

March 12, 2008

REGULAR MEETING OF THE COMMON COUNCIL

MARCH 12, 2008

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 12th day of March 2008 at 8:09 P.M. in the Common Council Chambers, City Hall.

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

The invocation was given by City Clerk, Peter J. Denuzze: O God our Heavenly Father, inspire us to understand clearly the basic problems of our city, motivate us to act accordingly and courageously to those needs. We ask this in thy name. Amen.

Richard M. Marzi led the pledge to the flag.

A moment of silence was observed in memory of Father Augustine Henry Giusani, who died on February 29, 2008.

The council remained at ease while Mayor Stewart delivered his State of the City address.

OFFICE OF THE MAYOR

30038 RE: STATE OF THE CITY 2008

"Good evening.

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

Let me begin by saying that our city is sound, strong and robust. We are headed in the right direction... towards an extremely bright and productive future. The progress we have made in terms of public safety, quality of life improvements, economic development, tax reductions and spending during the past year shows that New Britain is a city of progress.

In the current presidential race, the word "change" has become a rallying cry for all the candidates. In terms of change, New Britain is way ahead of the rest of the country.

In 2003, when I was first elected, the voters of New Britain said very loudly and clearly that what they wanted was change...a change from high property taxes and low expectations...a change from feelings of despair to a feeling of hope and our City's future.

In the past four years, we have made significant and dynamic changes to how our City is perceived and how our residents think about their future.

Taxes are lower, crime is down, our neighborhoods are cleaner and getting better. In addition, we have become a community that is once again attracting employers and entrepreneurs. More and more companies are ready to move to or expand in New Britain.

Economic Development:

In every section of our City, from downtown to our neighborhoods, to our commercial areas, new buildings are being built or are planned. Hundreds of new jobs are being created. New projects are underway or in the planning stages, and new opportunities for a better life are being created for our citizens.

March 12, 2008

By far, our greatest accomplishment was partnering with celebration foods to move its corporate headquarters and a major portion of its manufacturing facilities to our City. This has produced over 300 new jobs and an additional \$20 million in property valuations on our grand list.

As a result, we will see more jobs, increased patronage of our businesses, and increased tax revenues. Attracting such a large employer is a clear signal to an atmosphere where we are open and encouraging of development and that we have the infrastructure and workforce that they are seeking.

As we look at the year ahead, we are faced with one of the most promising and exciting projects in the history of New Britain and that is the creation of a master plan for the redevelopment of New Britain's Downtown.

The scope of the plan will be massive, extending from one end of Main Street to the other. It will include the development of thousands of square feet of commercial and office space as well as hundreds of units of housing that will bring many new people to our downtown area. The plan will incorporate the new Police Station and the proposed bus way on the old Greenfield's property.

As envisioned by the Downtown Planning Committee, this will be a major makeover that will change not only the face of our downtown, but our entire city, bringing us into the 21st. century and beyond. And, for the first time in our history, a major development will be driven by private investment not public funds, an important distinction for a city watching its tax dollars.

New Britain will become a centerpiece of central Connecticut and our downtown will once again be a vibrant and vital center of activity. There will be stores where visitors can shop and restaurants where people can meet and enjoy a meal.

With Trinity on Main, the Hole in the Wall Theater, South Church, the Museum of American Art, and other attractions, New Britain will become a destination spot for people from across Connecticut.

Along with the Downtown Development Plan, we will also be engaged in another significant project that will have a major impact on our community. That is the development of the former Pinnacle Heights Housing site. Final demolition and requests for proposals for the development of this 60 acre site will be completed later this year. This will provide a significant boost to our city's grand list and bring even more jobs to our community as we continue to change how New Britain is perceived.

Public Safety:

In terms of public safety, New Britain is a much safer place to live than it was four years ago. Our streets are safer and more welcoming and that is due primarily to the leadership provided by our police and fire chiefs and the dedicated men and woman who serve under them.

Thanks to the recent graduates of our police academy, we have our force at full contingent and that has led to an overall drop in the crime rate. The fire department is also close to full contingent with a recent graduation in December and another class due out later this spring.

A new police substation at Chesley Park will also help to make the east end an even safer place for families in that area. The neighbors have welcomed the new police presence in a very positive and supportive manner.

Additionally, we have plans to construct a new police station on the corner of Main and Chestnut streets. This new public safety facility in the heart of our entertainment district will enhance the neighborhood and reassure visitors and residents that downtown New Britain is a safe and attractive place to visit.

Quality of Life:

To address quality of life issues, we are continuing our partnership with habitat for humanity which is working with us to clean up blighted neighborhoods and to construct affordable housing.

A year ago, we replaced run down housing units in the Willow Street/Oak Street area with brand new single family homes. Two weeks ago, the city was a recipient of a recognition award

March 12, 2008

from Habitat for our successful partnership that has fulfilled home ownership dreams for many New Britain residents.

We have also cleaned up a major eyesore in the Rockwell Avenue/Glen Street area as part of the Hart Street realignment project. Additionally, new affordable housing has been constructed on Glen Street by our department of municipal development that will soon become available for residents to purchase.

An innovative program for information about anyone who destroys or defaces property with graffiti has led to the arrest of numerous individuals who are responsible for thousands of dollars worth of damage to both city-owned and private buildings. Five individuals have been arrested to date and forty-one warrants processed with more coming. Elimination of graffiti will change the look of our neighborhoods for the better.

I am a strong believer that positive change should reach all of our citizens. One of my proudest accomplishments is the mayor's task force on homelessness that is helping to place many members of the city's homeless population into productive jobs and we're helping them to find permanent housing. This landmark program has been hailed as a model for the rest of the country to follow for its emphasis on employment services.

City Services:

This past year, the city instituted a dramatic change in our waste management services. With the clean cart program, we are no longer seeing unsightly piles of garbage littering our streets. Instead we see orderly rows of brand new trash containers lining our streets and keeping them clean.

We've repaved and replaced record stretches of streets and crumbling sidewalks during the past year and this program will be continued for several more years.

In the fall, we will be expanding our very successful curbside leaf pickup program to make it more available to more residents of the city.

Another innovative program during the past year, was our participation in an energy auction. We were able to secure a 19-month fixed price contract that will save us more than \$330,000 over the projected cost of electricity. We will continue to seek similar cost-saving measures to ensure that our residents get top quality services at affordable prices. This contract also included a clean energy component which was part of the reason the city will receive a Connecticut clean energy community award later this month. Change may not always get headlines, but it can certainly save you money.

Taxes:

I am very happy to announce that for the fourth year in a row, we held the line on any tax increases for our hardworking city residents. It has been a high priority of mine since taking office, to control city spending and to provide tax relief to the residents of this great community.

With the support of our outstanding city employees, department heads and the common council, New Britain has become more efficient and effective at delivering essential services in a cost effective manner because we have gotten a firmer grip on our finances and have balanced budgets, our bond rating remains strong, Moody continues to rate us very highly. Therefore, we are able to borrow money for long-term projects at lower interest rates, which saves us money.

I promise you that my administration, the finance board and the common council will work hard to keep spending in check so that the impact of the recent property reassessment will be as minimal as possible.

I began my remarks by saying that our city is sound, strong and robust. Hard decisions and hard work, not just talk, have made positive changes a reality here in New Britain. Rest assured, I am not being overly optimistic when I say next year will be even better.

We are developing downtown. We will be luring new business to the old pinnacle heights site and we are working together to build a brighter and better future. I am honored to report that during the past 12 months, New Britain has become an even better place in which to live, work and raise a family.

March 12, 2008

I am proud of what we have accomplished in the past year and in the past four years. I am extremely optimistic about what lies ahead for our community and for its residents.

Thank you for your kind attention. God bless all of you and God bless the city of New Britain."

Ald. Trueworthy moved to amend the agenda by adding item #30035 (Substitute 3) and #30036 (Substitute 4). Motion seconded by Ald. Bielinski. Roll call vote: All members present voted in favor.

PETITIONS

- 30039** ALD. SHERWOOD AND HERMANOWSKI FOR ADDRESSING THE ISSUE OF WATER RUNOFF THAT HAS DUG TAR UP AT THE END OF THE DRIVEWAY AT 24 ALLEN STREET. REFERRED TO DEPT. OF PUBLIC WORKS.
- 30040** ALD. SHERWOOD AND HERMANOWSKI FOR REPAIRING OF NUMEROUS POT HOLES ON ELLA GRASSO BLVD. REFERRED TO DEPT. OF PUBLIC WORKS.
- 30041** ALD. COLLINS FOR REPAIRING POT HOLE BEFORE THE EXIT RAMP FOR RTE. 72 LOCATED ON CHESTNUT STREET. REFERRED TO DEPT. OF PUBLIC WORKS.
- 30042** ALD. COLLINS FOR FILLING POT HOLE ON SOUTH STREET NEAR THE RAILROAD TRACKS. REFERRED TO DEPT. OF PUBLIC WORKS.
- 30043** ALD. PLATOSZ FOR REPAIRING THE RAILROAD TRACKS ON SOUTH STREET. REFERRED TO DEPT. OF PUBLIC WORKS.
- 30044** ALD. SHERWOOD AND HERMANOWSKI FOR EXAMINING METHODS IN WHICH THE CITY COULD IMPLEMENT A RESIDENT PARKING STICKER PROGRAM IN THE SURROUNDING CCSU NEIGHBORHOOD. REFERRED TO THE PARKING COMMISSION AND BOARD OF POLICE COMMISSIONERS.
- 30045** ALD. SHERWOOD, BIELINSKI, ROCHA, MAGNUSZEWSKI, TRUEWORTHY, CATANZARO, HERMANOWSKI, CENTENO, PLATOSZ, BLACK AND GERRATANA FOR REPORTING OF STATISTICS CONCERNING VARIOUS CODE VIOLATIONS. REFERRED TO THE FIRE DEPARTMENT, BOARD OF HEALTH, DEPT. OF LICENSES, PERMITS & INSPECTIONS AND CITY PLAN.

Ald. Trueworthy moved to adopt the CONSENT AGENDA, seconded by Ald. Bielinski. Roll call vote. All members present voted in favor. Approved March 18, 2008 by Timothy T. Stewart, Mayor.

March 12, 2008

CONSENT AGENDA

CITY CLERK

30027 RE: CLAIMS FOR INJURIES AND/OR PROPERTY DAMAGE

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

CLAIMANTS NAME

- Burns, Madonna by her Atty., Donald E. Freeman
- Grenier, Michael J.
- Jones, A. Michael
- Porto, Barbara

Peter J. Denuzze,
City Clerk

CITY PLAN COMMISSION

29947-1 RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCES TO UPDATE THE REQUIREMENTS OF THE I-2 (GENERAL INDUSTRY) ZONING DISTRICT

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 February 4, 2008 voted 5 to 0 to approve the following report:

BACKGROUND: The purpose of these zoning amendments is to update the zoning ordinances to eliminate the excessive exemptions currently afforded to properties in the I-2 zoning district, clarifying the intent and allowing more consistent enforcement of regulations affecting such matters as parking dimensions, courtyard and transitional yard setbacks and types of permissible uses.

FINDINGS: In the original drafting of the zoning ordinances dating back to 1966, some extraordinary exemptions were afforded to properties in the I-2 zoning districts. These were presumably included to satisfy the older, established manufacturing interests, who wanted only the most limited zoning interference in their operations.

While possibly helpful in accommodating these older manufacturing businesses over the years, these exemptions now often pose problems where new businesses look to build or re-use I-2 properties, such as where former industrial sites may be converted or built on for restaurant or used car sales, for example. Many of the I-2 exemptions leave gaps and uncertainties in such matters as requiring safe spacing between buildings and reasonable provisions for parking space dimensions and parking layouts, etc. Sections 240-70-30 through 240-70-70, for example, require that in all districts, "except in the District I-2" parking areas shall have minimum 24 foot driving aisles, minimum 9 by 18 foot parking space dimensions, minimum truck loading space dimensions and clearances, etc. No alternative dimensions are presented for the I-2 zone, so

March 12, 2008

theoretically, a plan showing 5-foot wide, 10-foot deep parking spaces with a 10-foot back-up and driving aisle would be permissible.

Similarly, Sections 230-10-10.10 through 230-10-10.60 include a number of provisions which regulate spacing between accessory buildings on a property for reasons of fire safety and access; restrict buildings and storage from occupying required parking spaces; the setback of manure and refuse storage from adjoining property lines, etc. in all zoning districts except for the I-2 district. Additionally, where the other industrial and commercial business zones require a 25 or 50-foot transitional yard or buffer zone where the property abuts residentially zoned land, the I-2 zone has no required buffer yard. A 25-foot minimum transitional yard requirement is proposed to be added for new development.

There are also some long-standing provisions allowing residential uses in the I-2 zone uses that are proposed to be eliminated. Presently, two-family houses are allowed on I-2 zoned land that is "owned by industry". This was probably intended to allow manufacturers to buy up surrounding properties, re-zone them to I-2, lease them and hold them in residential use until the business was ready to expand. Another section allows factories to have on-site, caretakers residences. In both instances these provisions allow residential use to skirt the restriction of residential use in industrially zoned land, which in principle the City generally seeks to discourage. Residential uses in industrial zones can subject tenants to industry noise and potential hazard, as well as sometimes discouraging industrially zoned land from being more aggressively marketed for industrial development.

Finally there is proposed provision to insert the provision explicitly allowing alcohol permits for restaurants in the I-2 zone by special exception. Restaurants are permitted uses, and the special exception provisions for restaurant alcohol permits suggest an implicit intent to allow them only in conjunction with restaurants in the I-2 zone, but there is no specific subsection in the I-2 special exception use provisions that explicitly states they are permissible.

CONCLUSION: The proposed amendments, in general, up-date and clarify the zoning ordinances affecting the I-2 zone, making development and re-use of I-2 zones more consistent with requirements of other zoning districts. These changes would not have any dramatic effect on any operating business or residential use, because all legally pre-existing uses would be "grandfathered". If new development or re-use is hindered by existing property conditions, such as lot size, location of existing buildings, etc, variances may be considered as a sensible means of allowing the use on the site, while minimizing any adverse effect.

RECOMMENDATION: The City Plan Commission is of the opinion that these changes are desirable in updating the zoning ordinances, eliminating uncertainty in applying the regulation and in making the I-2 zone more consistent with the requirements of the other business zones. The Commission, therefore, recommends adoption of these proposed zoning amendments.

G. Geoffrey Bray, Chair
City Plan Commission

29948-1 RE: PROPOSED AMENDMENT TO THE ZONING ORDINANCES TO UPDATE REQUIREMENTS FOR AUTO REPAIR AND MOTOR VEHICLE SALES OPERATIONS

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 February 4, 2008 voted 5 to 0 to approve the following report:

March 12, 2008

BACKGROUND: The purpose of these zoning amendments is to establish more comprehensive regulations for motor vehicle repairers and auto sales. The intent is to put in place some limited controls, which would restrict these types of uses in places where they would be incompatible with neighboring residential areas or with higher quality business areas, and to establish reasonable restrictions to prevent overcrowding and unsafe parking and traffic situations. These amendments were developed and put forth for consideration by the City Plan Commission in response to the number of automotive location approvals that have been requested recently and the numerous problems that have been observed in the operation of these businesses throughout the City.

FINDINGS: Auto repair and sales operations are generally seen as being incompatible with residential uses and, in response to this, the amendments include provisions to both prohibit new permit locations within 100 feet of a residential zone and to require appropriate buffering and screening where a permit location abuts a residential zone line. Depending on the character of the operation, a permit location might be incompatible with the character of the downtown business area and with other higher quality business areas. Such auto related uses also tend to take and hold land that might otherwise be available for development for a higher and better use, some business that would be more compatible and would offer a greater tax base and higher employment opportunity. In response to these observations, it is proposed that the I-1, Industrial Park zone not allow auto sales or repair uses, except for repairers license issued in conjunction with a vocational or technical school, and that no auto sales or repair uses be allowed in the B-4, Central Business District, except for small-scale, limited repairs, such as oil changes, and brake and muffle replacements.

In addition to modifying the zoning districts in which motor vehicle repairs and auto sales can be permitted, there are additional restrictions to ensure that layouts of these businesses are well designed, so that they are orderly and function safely, and have minimal impact to adjoining businesses or residential neighbors. The proposed amendments include an important provision in requiring that submitted plans be on an A-2 survey plan, accurately drawn and showing all pertinent details, specifying vehicle display spaces, customer parking, traffic flow, etc. This will serve to help zoning enforcement in the instances where a licensee begins overcrowding a lot with more vehicles than can be safely accommodated. In order to address the overcrowding issues, it is proposed, that regardless of the minimum lot size in the zone, no lot of less than 10,000 square feet in area shall be licensed for an automotive sales or repairers use. A new restriction on the number of vehicles would also be added, limiting a sales lot to not more than 1 sales vehicle per 500 square feet of land area. Additional restrictions would include requirements for landscaping and planting strips to buffer property lines, a requirement for screening any outside parts or wrecked vehicle storage, and a provision restricting light spillover onto adjoining properties.

A number of provisions are included to address parking and traffic safety concerns. These include a requirement that all entrance and exit driveways be at least 25 feet from an intersection, that customer parking be clearly identified and accessible and the exits and entrances and on-site travel lanes clearly marked. Other proposed requirements relate to drainage and would specify that all parking and vehicle display and storage is on suitably paved surfaces and have drainage systems meeting City engineering standards, with oil and grit separators, etc.

CONCLUSION: The proposed amendments are an important step in helping prevent or minimize the various problems of motor vehicle repairers and auto sales operations taking place in inappropriate locations, with undersized and overcrowded lots that result in problems of incompatibility with neighboring land uses and traffic safety. As with any zoning change, the primary effect on these will be for new locations being proposed, existing locations will be grandfathered, for the most part, in their current configuration. There is, however, some opportunity for even presently licensed sites to be held to a higher standard, when new owners come in for re-licensing. This would in particular include the requirement that an accurate and detailed Class A-2 plan be submitted for approval of their location permit. In reviewing this plan prior to recommending issuance of certificate of location approval, City staff will seek to have the plan conform to all parking, safety and appearance restrictions that can be reasonably met. Having this approved "plan of record" showing parking, display vehicle layout and on-site traffic

March 12, 2008

flow helps considerably in guarding against the various abuses, such as overcrowding the lot with display vehicles after approval is granted.

In order to ensure that these amendments have the desired result, it is important that enforcement be consistently and effectively applied. The City Plan Commission has noted deficiencies in this regard and would recommend that the Common Council seek Corporation Counsel's legal advice on alternative measures for enforcement, possibly including police ticketing for violations of the approved plans. In order to both remind the owners and operators of their obligation to conform to the approved plan of record, and to facilitate enforcement of the approved plan, whether by the standard zoning enforcement process or police ticketing or other method, it is probably advisable that a copy of the approved plan of record be required to be kept on site, and required to be displayed prominently along with the business license.

RECOMMENDATION: The City Plan Commission is of the opinion that these changes would serve to provide clearer and more comprehensive regulations for permitting and regulating motor vehicle repairers and auto sales, and that these changes are desirable and necessary to help control the problems and adverse effects often associated with these types of businesses.

The Commission therefore fully supports adoption of these proposed zoning amendments, with one minor modification to Subsection 230-160-10 which reads:

Every Site Plan submitted for a special exception approval or certificate of location approval, must conform with applicable standards of the Department of Motor Vehicles plan requirements and must, as a minimum, be prepared on a current Class A-2 survey base.

Noting the importance of having the approved "plan of record" on site for reference by the owner/ operator and for the benefit of enforcement officials, it is recommended that the proposed subsection be modified to include a second line, reading:

Upon approval and licensing, a copy of said plan shall be kept on premises and prominently displayed along with the applicable Department of Motor Vehicle permits.

G. Geoffrey Bray, Chair
City Plan Commission

OFFICE OF THE CORPORATION COUNSEL

30028 RE: DARRELL B. GIPSON V. JILL THOMPSON, 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:

The Office of Corporation Counsel received judgment in favor of Police Officers Jill Thompson and Frank Bellizzi on February 27, 2008. The plaintiff's negligence complaint dated June 30, 2004, alleged that the police officers engaged in an inappropriate pursuit of the plaintiff. The plaintiff further claimed he was forced off the third floor of a building, was manhandled, misidentified as a possible perpetrator, and was pursued without probable cause. On November 15, 2007, the defendants moved for summary judgment on the grounds that that was no genuine issue of material fact - the police officers were not the individuals who pursued the plaintiff. On February 27, 2008, the Honorable Patty Jenkins Pittman ruled "viewing the evidence in the light most favorable to the non-moving party, as the court must, there is no evidence that the defendants Thompson or Bellizzi had anything to do with the injuries claimed by the plaintiff. The defendants are entitled to judgment as a matter of law and accordingly the Motion for Summary judgment in favor of the defendants and against the plaintiff is granted".

Irena J. Urbaniak

March 12, 2008

City Attorney

DEPARTMENT OF LICENSES, PERMITS & INSPECTIONS

30012-1 RE: INSPECTION OF 6,14 AND 24 TALCOTT STREET FOR TRASH & DEBRIS

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

On February 22, 2008, the referenced properties were inspected for compliance with minimum housing code provisions. The results are as follows:

6 Talcott Street: Inspection revealed scrap metal and debris on the property. The owner requested two (2) week extension to clean property. A reinspection will be made on March 7, 2008 for compliance. The inspection at 14 and 22 Talcott Streets did not find any debris or violations of city ordinances.

Norman F. Wnuk
Acting Deputy Building Inspector
Asst. Zoning Enforcement Officer

FINANCE DEPARTMENT

30029 RE: LINE ITEM TRANSFERS – 1/20/2008 THRU 3/4/2008

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, 2008.

21. Department:	Voters - Republican	
From:	001-1125-1251-320	(Professional Services)
To:	001-1125-1251-360	(Light, Power & Telephone)
Amount:	\$2,500.00	
Brief Explanation:	Funds needed for utility expenses	

Robert Curry
Finance Director

PURCHASING DEPARTMENT

30031 RE: COOPERATIVE PURCHASING – PEDESTAL MOUNTS WITH TWIN ARM AND DECKS, DOCKING STATIONS AND DC AUTO POWER ADAPTERS FOR COMPUTERS TO BE INSTALLED IN POLICE VEHICLES – N.B. POLICE DEPT

March 12, 2008

Eugene M. Ciccone, MD
Director of Health

PUBLIC WORKS DEPARTMENT

29991-1 RE: REPAIR OF POTHOLE IN FRONT OF 44 OVERHILL AVENUE

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

The pothole in front of 44 Overhill Avenue has been repaired.

Mark E. Moriarty, Acting Director
Public Works

30008-1 RE: SIDEWALK REPAIR – 86 VIBBERTS STREET

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

An inspection was done by Public Works staff and 86 Vibberts Street will be included in the 2008 sidewalk/curbing replacement program.

In addition, Public Works Sewer Division will replace the existing catch basin at the same location with a new casting with larger openings for improved water drainage.

Mark E. Moriarty, Acting Director
Public Works

29842-1 RE: STREET LIGHT – ESSEX PLACE

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

A visual inspection by Public Works staff on February 28, 2008 confirmed CL&P internet tracking system report that the installation of a streetlight at 24 Essex Place has been completed.

Mark E. Moriarty, Acting Director
Public Works

29913-1 RE: STREET LIGHT – 103 HUBER STREET

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

A visual inspection by Public Works staff on February 28, 2008 confirmed CL&P internet tracking system report that the installation of a streetlight at near 103 Huber Street has been completed.

Mark E. Moriarty, Acting Director
Public Works

29769-1 RE: STREET LIGHT – 173-175 JUBILEE STREET

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

March 12, 2008

A visual inspection by Public Works staff on February 28, 2008 confirmed CL&P internet tracking system report that the installation of a streetlight on Pole # 384 located between 173-175 Jubilee Street has been completed.

Mark E. Moriarty, Acting Director
Public Works

29953-1 RE: STREET LIGHT – 23 KENYON CIRCLE

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

A visual inspection by Public Works staff on February 28, 2008 confirmed CL&P internet tracking system report that the repair of a streetlight in front of 23 Kenyon Circle has been completed.

Mark E. Moriarty, Acting Director
Public Works

29946-1 RE: STREET LIGHT – 149 DEAN DRIVE

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

A visual inspection by Public Works staff on February 28, 2008 confirmed CL&P internet tracking system report that the repair of a streetlight on Pole # 155 in front of 149 Dean Drive has been completed.

Mark E. Moriarty, Acting Director
Public Works

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

30030 RE: ON-CALL ENGINEERING SERVICES – INFORMATIONAL REPORT ONLY

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 #3185, approved at its Regular Meeting of August 10, 2005

Project Name: On-Call Engineering Support Services

Vendor: Maguire Group

Amount: \$24,800.00

Line Item: 008-2910-2617-320 - \$12,400.00

208-0003-1515-320 - \$12,400.00

March 12, 2008

Requested By: Public Works Department, Engineering Division

Scope: Michael J. Bazzano, Jr of the Mcguire Group will continue to work with the Public Works Department, Engineering Division. Michael J. Bazzano, Jr. will continue to and complete the tasks that have been assigned to him while he has been working with the City the past few months. He will be revising the City's standard engineering/construction specifications in Word Format, revising the standard engineering /construction details into AutoCAD Format and will provide other engineering services needed of him as requested or directed by the City from March 8, 2008 and ending April 30, 2008.

Jack Pieper
Purchasing Agent

Ald. Rocha moved to accept, seconded by Ald. Sherwood. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

30032 RE: SALE OF SURPLUS EQUIPMENT AND VEHICLES – (INFORMATIONAL REPORT ONLY)

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. S-160 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the sale of equipment that was deemed surplus or un-repairable by the Public Works and Park and Recreation Departments Administration.

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 ninety-three (93) companies and/or individuals. The responses received and award of bids are on file in the Town Clerk's Office.

The bids were reviewed, and checked for conformance to the minimum bid requirements by the Purchasing Agent. Only one (1) bidder withdrew their bid for a vehicle that no one else submitted a bid for after finding that the vehicle was a natural gas vehicle and it could not be converted to gasoline and that there are no public natural gas fueling stations in the area.

The disposition of the one (1) vehicle that was not sold will be addressed by the Purchasing Agent and will be included in another bid for the sale of surplus equipment and vehicles during 2008.

Jack Pieper
Purchasing Agent

Ald. Bielinski moved to accept, seconded by Ald. Hermanowski. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

COMMITTEE ON PLANNING, ZONING AND HOUSING

29947-2 RE: AMENDMENT TO THE ZONING ORDINANCES TO UPDATE THE REQUIREMENTS OF THE I-2 (GENERAL INDUSTRY) ZONING DISTRICT

March 12, 2008

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

The Common Council as the Zoning Authority of the City of New Britain and Planning, Zoning and Housing Committee of the Common Council, gave due and legal notice of a time and place for a public hearing in reference to Item #29947 – To amend the Zoning Ordinances to update the requirements of the I-2 (General Industry) zoning district. Said hearing was held on March 4, 2008 at 7:00 p.m. in the Council Chambers of City Hall, 27 West Main Street, New Britain, Conn.

The City Plan Commission, at its regular meeting held on February 4, 2008 voted 5 to 0 to approve the amendment to the Zoning Ordinances.

The Common Council as the Zoning Authority of the City of New Britain and the Planning, Zoning and Housing Committee of the Common Council voted to accept the following amendment to the Zoning Ordinances and refer back to the Common Council with a favorable recommendation.

Alderman Michael Trueworthy
Acting Chair

PURPOSE: To update the requirements of the City of New Britain Zoning Ordinances, I-2 zone.

(inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new] italic):

200-10 Permitted Uses.

Residential Uses.

~~200-10-4 Two family residences only when owned and used by industry.~~

200-20 Special Exception Uses.

Business Uses.

[new] 200-20-90 Alcoholic liquor permit location in connection with a permitted use or a special exception use.

200-30. Accessory Uses.

~~200-30-10 Caretaker's dwelling unit.~~

Section 230. Supplemental Use and Dimensional Regulations

~~230-10-10 In all Districts with the exception of I-2.~~

230-20. Lot Area, Lot Width, and Lot Coverage.

~~230-20-40 In all Districts except the A-2, B-3, B-4 and I-2 Districts, the lot frontage at the street line shall not be less than 50 feet. [Approved 2-19-86, Item #17123-1]~~

~~230-20-50 In an I-2 district a lot may be less than 10,000 sq. ft., provided the aggregate sum of the owner's land in the I-2 district equals or exceeds 10,000 sq. ft.~~

230-50. Courts

~~230-50-10 In all Districts except I-2 the least horizontal dimension of an INNER COURT at its lowest level shall be not less than the larger of the following two dimensions:~~

~~230-50-20 In all Districts except I-2 the least width of an OUTER COURT at its lowest level shall be not less than the largest of the following three dimensions:~~

~~230-50-30 In all Districts except I-2 the horizontal depth of an OUTER COURT shall not exceed one and one-half times its least width.~~

~~230-110. Required Transitional Yards and Screening Except in the I-2 District.~~

March 12, 2008

230-110-10.10 Transitional yards shall be required in the following districts where lots or parcels abut a residential zone. The transitional yards shall not be required along city streets.

- In the B-1, B-3, I-2 and OP districts 25 feet.

240-60. Access Driveway Requirements

240-60-30 ~~In all Districts Except in District I-2,~~ the intersection of entrance or exit driveways with the public street shall have the same corner clearances as prescribed for intersecting streets in Section 230-70.

240-70. Design Requirements for Off-street Parking and Truck Loading Areas.

240-70-30 ~~In all Districts Except in District I-2,~~ all aisles within parking areas shall have a minimum width of 24 feet when the parking spaces are a 90 degree angle with the driveway; 18 feet when the parking spaces are at 60 degrees; and 16 feet when the parking spaces are at 45 degrees.

240-70-50 ~~In all Districts Except in District I-2,~~ centerline gradients of aisles shall not exceed 8 per cent.

240-70-60 ~~In all Districts Except in District I-2,~~ accessory off-street parking areas shall be marked off into parking spaces with a minimum width of nine (9) feet, and minimum length of 18 feet; or, in the case of parking spaces for trucks or special equipment, parking spaces of a minimum size to be determined by the City Engineer based on the nature of the parked vehicles.

240-70-70 ~~In all Districts Except in District I-2,~~ an accessory off-street truck loading space shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum clear height of 14 feet. The related aisle shall have the same minimum width and clear height.

Section 260. Nonconforming Uses and Nonconforming Buildings or Structures.

260-20. Continuance.

260-20-30 A nonconforming building or structure that is not devoted to a nonconforming use may be reconstructed structurally altered, restored or repaired in whole or in part, and the provisions of Section 260-20-20 shall not apply, except that the degree of nonconformity shall not be increased. ~~in other than I-2 District.~~

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Collins. So voted. Ald. Bernacki, Collins and Cruz recused themselves and did not vote. . Approved March 18, 2008 by Mayor Timothy T. Stewart.

29948-2 RE: AMENDMENT TO THE ZONING ORDINANCES TO UPDATE REQUIREMENTS FOR AUTO REPAIR AND MOTOR VEHICLES SALES OPERATIONS

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

The Common Council as the Zoning Authority of the City of New Britain and the Planning, Zoning and Housing Committee of the Common Council, gave due and legal notice of a time and place for a public hearing in reference to Item #29948 - To amend the Zoning Ordinances to update the requirements for Auto Repair and Motor Vehicle Sales Operations. Said hearing was held on March 5, 2008 in the Council Chambers of City Hall, 27 West Main Street, New Britain, Connecticut.

The City Plan Commission, at its regular meeting held on March 4, 2008 voted 5 to 0 to approve the amendment to the Zoning Ordinances.

March 12, 2008

The Common Council as the Zoning Authority of the City of New Britain and the Planning, Zoning and Housing Committee of the Common Council voted to accept as amended the following amendment to the Zoning Ordinances and refer back to the Common Council with a favorable recommendation.

Alderman Michael Trueworthy
Acting Chair

Purpose: To amend the Zoning Ordinances to update the requirements for Auto Repair and Motor Vehicle Sales Operations.

(inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

Section 160. B-3 District (secondary business)

160-20-121 Motor Vehicle and accessories salesroom and/or vehicle rental agency, subject to the general and specific conditions and safeguards of Section 270-40-40.35.

160-20-122 Motor Vehicles salesroom and/or rental lot as accessory to an auto sales agency, subject to the general and specific conditions and safeguards of Section 270-40-40.35.

160-20-123 ~~Repair Garage for motor vehicles, body shop in conjunction with a motor vehicle sales room.~~

160-20-124 [new] General repair garage for the minor repair and servicing of motor vehicles, excluding auto body repair, frame straightening and similar operations, subject to the general and specific conditions and safeguards of Section 270-40-40.35.

Section 170. B-4 District (central business)

~~**170-20-101** Motor Vehicle and accessories salesroom and/or vehicle rental agency.~~

~~**170-20-102** Motor Vehicles salesroom and/or rental lot as accessory to an auto sales agency~~

170-20-103 [new] General repair garage for the minor repair and servicing of motor vehicles, excluding auto body repair, frame straightening and similar operations, subject to the general and specific conditions and safeguards of Section 270-40-40.35.

Section 190. I-1 District (industrial parks)

190-10-43 Repair garage for motor vehicles, including repair operations with body shop, only in conjunction with an accredited high school or technical training school.

Section 230 Supplemental Use and Dimensional Regulations.

[New Section]

Section 230-160: Supplemental Controls for Auto Dealers and Repair Operations in All Zoning Districts.

230-160-10 Every Site Plan submitted for a special exception approval or certificate of location approval, must conform with applicable standards of the Department of Motor Vehicles plan requirements and must, as a minimum, be prepared on a current Class A-2 survey base.

230-160-20 Said plan must show conforming parking as specified in Section 240-30, with all parking spaces designated for customers and employees having clear and unimpeded access and conforming back-up aisles, proper dimensions, etc. Customer parking spaces shall be separate from display spaces, safely and conveniently located near the office area and clearly marked with signage.

230-160-30 For auto sales operations, no more than one (1) sales vehicle space per 500 square feet of lot area shall be permitted and all sales vehicle display spaces shall be situated so as to be reasonably accessible without backing or maneuvering vehicles into the public street or onto the sidewalk. No display vehicle shall be located so as to interfere with sightlines for any driveway or intersection.

230-160-30 35 Any **customer's** wrecked or partially dismantled vehicles kept on site shall be fully screened and all rear and side yards abutting adjoining residential properties shall be screened.

230-160-40 No lighting which would result in glare or light spillover onto adjoining residential properties shall be employed.

230-160-50 All parking, display vehicles and vehicle storage shall be on a paved surface, or another prepared surface deemed acceptable by the City Engineer.

230-160-60 All sites shall have appropriate planting islands and landscaping in accord with good professional design practices, including, as a minimum, a four (4) foot planting strip along all lot lines, except for locations of active driveway curb cuts, to include appropriate low ground covers along street frontages and a mix of higher evergreen and deciduous shrubs and trees along the rear and side lot lines not bordering a public street.

230-160-70 All sites shall have appropriate drainage systems, conforming with applicable engineering standards, with any shop floor drains, vehicle wash facilities, etc. utilizing such features as oil and grease separators, washwater recycling systems etc, as may be directed by the City Engineer.

Section 240-30 Schedule of Off-street Parking Space Requirements for Non-residential uses:

[new]

Auto Sales Sufficient parking for all vehicles displayed for sale, plus a minimum of five (5) parking spaces, or one (1) customer parking space per every five (5) sales vehicle display spaces, but in no case less than five (5) customer parking spaces.

Repair Garage A minimum of three (3) parking spaces per service bay or service area

Section 270-40-40 Specific Conditions and Safeguards for Certain Special Exception Uses.

270-40-40.35 [new] AUTO SALES AND/OR REPAIRERS OPERATIONS.

270-40-40.35.10 [new] Notwithstanding the minimum lot size and width of the zoning district, the site must be a minimum of 10,000 square feet in area and not less than 100 feet in width, except that businesses that are exclusively limited repairer operations, may be permitted on any lot conforming to the minimum lot size, provided all other special conditions and safeguards, parking, screening and transitional yard requirements are met.

270-40-40.35.20 [new] No outside repair operations and no outside (unscreened) storage of any materials or vehicles shall be allowed.

270-40-40.35.30 [new] All curb cuts shall be at least 25 feet from any intersection. All parking spaces intended for customer use shall be clear and accessible with conforming back-up aisles that does not entail backing into the public street right-of-way. All doorways and service bays shall be clear and accessible and unimpeded by parking or sales vehicle display spaces.

270-40-40.35.40 [new] For auto sales operations, no more than one (1) sales vehicle space per 500 square feet of lot area shall be permitted. Sales vehicle spaces shall be separate and not

March 12, 2008

encumber parking spaces required for customers, nor for operations where auto repair services are offered for the general public, sales display space shall not encumber parking required for repair operations on the property.

270-40-40.35.50 [new] No auto dealer or repairers permit shall be allowed for any location that abuts any residentially zoned property or is within 100 feet along the same street frontage from any residential zoning district.

270-40-40.35.60 [new] No auto dealer or repairers permit shall be allowed for any location that is unable to meet the required transitional yard setbacks along abutting residential zone lines.

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Ald. Bernacki, Collins and Cruz recused themselves and did not vote. Approved March 18, 2008 by Mayor Timothy T. Stewart.

29966-1 RE: INVESTIGATION OF ALL USED CAR LOTS FOR NUMBER OF USED CARS ON THE LOTS, ESPECIALLY THOSE ON WEST MAIN STREET AND SOUTH MAIN STREET

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 5, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #29966 – Investigate all used car lots (especially those on West Main Street and South Main Street) for number of used cars on the lots. Dealers are exceeding the number of cars allowed on these lots. This is a continuing problem and 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

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Ald. Bernacki, Collins, Gerratana and Cruz recused themselves and did not vote. Approved March 18, 2008 by Mayor Timothy T. Stewart.

NEW BUSINESS

RESOLUTIONS

30033 RE: STD GRANT AMENDMENT-ADDITIONAL FUNDING IN THE AMOUNT OF \$117.00

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:

Program Objective: minimizing the risk of spreading sexually transmitted diseases through awareness, identification, treatment and intervention. Grant funded personnel perform services within the Health Department and throughout the City of New Britain in order to promulgate the program plan. The initial year of grant funding was July 1980.

Local Program Operation Department: Health, under the supervision of the Director.

Resolution Purpose: to accept additional funding from the Department of Public Health.

WHEREAS, the control of sexually transmitted diseases remains a core public health function in the City of New Britain and

March 12, 2008

WHEREAS; the New Britain Board of Health runs a Sexual Health Center which has conducted prevention and control programs for sexually transmitted diseases (STDs) for many years, and

WHEREAS; the State Department of Public Health has notified the City that additional funding in the amount of \$117.00 (Cost of Living Adjustment) is available for sexually transmitted disease prevention and control services in New Britain, bringing the total funds for fiscal year 2007-2008 to \$14,547.

THEREFORE BE IT

RESOLVED, that The Mayor be authorized to sign any necessary and appropriate agreements in order to secure the use of such funds for said program.

BE IT FURTHER

RESOLVED, that the Special Revenue Fund, STD Control Program #2007-0058, be amended at this time for the purpose of recording all income and expenditure activity and reflect an authorized expenditure budget of \$14,547 and an anticipated income from the State of Connecticut of \$14,547 for fiscal year 07/01/07 through 06/30/08.

Revenues:		<u>FY 2007/08</u>
280-0500-0505-023	St of CT	\$ 14,547.00

Expenditures:		<u>Original</u>	<u>Revised</u>
280-1427-4202-113	P/T Salaries	\$ 12,848.00	\$ 12,965.00
280-1427-4202-119	Fringes	\$ 183.00	\$ 183.00
280-1427-4202-129	Administration	\$ 1,000.00	\$ 1,000.00
280-1427-4202-200	Materials & Expenses	\$ 289.00	\$ 289.00
280-1427-4202-374	Fees & Membership	\$ 110.00	\$ 110.00
	Total Expenditures	\$ 14,430.00	\$ 14,547.00

Alderman Adam Platosz
Liaison Health Department

Ald. Platosz moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

30034 RE: EASTER SEALS SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

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:

To authorize the Mayor to enter into agreement with the Easter Seals Senior Community Service Employment Program so that the City of New Britain can participate as a host agency for the program. The Senior Community Service Employment Program operates under Title V of the Federal Older Americans Act. The goals of the program are;

- (1.) To provide useful community service, and
- (2.) To foster economic independence through job training for participants.

WHEREAS, the Easter Seals Senior Community Service Employment Program has asked the City to serve as a host agency for future placement of eligible clients, and

March 12, 2008

WHEREAS, the Easter Seals Senior Community Service Employment Program will accept all financial, burdens, including workers compensation for participants at no cost to the City, and

WHEREAS, the City has served as host agency in the past with favorable results, and

WHEREAS, participating in the Easter Seals Senior Community Service Employment Program will benefit the community as well as various City departments; NOW, THEREFORE, BE IT

RESOLVED that the Mayor be authorized to enter into agreement with the Easter Seals Senior Community Service Employment Program for the City to serve as a host agency.

Alderman Tonilynn Collins
Alderman Shirley A. Black

Ald. Collins moved to accept and adopt, seconded by Ald. Black. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

30035 RE: WOMEN'S HISTORY MONTH – MARCH 2008

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, women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless ways; and

WHEREAS, women have played and continue to play a critical economic, cultural, and social role in every facet of life by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, women have played a unique role throughout history by providing the majority of the volunteer labor force; and

WHEREAS, women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions; and

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, women have been leaders in not only securing rights of suffrage, equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of history; NOW, THEREFORE,

BE IT

RESOLVED, that the Common Council and Mayor of the City of New Britain recognize that March, 2008 is designated as "Women's History Month".

Alderman Shirley Black
Alderman Suzanne Bielinski
Alderman Lori A. Rocha
Alderman Tonilynn Collins
Alderman Eva Magnuszewski
Alderman Silvia J. Cruz

Ald. Black moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

March 12, 2008

30036 RE: BUDGET AMENDMENT – DOG FUND FOR SPAYING AND NEUTERING OF CATS

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 Animal Alliance is a registered, non-profit organization, staffed almost entirely by volunteers. They rescue cats, dogs, kittens and puppies from overcrowded, overburdened animal shelters and animal control holding facilities and place them into the safety of our foster care network; and

WHEREAS; foster care program includes many private homes where singles, couples, or families with children welcome in foster animals who will reside with them until adoption; NOW, THEREFORE, BE IT

RESOLVED; that monies be used for spaying and neutering of cats appropriated from the Dog Fund balance and going to the Veterinary Clinic for the procedures in the amount of \$3,500.00 as follows:

Increase Revenue:

205-0500-0505-077	Fund Balance	\$3,500.00
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Increase Expenditure

205-1200-5112-GTR	Grants/Transfers	\$3,500.00
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Alderman Eva Magnuszewski

Ald. Magnuszewski moved to accept and adopt, seconded by Ald. Collins. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

30037 RE: PROPOSED AMENDMENT TO THE ORDINANCES TO ESTABLISH A BUILDING COMMISSION

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 establish a Building Commission.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that the Code of Ordinances, City of New Britain, be amended by adding Sections 2-778 through 2-780 to Chapter 2, underline; deleted text appears in strikethrough; new sections begin with the word [new]:

**ARTICLE XIII. BUILDING COMMISSION AND DEPARTMENT
OF LICENSES, PERMITS AND INSPECTIONS**

Sec. 2-778. Building commission; membership. [NEW]

There shall be in said city a board to be known as “building commission”, composed of five electors of said city.

Sec. 2-779. General powers of commission. [NEW]

The building commission shall advise and consult with the head of the department of licenses, permits and inspections pertaining to the duties and conduct of the department. In general, the commission shall be responsible for policy-making and evaluation with the advice of the department head. This shall include, but not be limited to, the adoption of such rules and

March 12, 2008

regulations not inconsistent with the General Statutes and the provisions of the Charter or Code of Ordinances pertaining to licenses, permits and inspections.

Sec. 2-780. Incorporation by reference. [NEW]

For the purpose securing the benefits of any development in the building industry and for promoting public health and safety, the common council of the city of New Britain may incorporate by reference in the building code or in the building, plumbing, electrical work, heating, wiring and oil burner ordinances, or in any amendments thereto, all or a portion of any nationally recognized code, rules, regulations and standards to develop good engineering practice and safety; provided two official copies of each such code, rules, regulations and standards, as from time to time amended, so incorporated by reference shall be on file in the department of licenses, permits and inspections. Such incorporation by reference shall not be construed to include any penalty clause which may be part of such code, rules, regulations and standards.

Alderman Michael Trueworthy
Majority Leader

Ald. Trueworthy moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Bielinski. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

Ald. Trueworthy moved the council go into executive session to discuss item #29552-5 (item #6) and invite Mayor Stewart and Corporation Counsel, Gennaro Bizzarro. Motion seconded by Ald. Bielinski. Roll call vote - all members present voted in favor.

Executive session began at 8:47 P.M.

The Council voted to return to order on a motion by Ald. Trueworthy, seconded by Ald. Bernacki. Meeting reconvened at 9:12 P.M.

RESOLUTION

**29552-5 RE: PURCHASE AND SALE AGREEMENT WITH GARDEN MAIN STREET, LLC
FOR THE PURCHASE OF 121-131 MAIN STREET FOR \$1,600,000**

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, by Resolution No. 29552-3 the Common Council authorized Mayor Timothy T. Stewart and the Office of Corporation Counsel "to take such steps as may be necessary to acquire the property known as 121-131 Main Street for a police station or other municipal purpose including commencement of condemnation and eminent domain procedures"; and

WHEREAS, Garden Main Street, LLC, the owner of 121-131 Main Street, filed an action in the Superior Court to enjoin the City of New Britain from acquiring said property by eminent domain and further alleged various additional claims including violation of its constitutional rights; and

WHEREAS, The City of New Britain filed an eminent domain action to acquire 121-131 Main Street in Superior Court as authorized by Resolution No. 29552-3; and

WHEREAS, While during the pendency of the two court actions the parties have periodically conducted negotiations in an attempt to resolve both cases; and

March 12, 2008

WHEREAS, The parties have negotiated a settlement which involves the withdrawal of the two court cases and sale of 121-131 Main Street to the City of New Britain; now, therefore be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to enter into a Purchase and Sale Agreement with Garden Main Street, LLC for the purchase of 121-131 Main Street for One Million Six Hundred Thousand Dollars (\$1,600,000.00) and other valuable consideration and to execute on behalf of the City of New Britain any and all instruments and documents necessary in connection with the purchase of said property.

Alderman Louis G. Salvio

Ald. Salvio moved to accept and adopt, seconded by Ald. Trueworthy. So voted. Ald. Platosz and Hermanowski opposed. Approved March 18, 2008 by Mayor Timothy T. Stewart.

Ald. Bielinski moved to adjourn, seconded by Ald. Bernacki. So voted. Meeting adjourned at 9:20 P.M.

Attest: Peter J. Denuzze, City Clerk