial Design Builders, LLC, is proposing to extensively upgrade and modernize the building and convert it into individual residential apartments; and

WHEREAS, it is in the best interest of the City of New Britain to have this property rehabbed and restored to the grand list; now, therefore be it

RESOLVED, that Erin E. Stewart, Mayor, be and is hereby authorized to negotiate and execute on behalf of the City of New Britain a Purchase and Sales Agreement with Raymond J. Akoury, Commercial Design Builders, LLC, for property known as 57 Court Street and to execute any and all documents necessary for the conveyance of said property in accordance with the terms of said agreement at a sales price not less than Forty Thousand Dollars (\$40,000.00).

Alderman Michael Trueworthy
Property Management Liaison

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Giantonio. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

Mayor Stewart called for a recess at 9:11 p.m.

The Council voted to return to order at 9:38 p.m. on motion of Ald. Trueworthy, seconded by Ald. Collins.

Ald. Carlozzi moved to suspend the rules in order to amend the agenda, seconded by Ald. Collins. So voted.

Ald. Carlozzi moved to withdraw item 7, seconded by Ald. Collins. So voted.

Ald. Collins moved the Council enter into Executive Session to discuss Report of the Corporation Counsel #32966, and that they be accompanied by the Corporation Counsel and the Mayor. Motion seconded by Ald. Trueworthy. Roll call vote – all members voted in favor.

Executive Session began at 9:40 p.m.

Ald. Giantonio left the Chambers at 9:40 p.m. due to illness and did not attend the Executive Session.

The Council voted to return to order at 9:54 p.m. on motion of Ald. Bielinski, seconded by Ald. Collins.

OFFICE OF THE CORPORTION COUNSEL

32966 RE: NATALIE PETROSO V. CITY OF NEW BRITAIN

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 ONE HUNDRED TWENTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$122,500.00) be paid to Natalie Petroso and

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Cicchiello and Cicchiello, Esq., her attorneys, in full settlement of her suit against the City of New Britain, now pending in Superior Court, Judicial District of New Britain, at New Britain, for injuries and losses she allegedly sustained on July 27, 2011, when the Defendant rescinded the Plaintiff's job offer. The plaintiff had alleged discrimination, in equal treatment, failure to hire, and failure to accommodate in violation of the ADA, Section 504 of the Rehabilitation Act of 1973, and Title VII of the Civil Rights Act of 1964. The plaintiff has alleged \$280,628.63 in damages.

This recommendation is made upon the advice of City Attorney Irena J. Urbaniak, after arbitration between Arbitrator Michael P. McGoldrick, City Attorney Irena J. Urbaniak and Amanda M. DeMatteis, Esq., of the Law Firm of Cicchiello & Cicchiello with the approval and consent of Gennaro Bizzarro, Esq.

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

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved January 15, 2015 by Mayor Erin E. Stewart.

There being no further business to come before the Council, Ald. Collins moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 9:55 p.m.

ATTEST: Mark H. Bernacki, City Clerk