

January 11, 2017

**REGULAR MEETING OF THE COMMON COUNCIL
JANUARY 11, 2017**

Mayor Erin E. Stewart called the Regular Meeting of the Common Council to order at 8:28 p.m. on Wednesday, the 11th day of January 2017 in the Common Council Chambers, City Hall.

Fourteen members were present at roll call: Ald. Giantonio, Smedley, Carlozzi, Collins, Davis, Hargraves, Naples, Pabon, Polkowski, Rosado, Salvio, Sanchez, Sanders, and Salerno.

One member was absent: Ald. Black due to illness in her family.

The invocation was given by City Clerk, Mark H. Bernacki: O God, our Heavenly Father, we thank you for the New Year and for all the potential it promises. You make all things new and give us hope. You cause our spirits to be born again. In the depths of a cold blistery New England winter instill a mighty flame so we will appreciate the wonders of your gift of life and give us the strength to follow through on all our 2017 New Year's resolutions. We ask this in Thy name. Amen.

The pledge to the flag was led by Elizabeth Nkonoki-Ward.

A moment of silence was observed in memory of Thomas N. Schenck who died on January 6th and in memory of Richard L. Rose who died on January 8th. Mr. Schenck was Chairman of the Board of Assessment Appeals at the time of his death. Mr. Rose was a former member of the Board of Water Commissioners and a former member of the Community and Neighborhood Development Commission.

Ald. Giantonio moved to accept and adopt the minutes of the Special and Regular Meetings of October 26, 2016, seconded by Ald. Salerno. So voted.

Ald. Giantonio moved to amend the Agenda by adding 33733(11), and by substituting 33735(4), 33738(7) and 33741(10), seconded by Ald. Salerno. Roll call vote – all members present voted in favor.

PETITIONS

33742 RE: ALD. POLKOWSKI FOR INSTALLING A "STOP" SIGN AT THE END OF NACHILLY DR AT THE INTERSECTION OF MERIGOLD DRIVE. REFERRED TO THE BOARD OF POLICE COMMISSIONERS AND DEPT. OF PUBLIC WORKS.

33743 RE: ALD. COLLINS FOR CONDUCTING A TRAFFIC STUDY AT THE INTERSECTION OF SOUTH ST AND STANLEY ST. REFERRED TO THE BOARD OF POLICE COMMISSIONERS AND DEPT. OF PUBLIC WORKS.

Ald. Giantonio moved to accept and adopt the Consent Agenda, seconded by Ald. Smedley. Roll call vote – all members present voted in favor. Approved January 12, 2017 by Mayor Erin E. Stewart.

CONSENT AGENDA

CITY CLERK

33725 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
- Carrion, Abraham by Atty. Mark J. Migliaccio
 - Lopez, Marcelina

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- Marshall, Charmaine by Progressive Direct Insurance Company
- Subrogation Representative, Richard Berlan
- Montano, Joseph by Atty. Mark J. Migliaccio

Mark H. Bernacki
City Clerk

CITY PLAN COMMISSION

33544-1 RE: CERTIFICATE OF LOCATION CJ AUTO MALL, LLC, 866 WEST MAIN ST

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

The City Plan Commission, at its regular meeting held on July 11, 2016, voted 4 to 0 to recommend that this proposed 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 dealer's and repairer's license in accordance with Sections 14-54 of the Connecticut General Statutes. The subject property is located on the southern side of West Main Street, across from the intersection of Slater Road and it is zoned B-3, Secondary Business, which permits auto sales and automotive repair operations by special exception. The Zoning Board of Appeals recently granted conditional approval for the required special exception and also variance approvals to omit a portion of the landscape buffers along the eastern and southern boundaries (ZBA applications # 4728 and 4729, granted May 26, 2016).

The site was formerly licensed for motor vehicle sales and repairs going back to at least 1967, originally in conjunction with a gasoline service station and, then, most recently licensed for boat and watercraft sales. The business has not actively operated for many years, however.

FINDINGS: The applicant's plans depict the 29,989 square foot lot and the 2,400 square foot former service station building. The building has four (4) garage bays; approximately 1,800 square feet of floor area devoted to repair; a 241 square foot office; and a storage area and restroom. The subject location is on a primary arterial, carrying moderate traffic volumes, and bordered primarily by business uses. There do not appear to be any special traffic concerns related to this particular location.

The requirements for auto dealers and repair are that the site be at least 10,000 square feet in area and have a minimum street frontage of at least 100 feet. Additionally, they are permitted to have no more than one (1) sales vehicle per every 500 square feet of lot area, and they are prohibited from doing any repair work outdoors or having any parts, wrecked or partially dismantled vehicles, outside or unscreened, on the lot. Last, they are required to have 4-foot landscaping islands along all property lines, except locations where there is an access driveway. The plan shows a total of 19 spaces allocated to sales vehicles and six (6) customer spaces. This current plan incorporates the recommended ZBA changes, including landscaped islands around the building and an appropriately scaled 16-foot back-up aisle behind the angled parking at the front of the lot.

The applicant's plans are compliant with all pertinent zoning requirements, except for the absence of the 4-foot landscaping buffer islands along the eastern and southern sides, as permitted by the ZBA variance approval. The plan shows an appropriate planting strip along the frontage of West Main Street, with the proposed landscaping islands here being a substantial improvement in terms of appearance and improved safety over the unrestricted, full-length, open access that currently exists along the front of the lot.

ZBA allowed the omission of the 4-foot planting strip on the eastern property line because of the presence of a shared access easement as well as a screened refuse and recycling area that is associated with the adjoining commercial plaza, that includes Marathon Pizza, City Grinding, Jaws Pawn

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Shop, an auto parts supply store and a small market. The planting requirement was also deleted for the southern boundaries, where the property slopes off too steeply to be maintained and there is an unmaintained, border of natural vegetation ranging from approximately 10 feet to over 50 feet in width.

CONCLUSION: This western stretch of West Main Street contains a broad mix of small and larger business properties, primarily along the southern side. It is mostly residential usage on the northern side of the street. Many of the business properties are older businesses and in need of upgrades and improvements to enhance the visual appearance of this "gateway arterial". There are also a number of auto-related uses, such as the used car sales located further west, past the intersection of Wooster Street, and a nearby car wash and a muffler and brake shop. There are also recent developments like the plaza and credit union near the intersection of Wooster and Stanwood Streets that show potential for West Main Street becoming a more attractive business arterial. While allowing additional motor vehicle sales on West Main Street may not necessarily be the most desirable business development for this area, the site improvements shown in this plan would enhance the appearance of the site and general vicinity and help set a higher standard for other businesses nearby.

RECOMMENDATION: The City Plan Commission is of the opinion that the site is adequately suited to the proposed auto sales and repair business, that the plan is compliant with the applicable zoning requirements, and that the planned site improvements would improve the appearance of the site and general area. The Commission, therefore, has no objections to the granting of the certificate of location approval.

Louis G. Amodio, Chairman
City Plan Commission

OFFICE OF THE CORPORATION COUNSEL

33726 RE: TERESA KICZUK 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 SIX THOUSAND DOLLARS (\$6,000.00) be paid to Teresa Kiczuk, and Kevin F. Brignole, Esq. her attorney, in full settlement of her suit against the City of New Britain now pending in the Connecticut Superior Court under Docket No. HHB-CV-15-6031083 as the result of an incident which took place on January 5, 2014 approximately at 4:00 pm. The plaintiff has claimed she was injured as a result of a fall on an icy sidewalk on the west side of High Street between Myrtle Street and Columbus Boulevard. The claim alleges the sidewalk was in a state of disrepair, rubble, debris and holes. In addition, plaintiff claimed that ice had developed in the area. The City of New Britain was and is responsible for shoveling and maintaining the alleged sidewalk on the portion of High Street which goes over Route 72.

As a result of the alleged incident, plaintiff has claimed an injury to her left wrist. She alleged pain and swelling and a nondisplaced distal radius fracture. In medical specials, \$3200.44 has been alleged. At the time of the incident, plaintiff was employed as a housekeeper at Walnut Hill Convalescent home. Due to the fracture, she claims she was unable to fulfill her duties. The lost wage claim is \$2021.66.

This recommendation is made upon the advice of City Attorney Irena J. Urbaniak, after a settlement conference before Judge Young, with the approval and consent of Corporation Counsel Gennaro Bizzarro, Esq.

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

Irena J. Urbaniak
City Attorney

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PURCHASING DEPARTMENT

33727 RE: BID THRESHOLD ITEMS

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 New Britain Code of Ordinances, Section 2-566, a monthly report of purchases between \$500 and \$7,500 shall be provided to the Common Council. The report shall include a detailed description of items or services purchased, name of vendor, owner of business and dollar amount spent on each individual purchase as well as the aggregate total of spend to date for the fiscal year.

The Finance Department, Purchasing Division has provided an electronic list of monthly purchases. This document is available in the Council office for review by Council members.

Acceptance and adoption is respectfully requested.

Jack Pieper
Purchasing Agent

33728 RE: COOPERATIVE PURCHASING, 2017 FORD FOCUS FOR THE DEPT. OF HEALTH AND BUILDING SERVICES

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 New Britain Department of Health and Building Services.

<u>Supplier</u>	<u>Item</u>	<u>Price</u>
Crowley Ford Plainville, CT.	2017 Ford Focus	\$16,747.50

The Department of Health and Building Services requested the purchase of a new 2017 Ford Focus utilizing the State of Connecticut's contact Award 10PSX0239. The Department of Health and Building Services will replace an existing 2001 Dodge Stratus with over 70,000 miles that has an engine that has become inoperative and needs to be replaced. Because of the age of this vehicle, the engine and needed parts to make the repairs are becoming obsolete and hard to obtain. Funds are available for this purchase within the New Britain Department of Health and Building Services' account number, 292522112-5742,TB/Public Health Vehicle.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$16,747.50 to Crowley Ford of Plainville, CT for the purchase of a 2017 Ford Focus for the Department of Health and Building Services, utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #10PSX0239.

Jack Pieper
Purchasing Agent

33729 RE: COOPERATIVE PURCHASING, RIFLE AND PISTOL AMMUNITIONFOR THE 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:

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

<u>Supplier</u>	<u>Need Supplies</u>	<u>Total Price</u>
Eagle Point Gun/ TJ Morris & Son Thorofare, NJ.	Rifle and Pistol Ammunition	\$62,448.44

The New Britain Police Department requested a purchase order for Rifle and Pistol Ammunition utilizing the State of Connecticut's Contract Award #14PSX0243. This ammunition is used for training, State recertification's, and to be carried on duty. Funds are available within the Police Department's account number 001211015-5614, Ammunitions and Explosives.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$62,448.44 to Eagle Point Gun/TJ Morris & Son of Thorofare, NJ for the purchase of Rifle and Pistol Ammunitions for the New Britain Police Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #14PSX0243.

Jack Pieper
Purchasing Agent

33730 RE: ULTRA LOW SULFUR DIESEL FUEL 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. 3878 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase of Ultra Low Sulfur Diesel Fuel for the Public Works Department and Board of Education. Funding for the City is available for the purchase of Low Sulfur Diesel Fuel from the Public Works Department's account, 001315006-5624, Streets Fleet, Motor Fuel/Oil.

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 eighteen (18) Suppliers of Ultra Low Sulfur Diesel Fuel. The Purchasing Agent did not receive any letters from suppliers of the Ultra Low Sulfur Diesel Fuel on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Public Works Administration and the Purchasing Agent. Responses were stated as a differential price per gallon above the New Haven Harbor price on December 16, 2016 and a fixed price for the Ultra Low Sulfur and Ultra Low Sulfur Premium Diesel Fuel. Dime Oil Company submitted the lowest fixed price for both types of Diesel Fuel. Therefore the Director of the Public Works Department recommended that the bid be awarded at a fixed rate for Ultra-Low Premium Sulfur Diesel Fuel, to Dime Oil Company of Waterbury, CT who submitted the lowest fixed rate of \$1.8849 per gallon, which includes Lust and Federal Spill Fund Taxes as well as Winter and Summer Additives. Because of the volatility of the energy market, per Resolution 31880, the Purchasing Agent was able to lock in the price and awarded the bid to Dime Oil Company of Waterbury, CT at the fixed price of \$1.8849 per gallon for the Ultra Low Sulfur Premium Diesel Fuel from January 1, 2017 to December 31, 2017.

Jack Pieper
Purchasing Agent

33732 RE: PURCHASE OF #2 FUEL OIL FOR THE PUBLIC WORKS DEPT., PROPERTY MANAGEMENT DIVISION

To Her 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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Public Bid No. 3903 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Purchase of #2 Fuel Oil for heating of various City Buildings during the 2017 winter season for the Public Works Department, Property Management Division. Funding is available for this purchase from the Property Management Division's account, 001316004-5621, Outside Grounds, Heat and Gas.

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 eighteen (18) Fuel Oil Companies. The Purchasing Agent did not receive any letters from the Fuel Oil Companies on the mailing list who indicated they could not respond to the bid request. Responses were stated as a differential price per gallon above the low New Haven Harbor Pricing per gallon that will be posted in the Journal of Commerce at the time of delivery and at a fixed price per gallon for the term of the contract. The responses received are on file in Town Clerk's Office.

The bid was reviewed for conformance to specifications by the Director of Fleet and Facilities Department and the Purchasing Agent. Most City buildings utilize natural gas for heating. The #2 Fuel Oil is utilized as a back up should there be a disruption of the delivery of natural gas. Because of the volatility of the energy market, the Director of Fleet and Facilities is recommending that the Bid be awarded at a fixed price to Tuxis-Ohr's Fuel, Inc. of Meriden, CT who submitted the lowest fixed price of \$1.7574 per gallon.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order and enter into a contract with Tuxis-Ohr's Fuel, Inc. of Meriden, CT for #2 Fuel Oil at a fixed rate of \$1.7574 per gallon for a period from January 12, 2017 to January 11, 2018 per the pricing, terms and specifications of Public Bid No. 3903.

Jack Pieper
Purchasing Agent

COMMITTEE ON PLANNING, ZONING AND HOUSING

33716-1 RE: PROPOSED LEASE AGREEMENT WITH BACK NINE TAVERN AT STANLEY LLC – RESTAURANT AT STANLEY GOLF COURSE

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

The Common Council and the Committee on Planning, Zoning and Housing held a public hearing and regular meeting on Tuesday, January 3, 2017, to which was referred the matter of Item No. 33716, proposed lease agreement with the Back Nine Tavern at Stanley, LLC. for restaurant operations at Stanley Golf Course for five years with an additional five year option. The Committee on Planning, Zoning and Housing voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Christopher Polkowski
Chair

ZONING COMMITTEE

33544-2 RE: CERTIFICATE OF LOCATION APPROVAL JC AUTO MALL, LLC – 866 WEST MAIN ST

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

The Zoning Subcommittee of the Committee on Planning, Zoning and Housing held a regular meeting on Tuesday, December 6, 2016, to which was referred the matter of Item No. 33544, CJ Auto Mall, LLC. request for granting of certificate of location approval to allow a motor vehicle repairers and auto dealers license for property at 866 West Main Street. Having previously held a public hearing, the Zoning

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Subcommittee voted to accept and recommend that the following item be referred back to the Common Council with a neutral recommendation.

Alderman Christopher Polkowski
Chair

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

33731 RE: RECONSTRUCTION OF HART STREET STATE OF CT PROJECT 88-185 AND FED. AID PROJECT 1088 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. 3879 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Reconstruction of Hart Street, State of Connecticut Project 88-185 and Federal Aid Project 1088(112) for the Public Works Department. Funding for this project is 80% Federal, 10% State and 10% City and is available within the Public Works Department's Street Infrastructure Bond Construction Contract, Account Number, 0082950304-5454.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald and the Hartford Courant Newspapers, City and State of Connecticut's Department of Administration Services websites and mailed to forty-five (45) Construction Companies. The Purchasing Agent did not receive any letters from the Construction Companies on the mailing list who indicated they could not provide a response to the bid request. Responses are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Public Works Department Engineering Division and the Purchasing Agent. The City Engineer has determined that the submittal from the low bidder, Nunes Connecticut, Inc., contained thirteen (13) items with a unit price of \$0.01, which when compared to the Engineers Estimate, totaled an estimated difference in value of over \$279,000.00. The City Engineer, with concurrence from the Connecticut Department of Transportation and the Federal Highway Association has therefore deemed the bid to be unbalanced and unreasonable.

The Public Works Director is therefore recommending that the bid be awarded to VMS Construction Company of Vernon, CT who submitted the lowest responsible bid and met all of the bid specifications for the Reconstruction of Hart Street.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$2,293,937.80 and enter into a contract with VMS Construction Company of Vernon, CT. for the Reconstruction of Hart Street for the Public Works Department per the terms and specifications of Public Bid No. 3879.

Jack Pieper
Purchasing Agent

Ald. Polkowski recused himself due to a conflict of interest – he will be working on the project. Ald. Giantonio moved to accept and adopt, seconded by Ald. Collins. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

Ald. Polkowski returned to the Chambers.

FINANCE DEPARTMENT

33733 RE: COMPREHENSIVE ANNUAL FINANCIAL REPORT

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

Code of Ordinances, Section 2-397, requires the City to have an independent auditor or auditing firm in accordance with Section 7-392(a) of the Connecticut General Statutes. Every year the independent auditing firm, in conjunction with the Finance Department, produces financial statements in the form of the Comprehensive Annual Financial Report.

Resolved: that the Comprehensive Annual Financial Report (CAFR) for Fiscal Year ending June 30, 2016 has been submitted to Mayor Erin E. Stewart and the Common Council of the City of New Britain.

Lori A. Granato
Finance Director

Ald. Carlozzi moved to accept, seconded by Ald. Sanders. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

33716-2 RE: LEASE AGREEMENT WITH THE BACK NINE TAVERN AT STANLEY, LLC FOR RESTAURANT OPERATIONS AT STANLEY GOLF COURSE

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, Request for Proposals No. 3890 was issued by the Purchasing Agent for the leasing of restaurant operations at the Stanley Golf Course; AND

WHEREAS, Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald, Hartford Courant, the City and State of Connecticut's Department of Administration Services websites and mailed to twenty-five (25) local Restaurants and Catering Companies. The Purchasing Agent did not receive any letters from the local Restaurant or Catering Companies who were on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in the Purchasing Department; AND

WHEREAS, The bids were reviewed for conformance to specifications by the Parks and Recreation Department Administration and the Purchasing Agent. A total of four Restaurants and Catering Companies were interviewed by the Parks and Recreation Department Administration and the Parks Commission. The purpose of the interview was to obtain additional information regarding the company, the proposal that was submitted, and their experience in the restaurant and catering business. The Parks and Recreation Director and the Parks and Recreation Commission are recommending that the Lease of the Restaurant Operations at the Stanley Golf Course be awarded to The Back Nine Tavern At Stanley, LLC. The incorporators of The Back Nine Tavern At Stanley, LLC have considerable experience in the restaurant business and operate Aqua Turf Club, Inc., Farmington Country Club, Inc. and Southington Country Club, Inc., with plans to name the restaurant at Stanley Golf Course The Back Nine Tavern; AND

WHEREAS, The Back Nine Tavern At Stanley, LLC has agreed to pay rent in the amount of \$4,000.00 per month for the period from January 1, 2017 through December 31, 2021 and expend a minimum of \$100,000.00 in leasehold improvements and equipment expenditures during year 1 of the Lease Agreement; now therefore be it.

RESOLVED, that Mayor Erin E. Stewart is authorized to enter into a Lease Agreement with The Back Nine Tavern At Stanley, LLC for the restaurant operations at Stanley Golf Course for a five (5) year term from January 1, 2017 through December 31, 2021 with an additional five (5) year option which may be exercised at any time by mutual agreement of the parties and that she is further authorized to sign said Lease Agreement and any additional options, extensions or customary documents related thereto.

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Alderman Shirley Black,
Liaison for Parks & Recreation Department

Alderman Jerrell Hargraves,
Liaison for Parks & Recreation Department

Alderman Daniel Salerno,
Liaison for Parks & Recreation Department

Alderman Louis Salvio,
Liaison for Parks & Recreation Department

Ald. Salerno moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33544-3 RE: CERTIFICATE OF LOCATION APPROVAL JC AUTO MALL, LLC – 866 WEST MAIN ST

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 Zoning Subcommittee at a regular meeting held on Tuesday, December 6, 2016, by majority vote, accepted and referred to the full Common Council with a neutral recommendation Petition No. 33544, CJ Auto Mall, LLC. request for granting of certificate of location approval to allow a motor vehicle repairers and auto dealers license for property at 866 West Main Street.; and

NOW, THEREFORE BE IT RESOLVED that the Common Council as the Zoning Authority of the City of New Britain, approve the recommendation of the Zoning Subcommittee and appropriate action take place to grant said approval as recommended.

Alderman Christopher Polkowski
Zoning Subcommittee Chair

Ald. Salvio recused himself due to a possible conflict of interest – family issues. Ald. Polkowski moved to accept and adopt, seconded by Ald. Collins. Roll Call Vote: 7 yes, 6 no. VOTING YES: Ald. Smedley, Carlozzi, Davis, Hargraves, Naples, Sanchez and Sanders. VOTING NO: Ald. Giantonio, Collins, Pabon, Polkowski, Rosado and Salerno. Returned 1/13/2017 without the approval or disapproval of Mayor Erin E. Stewart.

NEW BUSINESS RESOLUTIONS

33734 RE: AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS FOR CELLULAR RADIO AND SHELTERING FACILITIES AT STANLEY GOLF COURSE COMMUNICATIONS COMPOUND

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 Public Safety Telecommunications Department in conjunction with the Public Works Department developed a radio tower site adjacent to the Stanley Golf Course maintenance facility as part of the City's communications improvement project; and

WHEREAS, the Stanley Golf Course communications compound was developed with the capacity to host cellular carriers; and

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, with its principal offices at One Verizon Way, Basking Ridge, New Jersey 07920 has submitted a lease proposal to the City to install antennas on the

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city owned monopole and an equipment shelter within the fenced communications compound on the golf course property; and

WHEREAS, the lease proposal will provide \$30,000 in rent to the City on annual basis; and

WHEREAS, the Public Safety Telecommunications Department and the Office of Corporation Counsel have also negotiated annual escalation increases of 2% and an initial term of five years, renewable in five year increments; and

WHEREAS, the revenues from this lease over a twenty-year period will pay the entire cost, including bonding, associated with the development of the municipal radio site facilities at Elam Street, Stanley Golf Course, and atop Police Headquarters.

NOW, THEREFORE BE IT RESOLVED that the City of New Britain Common Council does hereby authorize Mayor Erin E. Stewart to sign all necessary agreements and take all necessary actions to move this development forward; and

BE IT FURTHER RESOLVED that the Finance Director is hereby directed to create a Special Revenue Account for the purposes of accounting for cellular site lease revenues on municipal property; and

BE IT FURTHER RESOLVED that no funds from this Special Revenue Account may be allocated to any expenses other than the routine maintenance and operation of the facilities and then only via an approved budget authorization presented by the Mayor and approved by the City Council.

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Collins. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33735 RE: THE APPOINTMENT OF LINDA GUARD AS HUMAN RESOURCES DIRECTOR

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, According to the New Britain City Charter, Article VIII, 8-2 (B), "Appointment of Department Heads": "...all department heads shall be appointed by and subject to the authority of the Mayor, following the consent of the Common Council..." and

WHEREAS, The position of Human Resources Director is currently vacant; and

WHEREAS, Applicants were sought and an open competitive examination consisting of an oral examination administered by a panel of regional Human Resources professionals for the position of Human Resources Director was held; and

WHEREAS, The Civil Service Commission certified a list of 3 top finalists; and

WHEREAS, The Mayor and Corporation Counsel recently interviewed the three candidates for the position of Human Resources Director; and

WHEREAS, The Mayor has selected a candidate for the Department Head position of Human Resources Director following this search, testing process and interview; NOW THEREFORE BE IT

RESOLVED, That the Common Council consents to the Mayor's selection of Linda Guard as Human Resources Director of the City of New Britain.

Jaime Giantonio,
President Pro Tempore

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Ald. Giantonio moved to accept and adopt, seconded by Ald. Salerno. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33736 RE: PROPOSED AMENDMENT TO SEC. 20-31 OF THE ORDINANCES REGARDING POLICIES AND PROCEDURES OF THE NEW BRITAIN POLICE DEPARTMENT

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 amend Section 20-31 of the Code of Ordinances regarding Policies and Procedures of the New Britain Police Department.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Section 20-31 of Chapter 2 of the Code of Ordinances, City of New Britain, be amended to read as follows inserted text appears in underline; deleted text appears in strikethrough; new sections begin with the word [new]):

Sec. 20-31. Duties of chief.

The chief of the police department shall administer and supervise the department generally, and perform all duties set forth in the job description of the chief of police. In addition, the Chief of Police together with the Police Commission shall have the authority to issue, modify and approve Policies and Procedures for the New Britain Police Department.

Alderman Carlo Carlozzi, Jr.
Alderman Wilfredo Pabon
Alderman Jim Sanders, Jr.
Alderman Emmanuel Sanchez

Ald. Pabon moved to accept and refer to the Consolidated Committee, seconded by Ald. Rosado. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33737 RE: THE SALE OF 65 KILBOURNE AVE. TO ANTHONY T. BIANCA JR. AND PAMELA BIANCA

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 65 Kilbourne Avenue.

WHEREAS, Anthony T. Bianca, Jr. and Pamela Bianca own the property located at 55 Kilbourne Avenue which they purchased from the City of New Britain in 2002; AND

WHEREAS, 65 Kilbourne Avenue is owned by the City of New Britain and abuts the Bianca's property; AND

WHEREAS, the Bianca's are interested in selling their house located at 55 Kilbourne Avenue and building a smaller house on 65 Kilbourne Avenue; AND

WHEREAS, 65 Kilbourne Avenue is 0.70 acres but encumbered by a conservation easement in favor of the State of Connecticut; AND

WHEREAS, the Bianca's have offered to purchase 65 Kilbourne Avenue for Thirty Thousand Dollars (\$30,000.00); AND

WHEREAS, a private development of 65 Kilbourne Avenue would contribute to an increase to the grand list; now therefore be it,

RESOLVED, that Mayor Erin E. Stewart be and is hereby authorized to execute on behalf of the City of New Britain a purchase and sales agreement with Anthony T. Bianca, Jr. and Pamela Bianca for the

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property known as 65 Kilbourne Avenue and to execute any and all documents necessary for the conveyance of said property in accordance with the terms of said agreement at a sale price of not less than \$30,000.00.

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Salerno. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33738 RE: THE SALE OF 266 ARCH STREET TO NEIGHBORHOOD HOUSING SERVICES OF NEW BRITAIN, INC.

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 266 Arch Street, which is owned by the City of New Britain Housing Site Development Agency.

WHEREAS, on July 1, 2011 the City of New Britain Housing Site Development Agency acquired the premises known as 266 Arch Street from the Christian Mission John 3:16 D/B/A Embassy Worship Center; and

WHEREAS, Neighborhood Housing Services plans to renovate 266 Arch Street as an adaptive reuse development which would include a 1500 square foot retail space fronting Arch Street and approximately 23 units of workforce housing including community and laundry rooms; and

WHEREAS, the cost of this project is expected to exceed \$4.5 million dollars; and

WHEREAS, it is expected that significant environmental issues exist and Neighborhood Housing Services has agreed to do a Phase I Environmental Site Analysis at its sole expense as well as being responsible for all remediation costs and expenses; and

WHEREAS, Mayor Stewart believes that the re-development of 266 Arch Street will make a significant contribution to the revitalization of Arch Street and improve the quality of life for our residents; now, therefore, be it

RESOLVED, That Erin E. Stewart, Mayor is hereby authorized to negotiate and execute on behalf of the City of New Britain, a Purchase and Sale Agreement with Neighborhood Housing Services of New Britain, Inc. for the property known as 266 Arch 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 sale price of Ninety-Two Thousand Eight Hundred Dollars (\$92,800.00) with the New Britain Housing Site Development Agency granting a mortgage to the purchaser in the amount of Twenty-Seven Thousand Eight Hundred Dollars (\$27,800.00).

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and refer to the Committee on Planning, Zoning and Housing and to the Commission on Community and Neighborhood Development. Motion seconded by Ald. Salerno. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33739 RE: THE SALE OF 66 WINTHROP STREET TO MARION ORLOWSKI

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 vacant property for rehabilitation and housing.

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WHEREAS, the City of New Britain is committed to improving the housing stock and quality of life of its residents; and

WHEREAS, the City of New Britain owns property known as 66 Winthrop Street, which was acquired through the foreclosure process; and

WHEREAS, the property has to be renovated because there are holes in the roof, the foundation is bowing and extensive interior and exterior repairs, including mechanical and electrical improvements are required; and

WHEREAS, Marion Orłowski has signed a letter of intent to purchase 66 Winthrop Street for \$20,000.00 and has submitted a deposit of \$5,000.00; and

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

RESOLVED, That Erin E. Stewart, Mayor is hereby authorized to negotiate and execute on behalf of the City of New Britain, a Purchase and Sale Agreement with Marion Orłowski for the property known as 66 Winthrop 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 sale price of Twenty Thousand Dollars (\$20,000.00).

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Sanders. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33740 RE: THE PURCHASE OF 2, 6 AND 8 ATWOOD STREET FOR THE SMALLEY ACADEMY RENOVATION AND EXPANSION PROJECT

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 purchase three properties for the Smalley Academy Renovation and Expansion Project.

WHEREAS, on June 22, 2016 the Common Council approved Resolution No. 33528-1 for a \$53,000,000.00 appropriation and bond authorization for the Smalley Academy Renovation and Expansion Project; AND

WHEREAS, acquisition of the properties located at 2 Atwood Street, 6 Atwood Street and 8 Atwood Street are necessary for the additional land required to complete the project; AND

WHEREAS, Real Estate Purchase Contracts in the amount of \$95,000.00 for 6 Atwood Street, and \$140,000.00 for 8 Atwood Street were presented to the School Building Committee at its December 1, 2016 meeting and have been referred by the Committee to the Common Council for approval; AND

WHEREAS, negotiations for the purchase of 2 Atwood Street are underway and approval of the purchase of that property was also referred to the Common Council by the School Building Committee at the December 1, 2016 meeting; AND

WHEREAS, Section 8-24 of the Connecticut General Statutes and Section 19-22 of the Code of Ordinances require that all proposals for acquisition of real property be submitted to the City Plan Commission for a report; now therefore be it.

RESOLVED, that Mayor Erin E. Stewart be and is hereby authorized to execute any and all documents necessary for the City of New Britain's purchase of 2 Atwood Street for \$_____; 6 Atwood Street for \$95,000.00 and 8 Atwood Street for \$140,000.00 subject to approval of a grant

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commitment by the State of Connecticut for the Smalley Academy Renovation and Expansion Project.

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and adopt, seconded by Ald. Rosado. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

33741 RE: PROPOSED AMENDMENT TO SEC. 2-823 OF THE ORDINANCES TO MANDATE A RESIDENCY REQUIREMENT AND INCENTIVE FOR DEPARTMENT HEADS

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

Resolution Summary: INTENT AND PURPOSE. To amend Section 2-823 of the Code of Ordinances to mandate a residency requirement and incentive for department heads.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that the Chapter 2, Section 2-823 of the Code of Ordinances, City of New Britain, be amended as follows (inserted text appears in underline; deleted text appears in strikethrough; new sections begin with the word [new]):

Sec. 2-823. Examinations.

Open-competitive examinations shall be administered by the personnel director or by a competent outside agency.

All tests shall be practical and appropriate and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the essential duties of the position, and may include tests of physical and psychological fitness or of manual skill. Any oral portion of the test shall be conducted by persons qualified in the relevant field. Efficiency in service shall be considered in connection with tests for promotion. No credit shall be allowed for service rendered under a provisional or emergency appointment.

Failure of the candidate appointed to a department head position, with the exception of the positions of finance director and human resources director, Fire Chief, Police Chief, and any successor Director of Public Works to take up permanent residence in New Britain within one (1) year after the conclusion of the probationary period, shall result in immediate termination of employment. As to all other department head positions, the Mayor may negotiate an incentive for any department head who establishes permanent residency in New Britain within one (1) year of the date of appointment.

Alderman Jamie Giantonio

Ald. Giantonio moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Salerno. So voted. Approved January 12, 2017 by Mayor Erin E. Stewart.

There being no further business to come before the Council, Ald. Sanders moved to adjourn, seconded by Ald. Hargraves. So voted. Meeting adjourned at 9:33 p.m.

ATTEST: Mark H. Bernacki, City Clerk

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