

March 11, 2009

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

**MARCH 11, 2009**

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 11th day of March 2009 at 7:45 p.m. in the Common Council Chambers, City Hall.

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

One member was absent: Ald. Rocha

City Clerk, Peter J. Denuzze, gave the invocation: O God, our Heavenly Father, as we gather here tonight, help this Common Council in their work. Motivate them to act in a spirit of open-ness, honesty and integrity. We ask this in Thy name. Amen.

Frances Russell led the pledge to the flag.

The Mayor asked that a moment of silence be observed in memory of community leader, Raymond M. Lavoie who died on March 6, 2009. Mr. Lavoie was Chairman of the New Britain Veterans Commission, Past Post, State and National Commander of the Franco American War Veterans, and former president of the French Model Club – just a few of the many organizations to which Ray devoted his time and talents. His dedication to his community, state and nation will be truly missed.

The Mayor also asked that a moment of silence be observed in honor of all of our veterans and servicemen and women.

The Council stood at ease while Mayor Stewart delivered his State of the City Address.

## **MAYOR'S STATE OF THE CITY ADDRESS**

**30501 RE: STATE OF THE CITY 2009**

*"Good evening.*

*Members of the Common Council, elected officials, department heads, city employees and citizens of New Britain...I stand before you tonight for the sixth time to report on the state of our city.*

*This year, these remarks are particularly difficult as New Britain, along with communities and households across the state and country, face new challenges as our nation's economy struggles. For those of us who were born and raised here, this is a struggle the likes of which has not been seen in decades.*

*However, the picture is not all doom and gloom. New Britain is more fortunate than our sister Connecticut cities in that we are not facing large deficits due to the sound fiscal management practiced over the past five years as well as the focus on economic development that continues to bring results, hope and promise for the future.*

*You only have to look out the windows of City Hall to see the signs of that hope and promise. Since I last addressed you, the former Rao Building at 160 Main Street has been completely renovated by Jasko Development and Luxury Apartments in that location are now filled.*

*The Rao's sister building, the Andrews building, holds the popular Hardware City Tavern that has brought a vibrant night life to New Britain for the first time in many years.*

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*Right next door to City Hall, the former New Britain National Bank is being converted to housing for residents 55 and older and is well on its way to becoming a model for affordable housing in our downtown.*

*More excitement is on the way as we will soon begin the first major project in our downtown master plan, the construction of a new police headquarters on the corner of Main and Chestnut Streets. The last tenant in the building at 121 Main Street relocated further up Main Street over this past weekend, and demolition bids have been received. This innovative development will serve as a catalyst for further growth in the center of our city.*

*Demolition of the former Pinnacle Heights project is nearing completion and applications for support from the Federal Economic Development Agency have been submitted.*

*To those naysayers who are asking if this project will come to fruition in these tough economic times – it is during difficult times that these types of projects must go forward to jump start the economy.*

*It may take longer given the realities of what our private sector partners are facing in these uncertain times – but to those who are skeptical, they need to only look down Myrtle Street to see Celebration Foods as the shining example of what perseverance and partnership can accomplish.*

*But as we strive to keep New Britain's economic engine running, we must also remember the strides made in the quality of life for our residents. Our City continues to be fortunate to have many caring and committed partners who work diligently to make New Britain a special community.*

*Partners like Farmington Savings Bank who have committed millions of dollars in affordable loans for first time homebuyers to help strengthen the neighborhood housing market in our community. This is a special gift at a time when the dream of home ownership seems even farther away for many of our neighbors.*

*Our partnership with Habitat for Humanity continues with a resolution before the Council tonight for 81 Oak Street as we work to clean up blighted properties and to replace them with new, owner occupied homes.*

*The Mayor's ten year plan to end homelessness has become a national model as an example of what can be done through public private partnerships to deal with economic and social problems that confront America's cities. A dual focus on housing and employment means permanent solutions rather than temporary hand outs for those seeking to return normalcy and self-respect to their families.*

*A recent development on the task force is the addition of a Green Energy Subcommittee that will look to incorporate energy efficiencies into our housing initiatives.*

*Thanks to the recent \$1.7 million Federal Neighborhood Stabilization Grant, we are moving quickly forward to preserve neighborhoods that might otherwise deteriorate because of mortgage foreclosures. We are in the process of buying up foreclosed homes and rehabbing them to sell to new owners who will maintain them and bring stability to at risk parts of our City.*

*Our \$15 million multi-year program to repave city streets and to replace sidewalks continues to help improve public safety and to beautify our neighborhoods. An additional project has been added to include a much needed sewer and water upgrade in the Shuttle Meadow area.*

*We are hopeful that some of the \$54 million in "Shovel Ready" projects that I submitted in December to Governor Rell will be funded to continue to address New Britain's infrastructure and community needs. New Britain is uniquely poised to be able to leverage these economic stimulus monies given the infrastructure work and planning that has taken place over the last several years.*

*But improvements here in our city are not only about bricks and mortar. As highlighted by a recent article in The Herald, New Britain is becoming a thriving Arts Community with Trinity on Main, South Church and the Hole in the Wall serving as the downtown arts triangle attracting hundreds of visitors to our city. Just a few short years ago, it would be difficult to imagine having to chose this past Friday evening between First Friday at the museum, a comedy at The Hole in the Wall and the US Army Volunteer Band at Trinity. What a great problem to have!*

*Overall, 2008 was a pretty good year for the City of New Britain but we are now facing an uncertain 2009. From Enfield to Greenwich, from Putnam to Danbury, big cities and small towns are now faced with challenges that we have not experienced in our lifetime.*

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*In his recent address to Congress President Obama said, "I know for many Americans watching right now, the state of our economy is a concern that rises above all others...The impact of this recession is real and it is everywhere."*

*New pressures are being brought on communities to continue to provide services to their citizens without breaking the backs of our taxpayers. We stand here today with doubts about the future but with hope in our hearts that we can and we will weather the current storms that face us.*

*For four years in a row, we were able to reduce or maintain the mill rate in New Britain. This year we face new challenges that are unprecedented leading us into uncharted waters. We do not know how much New Britain will receive in funding from the State and Federal governments but we must be prepared to make due with less. We cannot in these desperate times expect local taxpayers to replace dwindling dollars from the State or Federal Governments as they struggle with their own personal economic hardships.*

*Just as families throughout our community must re-adjust their spending priorities during these lean times, the City of New Britain must make adjustments to the programs and services we provide.*

*Back in November 2008 I sent a memo to department heads directing them to keep a tight rein on spending. Actions such as delaying the filling of vacancies, reducing non-emergency overtime, eliminating out of state travel, and cutting back on vehicle usage have already had some impact on keeping us out of a deficit this current fiscal year.*

*While these cost saving measures can help ease the burden, they may not be enough if even less in state and federal dollars come our way. Hopefully, working with the cooperation of employees in each of the City's collective bargaining units, we can avoid layoffs or the elimination of jobs. I am hopeful that union leaders will join me in responding to this challenge by being creative not contentious as we look to new avenues of addressing our resources constraints.*

*Maintaining services at current levels or reducing them slightly will be preferable to eliminating them altogether. Enacting a budget that will meet the needs of our citizens in these troubled times will not be easy and will not be painless.*

*Extraordinary times call for extraordinary measures. Just as Governor Rell has called on members of the general assembly to work toward reducing state expenditures without increasing taxes, I am today asking the members of the Common Council to work to find new and creative ways to continue to provide essential services while consolidating and streamlining city agencies and departments.*

*Soon the budget process will begin and much will be demanded from all of us as we face solemn like choices due to the increased need and decreased resources to face that need. I call on all of you, the Common Council, Department Heads, City Employees and the public at large to join me in meeting this challenge.*

*But as we prepare to make tough choices, let us not be blind to the faces and lives that are impacted by the decisions we make. Faces like "Bonnie" who found employment through the Mayor's ten year plan against homelessness. Bonnie is now a valued employee of TBI and her success in turning her life around is an inspiration to all those who are struggling.*

*Other faces to remember are those receiving food at the food pantry at the Osgood Poolhouse where a collaboration of city services agencies is making a real difference in the lives of city residents.*

*New Britain has thousands of such stories of hope and of neighbor helping neighbor. It is up to us as elected officials to honor those struggles and those stories by putting aside our partisanship, rolling up our sleeves, stopping the bickering and getting down to work on the very real problems facing our city.*

*To paraphrase President Obama in his recent address, I know that we haven't agreed on every issue thus far, and there are times in the future when we will part ways. But I also know that the people of New Britain want us to succeed and that should be the starting point as we go forward from here.*

*If we confront these challenges together we can and we will make New Britain a better place in which to live work and raise a family.*

*Thank you for your kind attention and may God continue to bless the City of New Britain."*

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Ald. Trueworthy moved to adopt the minutes of the Regular Meeting of February 25, 2009, seconded by Ald. Bielinski. So voted.

Ald. Trueworthy moved to amend the agenda by adding 30464-1(G1) and by substituting 30509(3), motion seconded by Ald. Bielinski. Roll call vote – all members present voted in favor.

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bernacki. Roll call vote – all members present voted in favor. Approved March 18, 2009 by Timothy T. Stewart, Mayor.

## CONSENT AGENDA

### PURCHASING DEPARTMENT

#### **30504 RE: COOPERATIVE PURCHASING – RICOH ENGINEERING COPIER FOR THE PUBLIC WORKS DEPT., ENGINEERING DIVISION**

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 Federal Government's, GSA, Cooperative Purchasing plan:

<u>Supplier</u>	<u>Description</u>	<u>Price</u>
Design Products Company Newington, CT	Ricoh W2400 Engineering (Print) Copier	\$11,921.00
	Less Trade In	\$2,000.00
	Total Cost	\$9,921.00

The Public Works Department, Engineering Division requested the purchase of a new Ricoh W2400 copier utilizing the Federal Government's, GSA, Contract Award #GS-03F-0085U. A new copier is needed by the Public Works Department Engineering Division because their present copier is in need of a new controller. The Public Works Department has a maintenance agreement on their existing copier, which they are paying an annual maintenance fee of \$5,000.00. This year's maintenance agreement has not been paid in anticipation of purchasing this new copier. The controller is not part of the annual maintenance agreement and will cost an additional \$5,000.00 to be replaced. Design Products Company is an authorized Ricoh Dealer and is able to sell the City the copier under the GSA Contract. They are taking the existing copier and its toner supplies as a trade in for \$2,000.00 and an equal amount of supplies for the new copier. The new copier comes with a One (1) year warranty that includes all parts and labor. The new copier will cost \$79.00 less than the existing copier's maintenance agreement and required repairs. With the new copier's annual maintenance agreement will be \$1,000.00 compared to \$5,000.00 for the existing copier. Funding is available for this purchase from Account Numbers, 208-0003-1515-221, 001-1333-1831-221 and 001-130-3112-221.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$9,921.00 to Design Products Company of Newington, CT for the purchase of a new Ricoh W2400 Engineering Copier for the Public Works Department, Engineering Division utilizing the Federal Government's, GSA, Cooperative Purchasing plan, Contract Award #GS-03F-0085U.

Jack Pieper  
Purchasing Agent

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**30474-1 RE: PRINTING OF BROCHURES FOR THE PARKS AND RECREATION 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. 3465 was approved by the Common Council at their February 11, 2009 meeting, Item number 30474, to award the bid to Interstate Graphics of Johnson City, TN for the printing of the Summer 2009 and the Fall, Winter and Spring 2009-2010 Brochures for the Parks & Recreation Department.

Interstate Graphics of Johnson City, TN, who was awarded the bid, has now informed the Parks and Recreation Administration that they have withdrawn their bid. They indicated that they made an error on bidding. The Purchasing Agent contacted the next lowest bidder, Pond Ekberg of Chicopee, MA. Pond Ekberg indicated to the Purchasing Agent that they misquoted and also withdrew their bid. The next lowest Bidder, Universal Printers of Bristol, VA. was called by the Purchasing Agent to verify that their bid price submitted was correct. A brochure sample was also e-mailed to Universal Printers for visual confirmation. Universal Printers confirmed that their bid met specifications. Therefore the Director of Parks and Recreation is recommending that the bid be awarded to Universal Printers of Bristol, VA. Funding is available for the purchase of these brochures within Account Numbers 001-1511-5111-S30, 001-1511-5111-330, 237-1511-5111-330 and 251-1511-5111-330.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with Universal Printers of Bristol, VA and issue purchase orders in the amount of \$3,553.00 for the printing of 11,000 Summer 2009 Brochure and \$3,553.00 for the printing of the Fall, Winter and Spring 2009-2010 Brochures. The additional cost will be \$106.73 per 1000 Brochures if they are needed by the Parks and Recreation Department. Per the pricing, terms and specifications of Public Bid No. 3465.

Jack Pieper  
Purchasing Agent

**30506 RE: HAZARDOUS MATERIALS ABATEMENT AND BUILDING DEMOLITION FOR 121-131 MAIN STREET – PUBLIC WORKS DEPT.**

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. 3468 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Hazardous Materials Abatement and Building Demolition for 121-131 Main Street for the Public Works Department. Funding is available for this purchase from Account Number 008-2408-0513-322.

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 Sixty-eight (68) Hazardous Material Abatement and Building Demolition Companies. The Purchasing Agent did not receive any letters from the Hazardous Material Abatement and Building Demolition Companies who were on the mailing list indicating that they could not provide a response 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 Public Works Department, Engineering Division, and the Purchasing Agent. Therefore, the Director of the Public Works Department is recommending that the bid be awarded to the lowest bidder, Industrial Wrecking Building, Inc of Bridgeport, CT.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with Industrial Wrecking Building, Inc of Bridgeport, CT and issue a Purchase Order for \$312,000.00 to conduct the Hazardous Materials Abatement and Building Demolition of 121-131 Main Street for the Public Works Department as per the pricing, terms, conditions and specifications of Public Bid No. 3468.

Jack Pieper  
Purchasing Agent

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**30507 RE: RECONSTRUCTION OF SHUTTLE MEADOW AVENUE – PUBLIC WORKS 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. 3423 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Reconstruction of Shuttle Meadow Avenue for the Public Works Department. Funding is available for this project in account number 008-2910-2616-322.

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 Thirty-two (32) Road Construction Companies. The Purchasing Agent did not receive any letters from the Road Construction Companies 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 with specifications by the Public Works Department, Engineering Division, and the Purchasing Agent. Therefore, the Director of the Public Works Department is recommending that the bid be awarded lowest bidder, LTC Construction Company of New Britain, CT.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with LTC Construction Company of New Britain, CT and issue a Purchase Order for \$2,160,440.00 for the Reconstruction of Shuttle Meadow Avenue for the Public Works Department as per the pricing terms, conditions and specifications of Public Bid No. 3423.

Jack Pieper  
Purchasing Agent

**CITY PLAN COMMISSION**

**30464-1 RE: CERTIFICATE OF LOCATION 94 CHRISTIAN LANE**

To His 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 March 9, 2009 voted 7 to 0 to recommend that this proposed certificate of location be denied:

BACKGROUND: The applicant is requesting the granting of a certificate of location approval to allow State DMV issuance of a used motor vehicle dealer license and general repairer license, in accordance with Section 14-54 of the Connecticut General Statutes. The subject property is situated on the eastern side of Christian Lane and is zoned I-2, general industry, which permits auto sales and automotive repair operations by right.

FINDINGS: The subject property is 11,453 square feet in area (approximately 1/4 acre) and is occupied by two recently completed steel buildings, one approximately 3,200 square feet in area the other 1,600 square feet in area. Because of the size and location of the buildings, the property has very little usable outside space for parking or vehicle storage.

There are three (3) customer parking spaces in the front, including one handicapped space. The spaces are angled, with slightly less than the required 24 foot back-up aisle. There are two employee spaces and two display spaces stacked at the rear of the lot, accessed off a shared driveway.

The proposed sales and repair operation here is described as a relatively small, specialized business that will consist primarily of the repair and preparation of vehicles for sale advertised on the internet. The front building would house approximately 800 square feet of office space, an 800 square foot service and repair bay, and a 1,600 square foot auto detail area. The rear building is proposed for the storing and showing of sales vehicles.

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While the I-2 zoning district allows auto dealers and repair businesses as a permitted use, the subject property does not meet the several recently adopted requirements for auto dealers and repair operations. The nonconforming conditions include Section 240-30, which requires auto dealers and repairer's operations to have sufficient parking for all sales vehicles on the lot, plus one (1) customer space for each sales vehicle with a minimum of five (5) customer parking spaces and Section 30-160-20, which specifically requires that all parking spaces be safely laid-out and dimensionally conforming, with customer parking designated and maintained separate from the sales vehicles and employee parking. In order to address these nonconformities the applicant has already sought and received variances from the Zoning Board of Appeals (ZBA application #4435, granted October 16, 2008). In obtaining the variances, the applicant indicated that due to the unique nature of the business, standard customer parking is not needed and that the use is compatible with the surrounding business area, which is characterized by a mix of other auto dealers and repairers, auto recyclers and similar automotive related uses.

**CONCLUSION:** The site appears to be generally adequate for the very limited type of sales operation to the business plan described and the use would not be disruptive or out of character with the neighboring businesses in the general area which, includes a mix of various automotive uses including other small used auto sales and repairers operations, as well as larger auto recycling operations directly adjoining to the south and rear of this property. However, the City Plan Commission notes that the customer parking is limited and smaller than the required dimensions. Further, the Commission strongly recommended against the approval of the variances citing the fact these zoning restrictions were just recently adopted to address the various problems related to auto repair and sales operations that are crowded onto undersized lots. The Commission is concerned that the granting of variances and issuance of location approvals for properties that are so drastically noncompliant with the newly adopted zoning amendments will serve to undermine the new ordinances and render them ineffective.

**RECOMMENDATION:** Consistent with its recommendation regarding the requested variances for this property, and for the reasons described above, the City Plan Commission is opposed to the granting of this certificate of location approval.

G. GEOFFREY BRAY, CHAIRMAN  
CITY PLAN COMMISSION

## **CLAIMS COMMITTEE**

### **30508 RE: SETTLEMENT OF CLAIMS**

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

The Committee on Administration, Finance and Law and the standing claims sub-committee of the Committee on Administration, Finance and Law at a regular meeting held on Wednesday evening, March 4, 2009 at 6:30 p.m. in Room 201, City Hall having held public hearings and made investigations of said claims, respectfully begs leave to recommend the following:

A. RESOLVED; that the sum of \$6,500.00 be paid to Kendra Allen and Robert C. Elfont, Esq. in full settlement of her claim for personal injuries sustained in an accident on January 9, 2008.

Alderman Gregory Gerratana  
Acting Chair

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## **COMMITTEE ON ADMINISTRATION, FINANCE AND LAW**

### **30413-1 RE: PROPOSED AMENDMENT TO THE ORDINANCES ADDING SEC. 2-453 – DISCLOSURE OF FINANCIAL INTEREST; FILING REQUIREMENTS**

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

The Committee on Administration, Finance and Law at a regular meeting held on Wednesday evening, March 4, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30413 – Code of Ethics of the Code of Ordinances be amended by adding a new section to be numbered Section 2-453 – Disclosure of financial interests; filing requirements voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Suzanne Bielinski  
Acting Chair

## **COMMITTEE ON PLANNING, ZONING AND HOUSING**

### **30464-2 RE: GRANTING OF CERTIFICATION OF LOCATION APPROVAL TO ALLOW MOTOR VEHICLE GENERAL REPAIRER'S AND AUTO DEALER'S LICENSE FOR PROPERTY AT 94 CHRISTIAN LANE**

To His 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 at a regular meeting held on Tuesday evening, March 3, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of 94 Christian Lane, LLC seeks granting of certificate of location approval to allow motor vehicle general repairer's and auto dealer's license for property at 94 Christian Lane voted to accept and recommend that the following petition be referred back to the Common Council with a favorable recommendation.

Alderman Michael Trueworthy  
Acting Chair

Petition #30464

To His Honor, the Mayor and the Common Council of the City of New Britain: the undersigned beg leave to petition your Honorable body:

In accordance with CGS Section 14-54, Ninety-Four Christian Lane, LLC seeks granting of a certificate of location approval from the Common Council, acting in its capacity as Zoning Commission of the City of New Britain, in order to allow a motor vehicle general repairer's auto dealer's license for property at 94 Christian Lane.

Said property is zoned I-2, which allows auto repair and auto dealers by right.

Alderman Paul D. Catanzaro  
Liaison-City Plan

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**30481-1 RE: PROPOSED SALE OF 49 AND 53 BEAVER STREET TO COREY MAITZ**

To His 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 at a regular meeting held on Tuesday evening, March 3, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30481 – Purchase and Sale Agreement with Corey Maitz for properties known as 49 and 53 Beaver Street voted to accept and recommend that the following resolution be referred back to the Common Council with a neutral recommendation.

Alderman Michael Trueworthy  
Acting Chair

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

**FINANCE DEPARTMENT**

**30502 RE: LINE ITEM TRANSFERS – 2/18/09 THRU 3/4/09**

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 March 4, 2009

- |                    |  |   |
|--------------------|--|---|
| 20. Department:    | Finance  |   |
| From:              | 001-1930-9006-123  | (Self Funded Cost-Police Pension)       |
| To:                | 001-1930-9008-123  | (Self Funded Cost-Special City Pension) |
| Amount:            | \$10,000.00  |   |
| Brief Description: | Funds needed to cover Dorothy Turnrose's mid-year retirement     |   |
| 21. Department:    | Finance  |   |
| From:              | 001-1930-9007-123  | (Self Funded cost-Fire Pension)         |
| To:                | 001-1930-9008-123  | (Self Funded Cost-Special City Pension) |
| Amount:            | \$2,602.00   |   |
| Brief Description: | Funds needed to cover Dorothy Turnrose's mid-year retirement     |   |
| 22. Department:    | Town Clerk   |   |
| From:              | 249-1154-1540-110  | (Full Time Salaries)                    |
| To:                | 249-1154-1540-320  | (Professional Services)                 |
| Amount:            | \$400.00   |   |
| Brief Description: | Funds needed for scanning project – cost higher than anticipated |   |

Robert Curry  
Finance Director

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Ald. Bielinski moved to accept, seconded by Ald. Bernacki. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

## PURCHASING DEPARTMENT

### 30503 RE: COOPERATIVE PURCHASING – SIXTY MONTH LEASE FOR A SAVIN COLOR COPIER FOR THE PUBLIC WORKS DEPARTMENT

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 cooperative purchasing plan:

<u>Supplier</u>	<u>Description</u>	<u>Lease Price Per Month</u>	<u>Total Lease Price</u>
A & A Office Systems, Inc. Middletown, CT.	Sixty (60) Month Lease - Savin C4040 Copier	\$173.00/Month	\$10,380.00

The Public Works Department requested the lease of a Savin C4040 Copier utilizing the State of Connecticut's Contract Award #04PSX0044. A new copier is needed by the Public Works Department because their present copier is in need of major repairs. It is experiencing paper jams, poor copy quality and is not able to meet the needs of the department. A repair technician has been to the Public Works Department but has not been able to determine the problem or make the necessary repairs. This new Savin C4040 Copier is able to copy color and black and white as well as print, fax and scan. The copier maintenance covers all parts, labor, drums, toner, developer and staples and is based on usage, \$0.07 per printed page for color copies and \$0.009 per printed page for black and white copies. Funding is available for this lease from Account Numbers, 001-1330-3113-330, 001-1338-3240-330, 208-0003-1515-330, 001-1333-1831-330 and 001-1311-3110-330.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a Sixty (60) month lease at \$173.00 per month with A & A Office System, Inc of Middletown, CT to lease a new Savin Copier C4040 Copier with a maintenance cost of \$0.07 per printed page for color copies and \$0.009 per printed page for black and white copies for the Public Works Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #04PSX0044.

Jack Pieper  
Purchasing Agent

Ald. Platosz moved to accept and adopt, seconded by Ald. Sherwood. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

### 30505 RE: COOPERATIVE PURCHASING – NETWORK SUPPORT FOR THE CITY'S IT SYSTEM – FINANCE DEPARTMENT

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 Capital Regional Council of Governments', (CRCOG) Cooperative Purchasing Plan:

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<u>Supplier</u>	<u>Description</u>	<u>Price</u>
XDF, Computer Systems Integration Cromwell, CT.	Network Support for the City's IT System	\$8,092.50

The Finance Department requested a purchase order for Network Support for the City's IT System. XDF, Computer Systems Integration will provide consulting services and support to the City's IT Division to:

- rebuild and reconfiguration of the system
- restore any lost data
- troubleshooting the system
- determine the cause of the system failure
- make any needed corrections

XDF, Computer Systems Integration has a contract with the Capital Regional Council of Governments for these services. The City of New Britain is a member of the Capital Regional Council of Governments. Funding is available for this purchase in Account Number, 008-2105-1532-442.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$8,092.50 to DXF, Computer Systems Integration of Cromwell, CT for Network Support for the City's IT System utilizing the Capital Regional Council of Governments' Cooperative Purchasing Plan Contract.

Jack Pieper  
Purchasing Agent

Ald. Sherwood moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

## **RESOLUTIONS RETURNED FROM COMMITTEE**

### **30481-2 RE: THE SALE OF 49 AND 53 BEAVER STREET TO COREY MAITZ FOR NOT LESS THAN \$43,000.00**

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's Housing Site Development Corporation owns two vacant lots known as 49 and 53 Beaver Street; and

WHEREAS, these lots are adjacent to property located at 608 Main Street (Berkowitz Building), a blighted property that is currently in the process of an ownership transfer to Corey Maitz of Burlington, CT who will be renovating the building for residential and commercial space and will need the lots on Beaver Street to ensure adequate parking for residents and businesses; and

WHEREAS, The City of New Britain has received a request for transfer of the properties known as 49 and 53 Beaver Street from Mr. Maitz for a total of Forty Three Thousand Dollars (\$43,000.00) and other valuable consideration; and

WHEREAS, The City of New Britain is interested in encouraging business and economic development, particularly in our NRZ areas, such as the rehabilitation of these former blighted sites; now, therefore, be it

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RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute on behalf of the Housing Site Development Corporation (HSDC) a purchase and sales agreement with Corey Maitz for the properties known as 49 and 53 Beaver Street contingent upon his completion of the purchase and acquisition of the property known as 608 Main Street and further contingent upon the approval of the Commission on Community and Neighborhood Development as the board for the HSDC. Mayor Timothy T. Stewart is further authorized to negotiate a reverter clause within said purchase and sales agreement that ensures proper and timely development of said properties 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 \$43,000.00.

Alderman Louis G. Salvio  
Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

**30413-2 RE: AMENDMENT TO THE ORDINANCES ADDING SEC. 2-453 – DISCLOSURE OF INTERESTS; FILING REQUIREMENTS**

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

**Resolution Summary:** PURPOSE: To require City officials and certain employees to file a disclosure of financial interest on an annual basis. The disclosure of specified holdings, associations and employers seeks to deter unethical conduct by giving the public access to information about areas of potential conflict of interest. The very disclosure of outside interests will increase the public confidence in government by dispelling possible suspicion.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article VI. Code of Ethics of the Code of Ordinances, City of New Britain, be amended by adding a new section to be numbered Section 2-453 to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

**Sec. 2-453. Disclosure of financial interests; filing requirements. [NEW]**

(a) The mayor, members of the common council, city clerk, collector of taxes, treasurer, members of the board of assessment appeals, constables and registrars of voters, each department head including the purchasing agent and each attorney in the office of corporation counsel, subject to the applicability of any collective bargaining agreement, shall file, under penalty of false statement, a statement with the board of ethics, town and city clerk, and office of corporation counsel within ninety (90) days of the effective date of this ordinance or within thirty (30) days of taking office or the date of appointment if applicable and on an annual basis thereafter which provides the following information:

(1) Real estate located in the City of New Britain, excluding the place of principal residence, which is owned or leased for a period exceeding two (2) years by such official, employee or spouse including any corporation, trust or partnership where either the official or spouse have at least five (5) percent of a legal or equitable interest;

(2) The name of any employer from which the official, employee or spouse is paid an annual income of at least ten thousand dollars (\$10,000.00) and the name of any business entity owned by the official, employee or spouse, including any corporation, trust or partnership, where either the official, employee or spouse have at least five (5) percent of a legal or equitable interest;

(3) The name of any business entity identified under subsection (2) of this section which had a contract with the City of New Britain the preceding calendar year to provide either goods or services in the aggregate amount of at least ten thousand dollars (\$10,000.00); and

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(4) A certification that each official or employee has read and understands the City of New Britain Code of Ethics.

(b) Any person who fails to comply with the time limits set forth in subsection (a) shall be fined ten dollars (\$10.00) per day for each day of violation until the date of compliance with the total fine not to exceed five thousand dollars (\$5,000.00). Failure to disclose the information required by subsection (a) of this section with respect to an individual's spouse does not constitute a violation if the individual making the disclosure made a good faith effort to obtain the information which he or she then documents in said disclosure statement.

**Sec. 2-453 2-454. Enforcement.**

The board shall have the power to investigate any reported allegations, to hold hearings and to provide specific recommendations of disciplinary action in accordance with city procedures and policies. The board of ethics shall report its findings to the common council as to whether or not a violation of this article has occurred, together with recommended sanctions to be imposed by the common council, unless city procedures and policies require that the matter be addressed elsewhere. Such report shall be filed with the city clerk with copies to the mayor's office and common council no later than one hundred eighty (180) days from the date on which the board of ethics is notified of the matter in question. Sanctions may include but are not limited to fines, termination of employment, suspension without pay, censure and/or reprimand. If the board believes an activity to be illegal, it shall report its findings to the appropriate authority for investigation.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06)

Alderman Phil Sherwood  
Alderman Gregory J. Gerratana  
Alderwoman Eva C. Magnuszewski

Ald. Sherwood moved to accept and adopt, seconded by Ald. Gerratana. Ald. Bernacki moved to amend 2-453 by deleting (1) and renumbering the following paragraphs, seconded by Ald. Salvio. Amendment defeated.

Ald. Salvio moved to amend the motion to accept and adopt, to accept and refer back to the Committee on Administration, Finance and Law, seconded by Ald. Bernacki. Amendment defeated.

Ald. Bernacki moved to table, seconded by Ald. Salvio. Motion defeated. Roll call vote on motion to accept and adopt – 10 in favor, 4 opposed. In favor: Ald. Trueworthy, Sherwood, Magnuszewski, Gerratana, Centeno, Black, Cruz, Catanzaro, Hermanowski and Bielinski. Opposed: Ald. Platosz, Collins, Salvio and Bernacki.

Returned March 18, 2009 without the approval or disapproval of Mayor Timothy T. Stewart.

## **NEW BUSINESS**

### **RESOLUTIONS**

**30509 RE: INCREASE OF \$75,000 IN STATE GRANT TO N.B. POLICE DEPT. – DOMESTIC VIOLENCE**

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 State Office of Policy and Management (OPM) has previously awarded the New Britain Police Department a \$75,130 grant to work with victims of domestic violence, and this award was accepted in resolution form by the Council, and

WHEREAS, this grant requires no cash match by the City with the funding provided by federal funding at a rate of 75% and the remaining 25% paid by the State of Connecticut, and,

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WHEREAS, the State has increased the grant amount by \$75,000, with the increase being allocated for police overtime and to pay for a contractual worker in the Police Department from Prudence Crandall, and

WHEREAS, the purpose of this resolution is to combine this increase with the original allocation and a previous increase, all to be used in the one year period from October 1, 2008 to September 30, 2009, and THEREFORE BE IT

RESOLVED, that Mayor Timothy Stewart be authorized to execute all grant documents with

the State Office of Policy and Management and to sign the Memorandum of Agreement with the Prudence Crandall Center on behalf of the City of New Britain for the Domestic Violence Grant, AND BE IT FURTHER

RESOLVED, that a budget amendment be made for the Domestic Violence Grant to formally appropriate \$150,130 of the funds accumulated in that fund as follows:

Revenue:

267-1001-0505-023	Revenue – State of CT	\$ 37,532.50
267-1001-0505-818	Revenue – Federal Government	\$112,597.50
	Total Revenue	\$150,130.00

Expenditures:

267-1001-1826-111	Overtime (Service domestic violence related arrest warrants)	\$ 93,975.00
267-1001-1826-221	Office Supplies	\$ 1,000.00
267-1001-1826-320	Contractual (Prudence Crandall)	\$ 44,000.00
267-1001-1826-442	Equipment	\$ 11,155.00
	Total Expenditures	\$150,130.00

Ald. Suzanne Bielinski - Police Liaison  
Ald. Roy Centeno - Police Liaison  
Ald. Silvia Cruz - Police Liaison  
Ald. Lawrence Hermanowski- Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

**30510 RE: BRRFOC STRATEGIC PLAN AND SERVICE AGREEMENT**

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, among other agreements, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott entered into an Amended and Restated Service Agreement dated June 1, 1985, as amended, with Ogden Martin Systems of Bristol, Inc. (currently known as Covanta Bristol, Inc.) (hereinafter, the "Service Agreement") relative to its rights and obligations with respect to a resource recovery facility now located in the City of Bristol, Connecticut and owned and operated by Covanta Bristol, Inc. (the "Facility"); and

WHEREAS, said Cities and Towns (collectively, the "Contracting Communities") entered into an Inter-Community Agreement dated August 1, 1985, as amended, (hereinafter, the "Inter-Community Agreement") relative to their respective and collective rights, duties and obligations pertaining to such Service Agreement, the Facility, and other certain agreements; and

WHEREAS, pursuant to the Inter-Community Agreement, the Contracting Communities established the Resource Recovery Facility Operating Committee (currently known as the Bristol Resource Recovery Facility Operating Committee) (hereinafter, the "BRRFOC") consisting of representatives from each of the

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Contracting Communities and vested the BRRFOC with certain powers and authority to act by and on behalf of the Contracting Communities; and

WHEREAS, the Inter-Community Agreement is scheduled to expire on August 1, 2020, but the Service Agreement is scheduled to expire on July 1, 2014; and

WHEREAS, the BRRFOC, pursuant to its executive authority, and in recognition of the end of term of the Service Agreement, has commenced a review and analysis of rights and options afforded to the Contracting Communities and the BRRFOC under the Service Agreement and in furtherance of such review and analysis, the BRRFOC has retained experienced consultants to conduct a detailed study and to identify all relevant rights, issues, options and their economic impacts available to the BRRFOC and the Contracting Communities, and to recommend an implementation and action plan to pursue; and

WHEREAS, depending on the option or set of options identified and their economic implications to the BRRFOC and the Contracting Communities, Covanta Bristol, Inc. and other entities that may provide solid waste disposal to the BRRFOC and the Contracting Communities after the term of the Service Agreement may or may not be the beneficiary of any such implementation and action plan recommended; and

WHEREAS, those entities, including Covanta Bristol, Inc., having any interest in any such recommendation, may seek, directly or indirectly, to attempt to affect, by various means, such recommendation; and

WHEREAS, it is in the interest of the Contracting Communities, both independently and collectively, to support and empower the BRRFOC as their agent to conduct a thorough, comprehensive and independent study and to identify all such relevant rights, issues, options and their economic impacts leading to such implementation and action plan free from any participation, directly or indirectly, of any entity, including Covanta Bristol, Inc., having an interest in such recommendation except to the extent determined by the BRRFOC; and

WHEREAS, in furtherance of such support and empowerment, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott recognize that any activities that may be taken by any interested entity, including Covanta Bristol, Inc., regarding the BRRFOC's study and anticipated implementation and action plan should be solely addressed by the BRRFOC and that the Contracting Communities should not entertain or provide an audience to any such interested entity, including Covanta Bristol, Inc., for such purpose; now, therefore, be it

RESOLVED that in furtherance of the powers and authority vested in the BRRFOC pursuant to the Inter-Community Agreement, the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott support the review and planning activities of the BRRFOC regarding solid waste disposal after the term of the Service Agreement leading to its anticipated recommendation of an implementation and action plan to best serve the interests of the Contracting Communities; and

BE IT FURTHER RESOLVED that the Cities/Towns of Berlin, Branford, Bristol, Burlington, Hartland, New Britain, Plainville, Plymouth, Prospect, Seymour, Southington, Warren, Washington and Wolcott will not take any action, provide any audience or otherwise facilitate the interests of any entity, including Covanta Bristol, Inc., having a potential interest in the recommendation and potential pursuit of the anticipated BRRFOC implementation and action plan that could serve to affect results of such plan.

Alderman Lori Rocha  
Alderman Suzanne Bielinski

Ald. Sherwood moved to accept and adopt, seconded by Ald. Gerratana. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

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**30511 RE: PROPOSED SALE OF 81 OAK STREET TO HARTFORD AREA HABITAT FOR HUMANITY FOR NOT LESS THAN \$8,000.00**

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 a vacant lot known as 81 Oak Street; and

WHEREAS, Hartford Area Habitat for Humanity (HAHFH), a regional community organization that is dedicated to increasing affordable housing and homeownership opportunities for low and moderate income families through sweat equity and volunteer labor, wishes to purchase this lot for a building project to place a single family home on this site; and

WHEREAS, The City of New Britain has received a request for transfer of this property from HAHFH for Eight Thousand Dollars (\$8,000.00) and other valuable consideration; and

WHEREAS, The City of New Britain is interested in encouraging affordable housing, homeownership, improvement in our NRZ areas and increasing its taxable Grand List; now, therefore, be it

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 Hartford Area Habitat for Humanity for the property known as 81 Oak 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 not less than \$8,000.00.

Alderman Louis G. Salvio  
Minority Leader

Ald. Salvio moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Sherwood. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

**30512 RE: BUDGET TRANSFER - \$100,000 – SNOW REMOVAL SUPPLIES – PUBLIC WORKS 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:

WHEREAS, the Public Works Department is charged by ordinances of the City of New Britain with the construction, maintenance, alteration, repair, and supervision of the City's infrastructure. Under the category of maintenance, the Public Works Department is responsible for the removal of snow from the City streets to minimize the hazards caused by slippery road conditions for motorists, especially emergency vehicles.

WHEREAS, the State of Connecticut has been experiencing a wet period in which precipitation totals (63.8") in Connecticut for 2008 are up nearly 29% from the annual average precipitation totals (49.7"), and the State has experienced a significant number of snow and ice events this winter, including the snowfall of approximately 12 inches that occurred on Sunday March 1, 2009, when the City experienced an all day snow storm.

WHEREAS, treated salt and sand purchased and supplied for the City by the Public Works Department and are used by all City Departments for their snow and ice operations.

WHEREAS, the Public Works Department provided training for all employees City-Wide involved in the City's Snow Removal Operations about the effective use of treated salt, including proper application rates and when reapplication is appropriate.

WHEREAS, after recent treated salt orders were placed, all funds in the Snow Removal Operating Material and Supplies account (#001-1330-3116-221) have been either spent or encumbered, but it is anticipated that further purchases will be required.

WHEREAS, it is impossible to predict the number of snow storms or their severity that will occur during the remainder of the Fiscal Year 08-09 winter season;

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WHEREAS, the Capital Non-Recurring Snow Removal account (#219-1300-3116-S75) has been completely exhausted and the Capital Non-Recurring Snow Overtime account (#219-1300-3116-111) contains available monies, THEREFORE, BE IT,

RESOLVED, that a transfer be made from the Capital Non-Recurring Snow Overtime account to the Capital Non-Recurring Snow Removal account as indicated below:

FROM:		
219-1300-3116-111	CNR Snow Overtime	\$100,000
TO:		
219-1300-3116-S75	CNR Snow Removal	\$100,000

Alderwoman Lori Rocha  
Alderman Phil Sherwood

Ald. Sherwood moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved March 18, 2009 by Mayor Timothy T. Stewart.

There being for further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Salvio. So voted. Meeting adjourned at 9:49 p.m.

ATTEST: Peter J. Denuzze, City Clerk