

February 25, 2009

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

**FEBRUARY 25, 2009**

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 25th day of February 2009 at 7:45 p.m. in the Common Council Chambers, City Hall.

Fourteen members were present at roll call: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Catanzaro, Hermanowski, Salvio, Bernacki and Bielinski.

One member was absent: Ald. Collins

Peter J. Denuzze, City Clerk, gave the invocation. O God, our Heavenly Father, bless this Common Council as we start this holy season of Lent. Grant that this Council may work together so that the results will be most beneficial to the City of New Britain. We ask this in thy name. Amen.

Grant Potter from Boy Scout Troop 75 led the pledge to the flag.

Ald. Catanzaro was granted a point of personal privilege and wished his father a happy 87th birthday.

Ald. Hermanowski was granted a point of personal privilege and stated that had the Council not adopted resolution 30482 regarding the re-appointment of Blum Shapiro as the City's independent financial auditor for fiscal year ending June 30, 2009, there would have been no penalty imposed.

Ald. Trueworthy moved to adopt the minutes of the Regular Meeting of January 14, 2009, the Special and Regular Meetings of January 28, 2009 and the Regular Meeting of February 11, 2009. Motion seconded by Ald. Bielinski. So voted.

### **PETITION**

**30486 ALD. CATANZARO FOR CERTIFICATE OF LOCATION APPROVAL TO ALLOW A MOTOR VEHICLE GENERAL REPAIRER'S AND AUTO DEALER'S LICENSE FOR PROPERTY AT 311 OAK ST. REFERRED TO THE ZONING SUB-COMMITTEE AND CITY PLAN COMMISSION.**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved March 4, 2009 by Timothy T. Stewart, Mayor.

### **CONSENT AGENDA**

#### **OFFICE OF THE CORPORATION COUNSEL**

**30487 RE: SAHITA DAS V. CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN, ET AL**

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

Please be advised the Connecticut District Court has granted our motion for summary judgment in the above-captioned matter. While being a mathematics teacher at New Britain High School, Ms. Das claims she was discriminated against based on her ancestry, Indian, and on her age, 55. On November 28, 2005, the CHRO complaint was dismissed based on their being no reasonable possibility that

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investigating the complaint would result in a finding of reasonable cause. Ms. Das requested reconsideration which was denied. On May 18, 2007, the plaintiff filed the Federal District Court lawsuit based on the EEOC right to sue letter. On February 5, 2009, the Honorable District Judge Underhill granted the motion for summary judgment based on the plaintiff's failure of presenting any type of evidence which would prove that the defendants had discriminated the plaintiff based on her age and her ancestry.

Irena J. Urbaniak  
City Attorney

## **PURCHASING DEPARTMENT**

### **30489 RE: PROFESSIONAL MEDICAL SERVICES – NEW BRITAIN POLICE DEPARTMENT**

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

Public Bid No. 3449 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Professional Medical Services for the New Britain Police Department. Funding available for the Professional Medical Services is in Account Number, 001-1600-1803-390.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to eleven (11) local Medical Centers. The Purchasing Agent did not receive any letters from the Medical Centers on the mailing list who indicated that they could not respond to the bid request. The responses were received as per the attached.

The Police Department's Administration and the Purchasing Agent reviewed the bids for conformance to specifications. Therefore the Police Chief is recommending that the bid be awarded to Medworks LLC of Newington, CT who submitted the lowest responsible bid for the Professional Medical Services for the Police Department.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a standing purchase order with Medworks LLC of Newington, CT. for Professional Medical Services for the Police Department per the attached pricing for a period of three (3) years with the option to extend the agreement for another one (1) two (2) year period contingent upon recommendations of the Police Department and negotiation of pricing as well as the terms and specifications of Public Bid No. 3449.

Jack Pieper  
Purchasing Agent

### **30491 RE: ON-CALL ENGINEERING SERVICES – KENNEL FLOOR RESTORATION AND REPAIRS AT THE DOG POUND**

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

The following on-call engineering project has been requisitioned following the award by the Common Council for on-call engineering contracts, Bid #3440, approved at its Regular Meeting of October 22, 2008

Project Name: Kennel Floor Restoration and Repairs at the Dog Pound  
Vendor: Walker Restoration Consultants  
Amount: \$20,500.00  
Line Items: 213-1800-1864-805  
Requested By: Department of Property Management

Scope: The Walker Restoration Consultants will oversee the testing of samples taken from the flooring to determine the quality of the existing concrete slab and the expectation of its durability to receive a new flooring system. The results of the testing will enable the Walker Restoration Consultants to

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create the necessary engineering and bid documents. During the bidding process, they will also provide any assistance needed by the City, attend pre-bid meetings and review all of the bids received to assure that the bidders comply with bid specifications. Once the project has been awarded, the Walker Restoration Consultants, will provide construction consultation during the restoration and repair process as well as provide inspections of the work being perform to make sure it meets specifications.

Jack Pieper  
Purchasing Agent

## **TAX COLLECTOR**

### **30493 RE: TAX ABATEMENTS, CORRECTIONS AND REFUNDS**

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

The Collector of Taxes has referred a list of tax abatements, corrections and refunds. Acceptance and adoption is respectfully recommended

Cheryl S. Blogoslawski  
Tax Collector

## **REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS**

### **FINANCE DEPARTMENT**

#### **30488 RE: LINE ITEM TRANSFERS 2/4/09 THRU 2/27/09**

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

In accordance with the city of New Britain ordinance of Article VII – Finance, Section 2-494(c), the following departments have transferred monies from one line item to another within their departmental budget (total department budget has not changed). Each transfer will be continuously numbered from month to month throughout the fiscal year. This report represents the transfers executed by the mayor in accordance with the aforementioned ordinance for the period ending February 3, 2009

19. Department:	Property Management
From:	001-1123-1537-390 (Other Purchase Services)
To:	001-1122-5120-111 (Overtime)
Amount:	\$5,000.00
Brief Description:	Funds needed for snow removal overtime

Robert Curry  
Finance Director

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**PURCHASING DEPARTMENT**

**30490 RE: ELECTRICAL REPAIRS AND IMPROVEMENTS AT BADOLATO MUNICIPAL PARKING GARAGE – PROPERTY MANAGEENT DEPARTMENT**

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

Public Bid No. 3454 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Electrical Repairs and Improvements at the Badolato Parking Garage for the Property Management Department. Funding available for the Electrical Repairs and Improvements at the Badolato Parking Garage is in Account Number, 008-1972-1998-322.

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 fifty-five (55) local Electrical Contractors. The Purchasing Agent did not receive any letters from the local Electrical Contractors on the mailing list who indicated that they could not respond to the bid request. The responses were received as per the attached.

The bids were reviewed for conformance to specifications by the Superintendent of Property Management, the On-call Engineering firm associated with this project and the Purchasing Agent. The lowest bidder, Electrical Energy Systems Corporation only submitted a unit price for the replacement of the Exit Signage, Fire Alarm Pull Stations, Smoke Detector and Heater and Fan Replacement. Their total Base Bid Price did not include the total quantities needed for the electrical repairs and improvements per the bid specifications. This was confirmed by the Purchasing Agent who spoke to Electrical Energy Systems Corporation. The next lowest bidder, Haberli Electrical was call to confirm that their total Base Bid Price submitted include the total quantities needed for the electrical repairs and improvements per the bid specifications. Haberli Electrical’s references were also called to verify their past electrical repairs, their ability to perform the needed electrical repairs and the experiences that other Municipalities and Companies had with them. Therefore, the Superintendent of Property Management is recommending that the bid for the Electrical Repairs and Improvements at the Badolato Parking Garage be awarded to Haberli Electrical of South Meriden, CT who was the lowest responsible bidder.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and to issue a Purchase Order for \$56,774.00 to Haberli Electrical of South Meriden, CT for the Electrical Repairs and Improvements at the Badolato Parking Garage per the pricing, terms and specifications of Public Bid No 3454.

Jack Pieper  
Purchasing Agent

**30492 RE: COOPERATIVE PURCHASING – ANNUAL FIRE ALARM SYSTEM TESTING, INSPECTION AND FULL SERVICE CONTRACT – WATER DEPT.**

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division 1, Section 2-538 (a), a purchase order was requested for the following under the State of Connecticut’s cooperative purchasing plan:

<u>Supplier</u>	<u>Description</u>	<u>Price</u>
SimplexGrinnell East Berlin, CT.	Annual Fire Alarm System Testing, Inspection and Full Service Contract	
	Filter Plant	\$10,994.15
	Administration Building	<u>\$ 1,466.95</u>
	Total Cost	\$12,461.10

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The Water Department requested a purchase order for the Annual Fire Alarm System Testing, Inspection and Full Service Contract for their Filter Plant and Administration Building. The Full Service Contract includes component, parts and battery replacement, and service calls. SimplexGrinnell has been providing maintenance on these systems for the Water Department. The existing contract, which the Water Department has with SimplexGrinnell, is about to expire on February 28, 2009. SimplexGrinnell is the manufacturer of the Fire Alarm System that is presently in the Filter Plant and Administration Building. SimplexGrinnell has one hundred and eighty-five (185) offices that make up one of the largest service networks in the Fire Alarm and Sprinkler System Industry. SimplexGrinnell has no dealers and to go out to bid for this service would not be beneficial to the City. SimplexGrinnell also has a State of Connecticut Contract, 98PSX0023, for these services. SimplexGrinnell has agreed to charge the Water Department the State of Connecticut Contract pricing for these services. The State of Connecticut Contract Pricing is at a fixed rate from July 2008 to August 2010. This fixed State of Connecticut Contract Pricing is at a discounted rate of 6% below SimplexGrinnell's normal 2009 pricing for this service. This expense will also be presented to the Water Commission at their March 10, 2009 meeting. Funding is available for this purchase in Account Number, 930-1000-9056-XD6.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$12,461.10 to SimplexGrinnell of East Berlin, Ct for the Annual Fire Alarm System Testing, Inspection and Full Service Contract for the Water Department's Filter Plant and Administration Building utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #98PSX0023.

Jack Pieper  
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

## NEW BUSINESS

### RESOLUTIONS

#### 30494 RE: BUDGET AMENDMENT AND BUDGET TRANSFER – WATER DEPT.

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:

At a meeting of the Board of Water Commissioners held on February 10, 2009, the following resolution was approved and referred to the Common Council for adoption:

WHEREAS, the Water Department is an Enterprise fund of the City of New Britain; and,

WHEREAS, the fiscal year 2008 the Water Operating Fund (Fund 930) results from operations concluded with a surplus summarized as follows:

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenue	\$13,297,683	\$15,026,983	\$ 1,729,300
Expenditures	\$13,297,683	\$14,267,991	\$ (970,308)
Surplus from Operations (FY08)			\$758,892

WHEREAS, the Water Department has realized a surplus of funds from the fiscal year 2007-08 available for appropriation ; and,

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WHEREAS, \$500,000 of the 2007-08 surplus has already been anticipated and is included in the 2008-09 Budget ;

WHEREAS,, the Board of Water Commissioners recommends that the remaining \$258,892 be included in the 2008-09 budget as well, therefore, be it

RESOLVED, that the following budget amendment be approved as follows:

Increase:		
930-0500-9050-XDF	Revenue – from FB	\$258,892
Increase:		
930-1000-9069-XFJ	Burlington Taxes	
	Total	\$258,892

RESOLVED, as of June 30, 2008 appropriation line items within the Water Operating Fund (Fund 930) , as outlined for the fiscal year ending June 30, 2008 be transferred as shown on the attachment with summary outlined below:

FUND 930

Budget Transfer Summary

Total Transfers TO Fund 930 Expenditures	\$137,433
Total Transfers FROM Fund 930 Expenditures	\$137,433

Ald. Larry Hermanowski  
Adam Platosz  
Common Council Liaisons - Water Dept.

Ald. Hermanowski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart

**30495 RE: ESTABLISHMENT OF A COOPERATIVE PURCHASE AGREEMENT WITH THE NEW BRITAIN PAROCHIAL SCHOOLS – DISCOUNTED PURCHASES OF HEATING OIL**

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

WHEREAS;the City of New Britain bids and bulk purchases heating oil directly from the New Haven oil depot for use in all municipally owned buildings; and

WHEREAS;these discounted purchases are also extended to the New Britain Public School system for heating their buildings; NOW, THEREFORE, BE IT

RESOLVED; that the City of New Britain establish a cooperative purchase agreement with the New Britain parochial schools for them to utilize the same cost savings program.

Alderman Mark H. Bernacki, Asst. Minority Leader  
Alderman Louis G. Salvio, Minority Leader

Ald. Bernacki moved to accept and refer to the Mayor and the Finance Dept., seconded by Ald. Salvio. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

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**30496 RE: PROPOSED AMENDMENT TO SEC. 22-15 OF THE ORDINANCES TO INCLUDE HOSPITALS IN DEFINITION OF CERTAIN TAX EXEMPT ORGANIZATIONS**

Proposed Ordinances on file in Town Clerk's Office.

Ald. Salvio moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Bielinski. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

**30497 RE: PROPOSED SALE OF 65 KILBOURNE AVE. TO ANTHONY T. BIANCA, JR. FOR NOT LESS THAN \$30,000**

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

WHEREAS, The City of New Britain is committed to the revitalization of its neighborhoods; and

WHEREAS, The City of New Britain owns three vacant lots (0.696 of an acre) known collectively as 65 Kilbourne Avenue that were transferred from the state of Connecticut in June 2008 for administrative costs; and

WHEREAS, Anthony T. Bianca, Jr. owns and resides at the adjacent property at 55 Kilbourne Avenue. Previous to the property being transferred from the State to the City, Mr. Bianca leased the property from the state and maintained it. He is desirous to continue the maintenance of the property and to increase the property around his home by purchasing this adjacent property; and

WHEREAS, The City of New Britain has received a request for transfer of this property from Anthony T. Bianca, Jr. for a total of Thirty Thousand Dollars (\$30,000.00) and other valuable consideration; and

RESOLVED, That Timothy T. Stewart, Mayor, 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. for the 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 Louis G. Salvio  
Minority Leader

Ald. Salvio moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Bielinski. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

**30498 RE: BUDGET AMENDMENT - \$2,989 POLICE DEPARTMENT**

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

WHEREAS, the Drug Investigation Fund is an existing special revenue fund to which most revenue is credited as the result of the State of Connecticut 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, State statutes prescribe that funds received are to be spent:

85% to enhance drug investigation and enforcement

15% for drug education, And,

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WHEREAS, the purpose of this Resolution is to formally allocate funds that have accumulated in the Drug Investigation fund to appropriate \$2,989.00 to purchase readily accessible, yet high security, storage cabinets for the Department's rifles, shotguns and tasers to be placed in the Main Desk area for issue at shift rotation, THEREFORE BE IT

RESOLVED, that a budget amendment in the Drug Investigation Fund to formally appropriate funds accumulated in that fund be made as follows:

Drug Investigation Fund

Increase Revenue:

289-0500-0505-077	Fund Balance	\$2,989
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Increase Expenditures:

289-1431-4039-442	Equipment	\$2,989
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Ald. Suzanne Bielinski - Police Liaison  
Ald. Roy Centeno - Police Liaison  
Ald. Lawrence Hermanowski- Police Liaison  
Ald. Silvia J. Cruz, Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Hermanowski. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

**30499 RE: GRANT OF \$15,000 FROM THE U.S. DEPARTMENT OF JUSTICE TO THE NEW BRITAIN POLICE DEPT. FOR THE PROJECT SAFE NEIGHBORHOODS**

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

WHEREAS, the U. S. Department of Justice (USDOJ), has funding available under their Project Safe Neighborhoods, and

WHEREAS, these funds are to be used to assist in the investigation of crimes involving firearms and any gang activity, and

WHEREAS, these funds, in the amount of \$15,000, can be used for officer overtime, buy money or equipment as set forth in the budget listed below, and require no cash match from the City, and

WHEREAS, that Mayor Timothy Stewart be authorized to execute all grant documents with the U.S. Department of Justice on behalf of the City of New Britain for the Project Safe Neighborhoods, in the sum of \$15,000, THEREFORE BE IT

RESOLVED, that a sum of \$15,000 be appropriated within the special revenue account structure as follows:

Revenue:

217-0500-0505-SAF	Revenue – Federal	\$15,000
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Expenditures:

217-1600-1817-111	Police Overtime	\$12,000
217-1600-1817-202	Investigation Expense	\$2,000
217-1600-1817-442	Equipment	\$1,000

Ald. Suzanne Bielinski - Police Liaison  
Ald. Roy Centeno - Police Liaison

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Ald. Lawrence Hermanowski- Police Liaison  
Ald. Silvia J. Cruz – Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

**30500 RE: SPECIAL REVENUE FUND: IMMUNIZATION ACTION PLAN GRANT**

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

Program Objective: Patient, parent, and medical staff vaccine education; tracking of infants born at area hospitals; assessment of medical practices; surveillance for communicable diseases; and public education for prevention of communicable diseases such as polio and measles to avoid the serious consequences of these diseases and to extend and improve the quality of New Britain residents lives through immunizations. The initial year of grant funding, 1995.

Local Program Operation Department: Health, under the supervision of the director

Resolution Purpose: Initiation of a three year grant cycle. Locally adopted budget in 1st year of grant cycle, for calendar years 2009-2011. Total all income and expenditure activity reflecting authorized expenditure budget of \$258,783.

WHEREAS; the State of Connecticut, Department of Public Health, has notified the City of New Britain that it is continuing the grant in the amount of \$86,261 for the calendar year 2009 and

SO, THEREFORE, BE IT RESOLVED; that the Special Revenue budget for fund #241, be \$86,261 for the one year period of 1/1/09 through 12/31/09 for the purpose of reflecting the State funding as follows:

<b>Revenues</b>	<b>Line Item</b>	<b>Budget Amount</b>
Immunization Grant-State of CT. Dept. of Public Health	241-0000-0000-000	86,261.00
<b>Expenditures</b>	<b>Line Item</b>	<b>Amount</b>
Full Time Salaries	241-1427-4110-110	50273
Part Time Salaries	241-1427-4110-113	8094
MERF	241-1427-4110-120	3620
Workers Compensation	241-1427-4110-125	425
Overtime (Special promotions)	241-1427-4110-111	250
Administrative Overhead	241-1427-4110-129	400
Major Medical/Life Insurance	241-1427-4110-140	18350
Longevity Pay	241-1427-4110-112	525
Medicare	241-1427-4110-142	1103
Office Supplies	241-1427-4110-210	336
Program Supplies	241-1427-4110-215	300
Operating Materials & Supplies	241-1427-4110-221	400
Education and Training	241-1427-4110-288	500
Travel and Meetings	241-1427-4110-294	1685

Alderman Adam Platosz

Ald. Platosz moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved March 4, 2009 by Mayor Timothy T. Stewart.

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There being no further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 8:25 p.m.

ATTEST: Peter J. Denuzze, City Clerk

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