

May 28, 2008

REGULAR MEETING OF THE COMMON COUNCIL

MAY 28, 2008

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 28th day of May 2008 at 7:29 p.m. in the Common Council Chambers, City Hall.

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

One member was absent: Ald. Collins.

City Clerk, Peter J. Denuzze, gave the invocation: O God, our Heavenly Father, as we gather here tonight for this Common Council Meeting, we invoke Thy blessings. May all proceedings be in a spirit of brotherhood and in the best interests of our city. We ask this in Thy name. Amen.

Arnold Schwartz led the pledge to the flag.

The Council stood at ease while Mayor Stewart announced that the New Britain Parks and Recreation Department has been presented a Fitness Award from the Governor's Committee on Physical Fitness for embracing the Committee's mission of working to increase the number of residents who participate in a regular program of healthy physical activity within our state.

Ald. Trueworthy moved to adopt the minutes of the Special and Regular Meeting of April 9, 2008 and the Regular Meeting of April 23, 2008. Motion seconded by Ald. Bielinski. So voted.

Ald. Trueworthy moved to amend the agenda by moving 30137(B) to the end of the agenda, and by deleting 5, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor.

PETITIONS

**30154 ALD. MAGNUSZEWSKI FOR REPAIRING POTHoles ON EAST STREET.
REFERRED TO THE DEPT. OF PUBLIC WORKS.**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved June 2, 2008 by Mayor Timothy T. Stewart.

CONSENT AGENDA

CITY CLERK

30136 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

- Berger, Saul
- DelValle, Tami by her Atty. A. Patrick Alcaez
- Glover, Andrew by Atty. A. Paul Spinella
- Lenk, Matilda
- Lopez, Marcos
- Muszynski, Michael

Peter J. Denuzze,
City Clerk

FINANCE DEPARTMENT

30138 RE: LINE ITEM TRANSFERS WITHIN A DEPARTMENT'S BUDGET FOR THE PERIOD OF 05/07/2008 THRU 05/20/2008

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 May 20, 2008.

29. Department: Purchasing
From: 001-1151-1533-210 \$ 57.00 (Office Supplies)
001-1151-1533-221 \$193.00 (Oper. Materials & Supplies)
001-1151-1533-373 \$150.00 (Equip, Furn, Maint & Repairs)
To: 001-1151-1533-374 (Fees, Memb. & Conferences)
Amount: \$400.00
Brief Explanation: Funds needed for various Purchasing seminars and conferences

30. Department: Risk Management
From: 001-1920-9004-337 (Comprehensive/Auto/Liability)
To: 001-1920-9004-363 (Bonds Employee)
Amount: \$405.00
Brief Explanation: New bonds for employees higher than anticipated

31. Department Parks and Recreation
From: 001-1511-5125-372 (Bldg, Gr. Maintenance & Repairs)
To: 001-1511-5125-233 (Gas, Oil and Grease)
Amount: \$4,500.00
Brief Explanation: Funds needed due to unanticipated needs and price increases

32 Department: Property Management
From: 001-1123-1537-390 (Other Purchase Services)
To: 001-1123-2242-373 (Equip, Furn, Maint & Repairs)
Amount: \$2,000.00
Brief Explanation: Funds needed to replace obsolete mag board for one of three card readers at Blogoslawski Garage

Robert M. Curry
Finance Director

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PURCHASING DEPARTMENT

30141 RE: IRON PIPES - WATER DEPT.

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

Public Bid No. 3412 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Iron Pipes of various sizes for the Water Department. Funding is available for the purchase of this service within Account Number, 930-1000-9065-XFC.

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 twenty (20) Pipe Companies. The Purchasing Agent did not receive any letters from Pipe Companies on the mailing list who indicated that they could not provide a response to the bid request. The responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department's Administration and the Purchasing Agent. Therefore the Director of the Water Department is recommending that the bid be awarded to Expanded Supply Inc of Coldspring, NY for the 4" Ductile Iron Pipe and to Ferguson Waterworks, EPPCO, of Newington, CT for all other Ductile Iron Pipe who was within 5% of the lowest out of state bidder and has agreed to lower their price to match that of the lowest bidder per the City's Purchasing Code of Ordinances, Section 2-578 item 10. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendation and the purchase of the Ductile Iron Pipes.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a Purchase Order on an as need basis with Expanded Supply Inc of Coldspring, NY for the 4" Ductile Iron Pipe and Ferguson Waterworks, EPPCO, of Newington, CT for all other Iron Ductile Pipe Sizes for a period of one (1) year, from July 1, 2008 to June 30, 2009, with the New Britain Water Department, per the attached pricing, terms and specifications of Public Bid No. 3412.

Jack Pieper
Purchasing Agent

30142 RE: WATER METERS AND WATER METER ACCESSORIES – WATER DEPT.

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

Public Bid No. 3413 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Water Meters and Water Meter Accessories for the Water Department. Funding is available for this purchase from Account Numbers 930-1000-9065-XFD.

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 ten (10) Water Meter Companies. The Purchasing Agent received one (1) letter from a Water Meter Company on the mailing list who indicated that they could not provide a response to the bid request. Responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department Administration and the Purchasing Agent. Therefore the Water Department's Director is recommending that the bid for all Water Meters and Water Meter Accessories be awarded to Ti-Sales, Inc of Sudbury, MA who was the lowest bidder for these Water Meters and Water Meter Accessories. This company has supplied these items to the Water Department in previous years. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendation and the purchase of the Water Meters and Water Meter Accessories from Ti-Sales, Inc of Sudbury, MA.

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RESOLVED: That the Purchasing Agent be and is hereby authorized to issue a standing purchase order to Ti-Sales Inc. of Sudbury, MA, for these Water Meters and Water Meter Accessories, at the unit prices quoted per attached, to provide for the Water Department's annual meter requirements, per the pricing, terms and specifications of Public Bid No. 3413.

Jack Pieper
Purchasing Agent

30143 RE: FIRE HYDRANTS – WATER DEPT.

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

Public Bid No. 3414 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Fire Hydrants for the Water Department. Funding is available for the purchase of this service within Account Number, 930-1000-9065-XFE.

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 twenty-eight (28) Fire Hydrant Companies. The Purchasing Agent did not receive any letters from Fire Hydrant Companies on the mailing list who indicated that they could not provide a response to the bid request. The responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department's Administration and the Purchasing Agent. Public Works Supply Company of Danvers Massachusetts who was the lowest bidder did not supply a bid for the Fire Hydrants per bid specifications. Public Works Supply Company provided a bid for a Fire Hydrant that did not meet Underwriters Laboratory Fire Mutual, ULFM, approval. The shoe of the hydrant does not meet the specified type to match existing cast iron pipes so that an additional coupling would have to be purchased to adapt their hydrant to older pipes. The breakaway flange at the ground line does not have a weakened groove to ensure proper breakaway in an automobile accident. They also could not supply references of any Municipality utilizing the Fire Hydrant they provided a bid for. Therefore the Director of the Water Department is recommending that the bid be awarded to Ferguson Waterworks, EPPCO, of Newington CT who submitted the lowest bid for a Fire Hydrant that met all of the bid specifications. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendations and the purchase of the Fire Hydrants that met bid specifications from Ferguson Waterworks, EPPCO, of Newington CT.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a standing purchase order to Ferguson Waterworks, EPPCO, of Newington, CT at the unit price of \$1, 404.00 per Fire Hydrant per the pricing, terms and specifications of Public Bid No. 3414.

Jack Pieper
Purchasing Agent

30144 RE: TESTING AND CALIBRATION OF LARGE WATER METERS – WATER DEPT.

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

Public Bid No. 3415 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Testing and Calibration of Large Water Meters for the Water Department. Funding is available for this purchase from Account Numbers 930-1000-9065-XFD.

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 thirteen (13) Water Meter Testing and Calibration Companies. The Purchasing Agent did not receive any letters

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from the Water Meter Testing and Calibration Companies on the mailing list who indicated that they could not provide a response to the bid request. Responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department Administration and the Purchasing Agent. Therefore the Water Department's Director is recommending that the bid for the Testing and Calibration of Large Water Meters be awarded to United Water Solutions of Trion, GA who was the lowest bidder for this service. This company has tested and calibrated large water meters for the Water Department in previous years. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendation to award the bid for the Testing and Calibration of Large Water Meters to United Water Solutions of Trion, GA.

RESOLVED: That the Purchasing Agent be and is hereby authorized to issue a standing purchase order to United Water Solutions of Trion, GA for the Testing and Calibration of Large Water Meters at a price of \$170.00 for 8" meters, and \$160.00 for 6" and 4" meters for the Water Department, per the pricing, terms and specifications of Public Bid No. 3415.

Jack Pieper
Purchasing Agent

30145 RE: RESILIENT WEDGES AND WATER VALVES – WATER DEPT.

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

Public Bid No. 3416 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Resilient Wedges and Water Valves for the Water Department. Funding is available for this purchase from Account Number 930-1000-9065-XFC.

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 twelve (12) Resilient Wedge and Water Valve Companies. The Purchasing Agent did not receive any letters from Resilient Wedge and Water Valve Companies on the mailing list who indicated that they could not provide a response to the bid request. Responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department's Administration and the Purchasing Agent. The standard referenced in the specifications was for AWWA C509-01, resilient-seated gate valves for water supply service. Therefore the Director of the Water Department is recommending that the bid be awarded to Ferguson Waterworks, EPPCO, of Newington, CT. Ferguson Waterworks, EPPCO, of Newington, CT was the lowest responsive bidder for the AWWA C509-01 Resilient-seated gate valves and was the lowest bidder for the butterfly valves. Upon reviewing the bids submitted by the other Resilient Wedge and Water Valve Companies it was found that Public Works Supply Company of Danvers, MA and Everett J. Prescott of Vernon, CT both supplied bids for reduced-wall, Resilient-seated gate valves that did not meet AWWA C509-01 specifications. They both provided a bid for AWWA C515-01 reduced-wall, Resilient-seated gate valves that have a thinner shell thickness in them which had the potential of cracking easier than the standard thickness resilient-seated gate valves indicated in the bid specifications. For example, an eight-inch diameter valve in the reduced-wall thickness class is 34% thinner than the standard thickness eight-inch valve specified. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendation and the purchase of the Resilient Wedges and Water Valves from Ferguson Waterworks, EPPCO, of Newington, CT.

RESOLVED: That the Purchasing Agent be and is hereby authorized to issue a standing purchase order to Ferguson Waterworks, EPPCO, of Newington, CT at the unit prices quoted per attached to provide the Water Department's annual Resilient Wedge and Water Valve requirements, per the terms and specifications of Public Bid No. 3416.

Jack Pieper
Purchasing Agent

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30146 RE: CHEMICALS AND GASES – WATER DEPT.

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

Public Bid No. 3418 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Chemicals and Gases for the Water Department. Funding is available for this purchase from Account Numbers 930-1000-9056-XDQ.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to fifty-five (55) Chemical and Gas Companies. The Purchasing Agent did not receive any letters from Chemical and Gas Companies on the mailing list indicating that they could not provide a response to the bid request. Responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Water Department Administration and the Purchasing Agent. During the review it was discovered that Biosafe Systems of East Hartford, CT submitted the lowest bid for Copper Sulfate provide bid for a liquid substitute that would require the Water Department to purchase all new equipment in order to use the chemical. Borden and Remington had the lowest price for Sodium Hypochloride in Liquid Form. Their price difference was less than two tens of a cent per gallon than the next lowest bidder, Univar USA of Providence, RI. Univar USA of Providence, RI. Is the City's current supplier of this chemical. Borden and Remington in the past when they were awarded the bid for another chemical had forced the Water Department to find a new supplier at a much higher price when they could not provide the Hydro Fluosilicic Acid in Liquid Bulk when needed. Borden and Remington has also caused two (2) spills of this chemical when they have been refilling the Hydro Fluosilicic Acid tank at the Filtration Plant. Therefore the Director of the Water Department is recommending the bid be awarded to the following chemical companies, Meadwestvaco, of Coington, VA, Carmeuse Lime of Pittsburgh PA, Coune Chemical of Croydon, PA, Chemrite Inc of Buford, GA, Borden & Remington of Fall River Ma, (55 gallon drum of Hydro Fluosilicic Acid only), Solvay North America of Houston TX, JLM Industries of Tampa FL, Praxiar of Burr Ridge, Il, Air Gas East of Cheshire, CT, Univar of Providence, RI, Jones Chemical of Merrimack NH, and Holland Company of Adams, MA. The bid results have also been presented to the Water Commission at their May 13, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendation to purchase the Chemicals and Gases from the indicated Companies

RESOLVED: That the Purchasing Agent be and is hereby authorized to issue standing purchase orders to companies Meadwestvaco, of Coington, VA, Carmeuse Lime of Pittsburgh PA, Coune Chemical of Croydon, PA, Chemrite Inc of Buford, GA, Borden & Remington of Fall River Ma, Solvay North America of Houston Tx, JLM Industries of Tampa FL, Praxiar of Burr Ridge, Il, Air Gas East of Cheshire, CT, Univar of Providence, RI, Jones Chemical of Merrimack NH, and Holland Company of Adams, MA whose prices are highlighted on the attachment to provide for the Water Department's annual Chemical and Gas requirements, per the terms and specifications of Public Bid No. 3418.

Jack Pieper
Purchasing Agent

TAX DEPARTMENT

30147 RE: TAX ABATEMENTS, CORRECTIONS AND REFUNDS

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

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

Cheryl S. Blogoslawski
Tax Collector

May 28, 2008

CONSOLIDATED COMMITTEE

30107-1 RE: PROPOSED AMENDMENT TO SEC. 9-42 AND 9-43 OF THE ORDINANCES ENTITLED "FLOOD DAMAGE PREVENTION"

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

The Consolidated Committee held a regular meeting and public hearing on Thursday evening, May 15, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30107 – Revise Chapter 9, Article III entitled "Flood Damage Prevention" of the Code of Ordinances voted to accept and recommend that the following resolution be referred back to the Common Council with a neutral recommendation.

Alderman Paul D. Catanzaro
Chair

30118-1 RE: COOPERATIVE PURCHASING – CHEVROLET IMPALA ALTERNATIVE FUEL SEDANS FOR THE FIRE DEPARTMENT

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

The Consolidated Committee held a regular meeting on Thursday evening, May 15, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30118 – Cooperative Purchasing. Chevrolet Impala Alternative Fuel Sedans for the Fire Department voted to accept and recommend that the following report be referred back to the Common Council with a negative recommendation.

Alderman Paul D. Catanzaro
Chair

REPORTS OF STANDING COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

FINANCE DEPARTMENT

30139 RE: GENERAL FUND SURPLUS REPORT FISCAL YEAR ENDING 6/30/2008

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

Surplus report for Fiscal Year 2008. The report is on file in Town Clerks Office.

Rebecca Salerni
Finance Department

Ald. Trueworthy moved to accept, seconded by Ald. Bielinski. Roll call vote – 2 in favor, 12 opposed. In favor: Ald. Salvio and Bernacki. Opposed: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Catanzaro, Hermanowski, Bielinski. REPORT NOT ACCEPTED. Approved by Mayor Timothy T. Stewart June 2, 2008.

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30140 RE: FIRE DEPARTMENT OVERTIME THRU MAY 16, 2008

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

Analysis of the Fire Department overtime (Supplemental Salaries) budget and actual expenditures through May 16, 2008. The analysis is on file in Town Clerks Office.

Rebecca Salerni
Finance Department

Ald. Bielinski moved to accept and adopt, seconded by Ald. Trueworthy. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

PURCHASING DEPARTMENT

30118-2 RE: COOPERATIVE PURCHASING – CHEVROLET IMPALA ALTERNATIVE FUEL SEDANS FOR THE FIRE 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’s cooperative purchasing plan:

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Northwest Hills Torrington, CT.	2008 Chevrolet Impala Alternative Fuel Sedans	3	\$17,570.00	\$52,710.00

The New Britain Fire Department requested the purchase of three (3) Chevrolet Impala Alternative Fuel Sedans for their Fire Marshals utilizing the State of Connecticut’s Contract Award #06PSX0067. Funding is available for this purchase from Account Number 215-2294-2206-484.

Jack Pieper
Purchasing Agent

Ald. Catanzaro moved to accept and adopt, seconded by Ald. Trueworthy. REPORT DEFEATED BY VOICE VOTE. Approved by Mayor Timothy T. Stewart June 2, 2008.

RESOLUTION RETURNED FROM COMMITTEE

30107-2 RE: AMENDMENT TO SEC. 9-42 AND 9-43 OF THE ORDINANCES ENTITLED “FLOOD DAMAGE PREVENTION”

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 revise Chapter 9, Article III entitled “Flood Damage Prevention” of the Code of Ordinances for development of flood prone areas as required by the State of Connecticut Department of Environmental Protection in order to remain eligible to participate in the National Flood Insurance Program.

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 revising Sections 9-42 and 9-43 of Chapter 9, Article III entitled "Flood Damage Prevention" to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

ARTICLE III. FLOOD DAMAGE PREVENTION

Sec. 9-42. Definitions.

(a) Definition and usage. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

(b) Definitions of specific words and terms:

(1) Accessory building or structure: A building or structure in addition to the principal building which is clearly subordinate to and incidental to and located on the same lot or parcel as the principal building or structure.

(2) Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(3) Appeal: A request for a review of the city engineer's interpretation of any provision of this article or a request for a variance from the requirements of this article.

(4) Area of special flood hazard: See special flood hazard area.

(5) Base flood: The flood having a one per cent chance of being equaled or exceeded in any given year.

(6) Base Flood Elevation (BFE): The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

~~(6)~~ (7) Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

~~(7)~~ (8) Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

~~(8)~~ (9) Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

~~(9)~~ (10) Building permit: The permit issued by the building department of licenses, permits and inspections for erection, construction, alteration or expansion of any building or structure in the City of New Britain. Such permits include building, fence, electrical, plumbing, signs, heating, air conditioning, heating and ventilation, and foundations permits.

(11) Cost: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

~~(10)~~ (12) Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

~~(11)~~ (13) Elevated building: A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls as allowed under applicable standards.

(14) Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

~~(12)~~ (15) Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal water;
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

~~(13)~~ (16) Flood boundary and floodway map: An official map of New Britain on which the Federal Emergency Management Agency (FEMA) has delineated the boundaries of the floodway.

~~(14)~~ (17) Flood insurance rate map (FIRM): An official map of New Britain, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. FIRMs published after January, 1990, may also show the boundaries of the floodway.

~~(15)~~ (18) Flood insurance study: The official report by the Federal Emergency Management Agency (FEMA) which contains flood profiles, the water surface elevation of the base flood, and other flood data.

~~(16)~~ (19) Floodplain: See Special Flood Hazard Area.

~~(17)~~ (20) Floodplain management permit: A permit issued and required by the City of New Britain which guides any development proposed to take place within special flood hazard areas.

~~(18)~~ (21) Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

~~(19)~~ (22) Floor: The top surface of the materials or structure(s) forming the bottom-most horizontal plane of any enclosed room, space or area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. This term does not include the floor of a garage used solely for parking vehicles or to the limited storage of maintenance equipment used solely in connection with the premises.

~~(20)~~ (23) Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

~~(21)~~ (24) Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(25) Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

~~(22)~~ (26) Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area fully meets the requirements of subsection 9-45(c)(2).

~~(23)~~ (27) Manufactured home (mobile home or trailer): A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term also includes recreational vehicles and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

~~(24)~~ (28) Mean sea level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

~~(25)~~ (29) National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

~~(26)~~ (30) New construction: Structures for which the "start of construction" commenced on or after the effective date of this article, May 21, 1981, and includes any subsequent improvements to such structures.

~~(27)~~ (31) Principal structure: The main or primary structure on a property; the building or other structure which contains or constitutes the chief or principal use on the property.

~~(28)~~ (32) Recreational vehicle: A vehicle which is:

- a. Built on a single chassis;
- b. Measures four hundred (400) square feet or less at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable; and
- d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use.

~~(29)~~ (33) Special flood hazard area: The area within New Britain subject to one per cent or greater chance of flooding in any given year, as identified by New Britain's FIRM. In New Britain, this includes, specifically, areas designated as zones A, AE, A1-30.

~~(30)~~ (34) Start of construction: Includes substantial improvement, and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within ninety (90) days of the building permit date. (Should the permittee fail to begin work within this time frame, a new permit shall be required). The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~(31)~~ (35) Structure: A walled and roofed building that is principally above ground, a gas or liquid storage tank, or any other man-made facilities or structures. For the purpose of this article, each detached structure on a property shall be considered individually, a separate structure from any other structure on the property.

~~(32)~~ (36) Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) per cent of the market value of the structure before the damage occurred.

~~(33)~~ (37) Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) per cent of the market value of the structure. The market value of the structure should be:

a. The appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement.

b. In the case of damage, the value of the structure prior to the damage occurring.

c. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

~~(34)~~ (38) Subdivision: The division of a tract or parcel of land into three (3) or more parts or lots for the purpose of sale or building development, expressly excluding development for municipal, conservation or agricultural uses, and includes resubdivision.

~~(35)~~ (39) Variance: A grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship. Such hardship shall be based on the unusual physical characteristics of the property in question which are not shared by adjacent parcels; hardship shall not be based on the structure, nor on economic or personal hardships.

~~(36)~~ (40) Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Sec. 9-43. General provisions.

(a) Lands to which this article applies. This article shall apply to all special flood hazard areas within the jurisdiction of City of New Britain.

(b) Basis for establishing the special flood hazard areas. Special flood hazard areas are those areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of New Britain", dated ~~February 2, 2002~~, as determined by FEMA and as of the effective date of this amendment, with accompanying flood insurance rate maps and flood boundary-floodway maps dated ~~February 2, 2002~~, as determined by FEMA and as of the effective date of this amendment and any revisions thereto are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained. The flood insurance study, flood insurance rate map and flood boundary-floodway maps are hereby adopted by reference and declared to be a part of this article. These materials are on file at the office of Public Works, City Hall, 27 West Main Street, New Britain, Connecticut.

(c) Establishment of floodplain management permit. A floodplain management permit shall be required in conformance with the provisions of this article prior to the beginning of any development activities on any property within or containing any areas designated as special flood hazard areas.

(1) Permit expiration. Permits issued under this article shall expire if the permitted activity does not begin within ninety (90) days of the permit approval date.

(d) Compliance. No structure or land within a special flood hazard area shall hereafter be located, developed, constructed, extended, converted, modified, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(e) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this article all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this article is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of City of New Britain or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. The City of New Britain, its officers and employees shall assume no liability for another persons reliance on any maps, data, or information provided by the city. Notwithstanding the preceding disclaimer, the city shall assume normal responsibilities in indemnifying its public officials and citizen board members for "good faith" decisions made on their part in carrying out the duties of their positions.

(h) Aboveground Oil Tanks. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

(i) Compensatory Storage. The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

(j) Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

(k) No Structures Entirely or Partially Over Water. New construction, substantial improvements and repair to structures that have sustained substantial damage can not be constructed or located entirely or partially over water.

(l) Portion of Structure in Flood Zone. If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

May 28, 2008

(m) Structures in Two Flood Zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

~~(h)~~ (n) Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall remain in full force and effect; and to this end the provisions of this article are hereby declared to be severable.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Alderman Lori A. Rocha
Alderman Phil Sherwood

Ald. Catanzaro moved to accept and adopt, seconded by Ald. Rocha. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

NEW BUSINESS

RESOLUTIONS

**27873-2 RE: CONTRACT EXTENSION WITH DONALD S. LUKOWSKI & ASSOCIATES -
EXAMINATION OF THE MUNICIPAL INDEXES OF THE LAND RECORDS IN THE
TOWN CLERKS OFFICE THRU 6/30/2010**

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, Connecticut state Statutes require appointment of a person to examine municipal indexes of land records and to note a report in writing to the Town and City Clerk all errors and omission; and,

Whereas, these professional services have been performed by Donald S. Lukowski & Associates for the past several years; and,

Whereas, the scope of services includes a general review and verification of all documents recorded in the published volumes against a book and page listing furnished by the City of New Britain; verifiable items include volume, page, document number, description, type of document and date or recordation; and,

Whereas, the audit is performed for each of the twelve months of the year and a correction sheet is submitted to the Town and City Clerk monthly listing all corrections; following the completion of a calendar year audit, a state examination and inspection certificate is issued for subsequent submission to the State of Connecticut Public Records Administrator; and,

Whereas, authorization is requested to extend the current contractual agreement for an additional term through June 30, 2010; and

Whereas, the annual cost of such services is not to exceed \$11,200, contingent upon annual funding made by the Common Council for this purpose; Now therefore, be it

Resolved that the Purchasing Agent is hereby authorized to execute a contract amendment with Donald S. Lukowski & Associates for the proposed services and cost stated above through 6/30/2010.

Alderman Michael W. Trueworthy
Majority Leader

May 28, 2008

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

30148 RE: AUTHORIZING ACCEPTANCE OF ONE-EIGHTH OF THE ASSETS IN MS. MARY H. MEANEY'S 403(b) RETIREMENT AND SAVINGS PROGRAM WITH N.B. GENERAL HOSPITAL – DESIGNATED TO THE NEW BRITAIN SENIOR CENTER

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, Mary H. Meaney, a long time resident of the City of New Britain, died on January 14, 2008; and

WHEREAS, Ms. Meaney worked as the Personnel Director at New Britain General Hospital for many years; and

WHEREAS, Ms. Meaney has designated the City of New Britain Senior Center as one of eight (8) beneficiaries to receive in equal shares the assets set forth in her 403(b) Retirement and Savings Program with New Britain General Hospital; and

WHEREAS, The approximate value of each share is \$20,000.00; and

WHEREAS, Section 2-32 of the Code of Ordinances provides that gifts in excess of five hundred dollars (\$500.00) may be approved for acceptance in the name of the City by resolution from the Common Council; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to sign all documents necessary for the City of New Britain Senior Center to receive one-eighth of the assets in Ms. Meaney's 403(b) Retirement and Savings Program with New Britain General Hospital, and be it further,

RESOLVED, that the monies be appropriated within the Senior Center special revenue fund as follows:

Increase

290-0500-0505-385	Donations	\$ 20,000
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Increase

290-1000-1840-293	Programs	\$ 20,000
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Alderwoman Tonilynn Collins
Alderwoman Shirley Black

Ald. Black moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

30149 RE: ALD. PHIL SHERWOOD APPOINTED LIAISON TO THE NEW BRITAIN ARTS 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:

WHEREAS; The City of New Britain has a vibrant New Britain Arts Community; and

WHEREAS; The Common Council has a vacancy as a liaison to the Arts Commission; NOW, THEREFORE, BE IT

May 28, 2008

RESOLVED: That Alderman Phil Sherwood be appointed liaison to the New Britain Arts Commission.

Alderman Michael Trueworthy
Majority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

30150 RE: FISCAL YEAR BUDGET – 2008-09 FINANCE, PERSONNEL AND FIRE DEPARTMENTS SHALL COLLABORATIVELY DELINEATE AND CREATE AS MANY LINE ITEMS AS NECESSARY TO CLEARLY IDENTIFY FUNDS THAT ARE ACTUAL OVERTIME COSTS AND THOSE THAT ARE FOR OTHER STAFFING PURPOSES - RELATING TO THE FIRE 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; line items appear and are allocated into the General Fund Budget of the City of New Britain; AND

WHEREAS; line Item 001-1221-2210-111, which relates to Fire Department overtime and many other funding encumbrances; AND

WHEREAS; said line item is incorrectly labled as overtime given that the actual funds paid for Overtime payments is approximately \$350,000; and all other payments are not overtime funds; AND

WHEREAS; it is difficult to identify, the way this line item has been established, which costs are actually overtime payments and which funds are for other staffing purposes; THEREFORE BE IT

RESOLVED; for the upcoming Fiscal Year budget (2008-2009), the Finance, Personnel and Fire Departments shall collaboratively delineate and create as many line items as necessary, in an effort to clearly identify funds that are actual overtime costs, and those that are for other staffing purposes, such as retirement payouts, sick time and any other fiduciary needs of fire department staffing.

Alderman Michael Trueworthy
Majority Leader
Alderswoman Suzanne Bielinski

Ald. Trueworthy moved to accept and refer to the Consolidated Committee, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

30151 RE: ACCEPTANCE OF HOMELAND SECURITY GRANT - \$1,000 – TO THE EMERGENCY OPERATIONS COMMAND CENTER – HAM RADIO EQUIPMENT

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 Department of Homeland Security has awarded the City of New Britain a grant in the amount of \$1,000 for the purchase and installation of HAM radio equipment for use by the City's CERT team at their East Street facility, THEREFORE, BE IT

RESOLVED, that monies amounting to \$1,000 be appropriated within the City's General Fund through a budget amendment as follows:

Increase:

001-0500-0503-HAM	State Revenue	\$ 1,000
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May 28, 2008

Increase:

001-1230-2500-380 HAM radio equipment \$ 1,000

Alderman Louis G. Salvio
Alderwoman Suzanne Bielinski
Alderwoman Tonilynn Collins

Ald. Salvio moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

**29606-1 RE: THE APPOINTMENT OF THE FIRM OF BLUM SHAPIRO AS THE CITY'S
INDEPENDENT FINANCIAL AUDITOR FOR THE FISCAL YEAR ENDING JUNE 30,
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:

Resolution Background and Summary:

On April 25, 2007, the Council approved Resolution #29606 appointing Blum Shapiro as the City's independent auditor for June 30, 2007 at a cost of \$119,300. The contract signed by both parties was for one year (June 20,2007) with an option to extend for four (4) additional years with the second year (June 30, 2008) at a rate of \$121,100.

The recommended practice for re-bidding independent auditor service is 3 to 5 years. At this point, the City has not begun the RFP process which tends to be a lengthy process. Therefore, it is recommended by the Finance and Purchasing Departments that the City retain the current audit firm, Blum Shapiro.

Therefore, Be It Resolved, that the firm of Blum Shapiro, Certified Public Accountants, be appointed as City of New Britain's independent financial auditor for the fiscal year ending June 30, 2008 and be it further,

Resolved, that Mayor Timothy T. Stewart is authorized to execute an agreement with Blum Shapiro on behalf of the City for the FY 2008 independent financial audit engagement at a cost of \$121,100.

Alderman Louis G. Salvio
Alderman Michael W. Trueworthy
Alderwoman Tonilynn Collins
Alderwoman Lori A. Rocha

Ald. Salvio moved to accept and adopt, seconded by Ald. Rocha. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

**30152 RE: CONNECTICUT STATE GRANT FOR PRESERVATION OF HISTORICAL
DOCUMENTS FOR THE PERIOD JULY 1, 2008 THRU JUNE 30, 2009 AND NON-
DISCRIMINATION CERTIFICATION**

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 of Connecticut passed into law, Public Act 00-146, an "Act Concerning Real Estate Filings and Preservation of Historical Documents" which took effect July 1, 2000; and,

WHEREAS, this legislation established a "Historic Document Preservation Account" for the "Preservation and Management of Historic Documents" ; and,

WHEREAS, Public Act 00-146 authorizes a grant starting July 2001; and,

May 28, 2008

WHEREAS, the City of New Britain has applied for and received approval for a \$12,000 grant for the period of July 1, 2008 to 2009; now therefore be it,

RESOLVED: That Mayor Timothy T. Stewart is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Preservation Grant; and

RESOLVED: that the City of New Britain, hereby adopts as its policy to support the nondiscrimination agreements and warranties required under the Connecticut General Statutes § 4a-60(a)(1) and §4a-60a(a)(1), as amended in State of Connecticut Public Act 07-245 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142; and be it further

RESOLVED; that a budget amendment in the amount of \$12,000 be appropriated within the city's Special Revenue Fund entitled "Historical Records Retention" established for this purpose and amend the existing budget in the amount of \$15,450 to meet the needs of the department as follows:

<u>INCREASE ESTIMATED REVENUE</u>		
#249-0500-0505-194	State of Connecticut Historic Preservation Grant	\$12,000
#249-0500-0505-025	Document Preservation (Town)	15,450
	Total	<hr/> 27,450
<u>INCREASE EXPENDITURE BUDGET</u>		
#249-1154-1540-320	Professional Services	18,450
#249-1154-1540-110	Full Time Salaries	9,000
	Total	<hr/> \$27,450

Alderman Michael Trueworthy
Majority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

30153 RE: FRANK OLIS, BRIAN ANDERSON, AND GEORGE BODYCOAT APPOINTED AS EMPLOYEE MEMBERS TO THE BOARD OF TRUSTEES OF THE FIRE PENSION FUND – TERMS TO EXPIRE ON MAY 1, 2010

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; Section 15 3(d) of the City of New Britain Charter provides that the Board of Trustees of the Fire Pension Fund shall consist of the Mayor, City Treasurer, members of the Board of Fire Commissioners and three active members of the Fire Department; and

WHEREAS; Section 15 3(d) also provides that the Common Council shall appoint the three employee members for terms of two years at every other May meeting; and

WHEREAS; Local 992 has nominated three of its members, Frank Olis, Brian Anderson and George Bodycoat to serve as members of the Board of Trustees; NOW, THEREFORE, BE IT

RESOLVED; that the Common Council hereby appoints Frank Olis, Brian Anderson and George Bodycoat as the employee members of the Board of Trustees of the Fire Pension Fund for terms to expire on May 1, 2010.

Alderwoman Suzanne Bielinski

May 28, 2008

Ald. Bielinski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

UNFINISHED BUSINESS

Ald. Sherwood moved to take from the table Resolution 30057-2, seconded by Ald. Bielinski. So voted.

30057-2 RE: AMENDMENT TO CHAPTER 2 OF THE ORDINANCES ADDING SEC. 2-10 REGARDING GRANTING MEMBERS OF THE PUBLIC, ACCESS TO PUBLIC INFORMATION IN ACCORDANCE WITH THE CGS SEC. 1-200 THRU 1-242

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 grant members of the public access to public information in accordance with Sections 1-200 through 1-242 of the Connecticut General Statutes.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Chapter 2 of the Code of Ordinances, City of New Britain, be amended by adding Section 2-10 to read as follows (inserted text appears in underline; deleted text appears in ~~striketrough~~; new sections begin with the word [new]):

Sec. 2-10. Freedom of Information. [NEW]

(l) Definitions. As used in this section, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(1) "Public agency" or "agency" means:

(A) Any department, board, commission, or official of the City of New Britain, including any committee of, or created by, any such department, board, commission, or official;

(B) The Common Council or any of its committees; or

(C) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law.

(2) "Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

(3) "Caucus" means (A) a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision, or (B) the members of a multimember public agency, which members constitute a majority of the membership of the agency, or the other members of the agency who constitute a minority of the membership of the agency, who

register their intention to be considered a majority caucus or minority caucus, as the case may be, for the purposes of the Freedom of Information Act, provided (i) the registration is made with the office of the Town and City Clerk, (ii) no member is registered in more than one caucus at any one time, (iii) no such member's registration is rescinded during the member's remaining term of office, and (iv) a member may remain a registered member of the majority caucus or minority caucus regardless of whether the member changes his or her party affiliation.

(4) "Person" means natural person, partnership, corporation, limited liability company, association or society.

(5) "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the city when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection IV(b) herein.

(7) "Personnel search committee" means a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "personnel search committee" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

(8) "Pending claim" means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) "Pending litigation" means (A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency's consideration of action to enforce or implement legal relief or a legal right.

(10) "Governmental function" means the administration or management of a program of a public agency, which program has been authorized by law to be administered or managed by a person, where (A) the person receives funding from the public agency for administering or managing the program, (B) the public agency is involved in or regulates to a significant extent such person's administration or management of the program, whether or not such involvement or regulation is direct, pervasive, continuous or day-to-day, and (C) the person participates in the formulation of governmental policies or decisions in connection with the administration or management of the program and such policies or decisions bind the public agency. "Governmental function" shall not include the mere provision of goods or services to a public agency without the delegated responsibility to administer or manage a program of a public agency.

(II) **General.** (a) It is hereby declared that it is the policy of the City of New Britain:

(1) to fully comply with the requirements of the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes, and

(2) that the public and each member of the public shall have the right to access to public records, documents, meetings and public notice of meetings in accordance with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes.

(b) Every public agency of the City of New Britain, including every department, board, commission or official of the City of New Britain and the Common Council and all of its committees shall faithfully comply with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes

(c) To the extent that any provision of this article conflicts with sections 1-200 through 1-242 of the Connecticut General Statutes, the Connecticut General Statutes shall prevail. However, to the extent that any provision of this article provides greater access but does not conflict with the Connecticut General Statutes, this ordinance shall prevail.

(III) Access to Meetings.

(a) The meetings of all public agencies, except executive sessions as defined herein, shall be open to the public. The votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight (48) hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven (7) days of the session to which they refer.

(b) The chairperson or secretary of any such public agency shall file, not later than January thirty-first of each year with the Town and City Clerk the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed.

(c) The agenda of the regular meetings of every public agency shall be available to the public and shall be filed, not less than forty-eight hours before the meetings to which they refer, in such agency's regular office or place of business, if there is such an office or place of business, and in the office of the Town and City Clerk. Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

(d) Notice of each special meeting of every public agency shall be given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Town and City Clerk. The Clerk shall cause any notice received under this section to be posted in such Clerk's office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting; provided in the case of emergency, any special meeting may be held without complying with the foregoing requirements for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk not later than seventy-two hours following the holding of said meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.

(e) No member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance. However, any member of the public wishing to speak during public participation shall provide his/her name and address.

(f) A public agency may hold an executive session, as defined in (l) (3) of this section, only upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in (l)(3) of this section.

(g) In determining the time within which or by when a notice, agenda, record of votes or minutes of a special meeting or an emergency special meeting are required to be filed under this section, Saturdays, Sundays, legal holidays and any day on which the office of the agency or the Town and City Clerk, as the case may be, is closed, shall be excluded.

(IV) Access to public records. Exempt records.

(a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records, or (3) receive a copy of such records. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the Town and City Clerk. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(b) Nothing in this section shall be construed to require disclosure of:

(1) Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;

(2) Personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy;

(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) signed statements of witnesses, (C) information to be used in a prospective law enforcement action if prejudicial to such action, (D) investigatory techniques not otherwise known to the general public, (E) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (F) the name and address of the victim of a sexual assault under sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes, or injury or risk of injury, or impairing of morals under section 53-21 of the Connecticut General Statutes, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216 of the Connecticut General Statutes;

(4) Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled;

(5) (A) Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and

(B) Commercial or financial information given in confidence, not required by statute;

(6) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations;

(7) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision;

(8) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for;

(9) Records, reports and statements of strategy or negotiations with respect to collective bargaining;

(10) Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship;

(11) Names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen years of age or older and a parent or guardian of each such student who is younger than eighteen years of age, provided this subdivision shall not be construed as prohibiting the disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school;

(12) Any information obtained by the use of illegal means;

(13) Records of an investigation or the name of an employee providing information under the provisions of section 4-61dd of the Connecticut General Statutes;

(14) Adoption records and information provided for in sections 45a-746, 45a-750 and 45a-751 of the Connecticut General Statutes;

(15) Any page of a primary petition, nominating petition, referendum petition or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required;

(16) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e of the Connecticut General Statutes or a district department of health pursuant to chapter 368f of the Connecticut General Statutes, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;

(17) Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g;

(18) Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system;

(19) The residential, work or school address of any participant in the address confidentiality program established pursuant to sections 54-240 to 54-240o of the Connecticut General Statutes, inclusive;

(20) The name or address of any minor enrolled in any parks and recreation program administered or sponsored by any public agency;

(21) Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

(c) Notwithstanding the provisions of subdivisions (1) and (16) of subsection (b) of this section, disclosure shall be required of:

(1) Interagency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency;

(2) All records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in section 19a-355 of the Connecticut General Statutes, or any nursing home, residential care home or rest home, as defined in section 19a-490 of the Connecticut General Statutes,

by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings; and

(3) The names of firms obtaining bid documents from any state agency.

(V) Copying and scanning of public records. Fees.

(a) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The public agency providing any such public record may charge a fee in accordance with Section 1-212 of the Connecticut General Statutes, provided that the following exceptions shall apply:

(1) ~~Except as otherwise provided by federal or state law, any journalist who presents a press badge member of the public shall not be required to pay a fee for copies of any public records file up to two hundred dollars fifty dollars (\$200.00) (\$50.00) twenty dollars (\$20.00) at a rate of fifty cents (.50) per page. Said journalist member of the public shall be required to pay any fee over two hundred dollars fifty dollars twenty dollars (\$200.00) (\$50.00) (\$20.00).~~ For the purposes of this subdivision "request" shall be the copies of public records or files requested in a single day.

(2) No person shall be charged a fee for receiving a single copy of the agenda of meeting of any public agency.

Alderman Phil Sherwood

Ald. Sherwood moved to accept and adopt, seconded by Ald. Gerratana. Ald. Bielinski moved to amend the second to the last paragraph by adding at the beginning "Except as otherwise provided by federal or state law," seconded by Ald. Gerratana. Amendment carried with Ald. Salvio opposed. Ald. Bernacki moved to further amend the second to the last paragraph by changing "fifty dollars" to "twenty dollars", seconded by Ald. Sherwood. Amendment carried. RESOLUTION AS AMENDED TWICE ADOPTED. Returned June 2, 2008 without the approval or disapproval of Mayor Timothy T. Stewart.

Ald. Trueworthy moved to accept and adopt Report of the Office of the Corporation Counsel 30137 – moved earlier to the end of the agenda.

Ald. Trueworthy moved the Council enter into Executive Session to discuss the report and that they be accompanied by the Mayor and the Corporation Counsel. Motion seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Executive Session began at 8:51 p.m.

The Council voted to return to order at 9:06 p.m. on motion of Ald. Trueworthy, seconded by Ald. Bernacki.

REPORT OF THE CORPORATION COUNSEL

30137 RE: JEFFREY NOLAN V. CITY OF NEW BRITAIN

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

A report on the status of the above-referenced lawsuit will be presented to the Common Council at its meeting on Wednesday, May 28, 2008.

Irena J. Urbaniak
City Attorney

May 28, 2008

Ald. Trueworthy moved to accept, seconded by Ald. Bielinski. So voted. Approved by Mayor Timothy T. Stewart June 2, 2008.

Ald. Bernacki moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 9:08 p.m.

ATTEST: Peter J. Denuzze, City Clerk