

June 10, 2009

REGULAR MEETING OF THE COMMON COUNCIL

JUNE 10, 2009

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 10th day of June 2009 at 7:31 p.m. in the Common Council Chambers, City Hall.

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

One member was absent: Ald. Gerratana

City Clerk, Peter J. Denuzze, gave the invocation: Almighty God, you have set us in communities and bound us together by common duties and sympathies. Strengthen that sense of duty in our political life. Purge us of deep causes of apathy and indifference that make responsible government difficult. We ask this in Thy name. Amen

The pledge to the flag was led Mary H. Chaponis.

Ald. Trueworthy moved to amend the agenda by substituting 30645(C), and by adding an attachment to 29417-1(4), motion seconded by Ald. Bielinski. Roll call vote – all members present voted in favor.

Ald. Bernacki requested a point of order to remind the Council that they might want to reconsider their vote on Resolution 30636 at the May 27, 2009 Regular Meeting.

PETITIONS

- 30651 ALD. CATANZARO FOR INSTALLATION OF “NO PARKING” SIGNS ON ONE SIDE OF GOVERNOR STREET BETWEEN BEACH STREET AND MCKINLEY DRIVE. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.**
- 30652 ALD. BIELINSKI FOR INSTALLATION OF A “STOP” SIGN AT THE INTERSECTION OF LONG STREET AND LEDGECREST STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.**
- 30653 ALD. HERMANOWSKI FOR REPAIRING TWO (2) LARGE POTHOLES IN FRONT OF 217 KILBOURNE AVENUE. REFERRED TO THE DEPT. OF PUBLIC WORKS.**
- 30654 ALD. CATANZARO FOR PRUNING LARGE TREE BRANCHES ON PENDLETON ROAD, BETWEEN KILBOURNE AVE AND LYLE ROAD. REFERRED TO THE PARKS AND RECREATION DEPARTMENT.**
- 30655 ALD. HERMANOWSKI, MAGNUSZEWSKI, TRUEWORTHY, CATANZARO, ROCHA, PLATOSZ, SHERWOOD, BLACK, BIELINSKI, GERRATANA AND CENTENO FOR REQUESTING THAT A REPRESENTATIVE OF THE CITY’S INDEPENDENT AUDITING FIRM BLUM SHAPIRO TO MEET WITH THE COMMON COUNCIL TO ANSWER QUESTIONS CONCERNING THE UPCOMING 2009 AUDIT AND ALSO THE 2008 AUDIT. REFERRED TO THE OFFICE OF CORPORATION COUNSEL AND THE FIRM OF BLUM SHAPIRO**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved June 11, 2009 by Timothy T. Stewart, Mayor.

CONSENT AGENDA

CITY CLERK

30643 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

- Cecunjanin, Edin
- Kreutzer, Shannon
- Santiago, Antonia

Peter J. Denuzze
City Clerk

FINANCE DEPARTMENT

30644 RE: LINE ITEM TRANSFERS 05/20/09 THRU 06/03/09

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

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

40. Department:	Licenses, Permits and Inspections		
From:	001-1230-2400-310	\$442.00	(Advertising anPrinting)
	001-1230-2400-376	\$400.00	(Technical Publications)
To:	001-1230-2400-210		(Office Supplies)
Amount:	\$842.00		
Brief Description:	Funds needed for office supplies		

41. Department:	Licenses, Permits and Inspections		
From:	001-1230-2400-320		(Professional Services)
To:	001-1230-2400-374		(Fees & Memberships – Conferences)
Amount:	\$250.00		
Brief Description:	Funds needed for membership and conferences		

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42. Department: Parks and Recreation
From: 203-1000-0512-330 (Rental/Leases of Property/Equipment)
To: 203-1000-0512-221 (Operating Material & Supplies)
Amount: \$6,000.00
Brief Description: Funds needed to purchase and install secure swimming pool drain covers at A.W. Stanley and Willow Brook Park pools required per OSHA regulations
43. Department: Registrar of Voters – Republican
From: 001-1125-1251-110 (Full Time Salaries)
To: 001-1125-1251-232 (Postage)
Amount: \$500.00
Brief Description: Funds needed for mailing seeking election day poll workers

Robert Curry
Finance Director

PURCHASING DEPARTMENT

30646 RE: CHEMICALS AND GASES FOR THE WATER DEPARTMENT

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

Public Bid No. 3485 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, Water Department's Operating Fund, Chemicals.

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 they could not provide a response to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Water Department Administration and the Purchasing Agent. Therefore the Director of the Water Department is recommending the bid be awarded to the following chemical companies, Harcros Chemicals of Nashua NH, Borden & Remington Corporation of Fall River MA, Airgas East of Cheshire CT, Holland Company of Adams MA, World Chemicals of Tampa FL, Sovay North America of Houston TX, Coyne Chemical of Croydon PA, Jones Chemical of Merrimack NH, and Chemrite Inc of Buford GA. The bid results have also been presented to the Water Commission at their June 9, 2009 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 Harcros Chemicals of Nashua NH, Borden & Remington Corporation of Fall River MA, Airgas East of Cheshire CT, Holland Company of Adams MA, World Chemicals of Tampa FL, Sovay North America of Houston TX, Coyne Chemical of Croydon PA, Jones

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Chemical of Merrimack NH, and Chemrite Inc of Buford, GA. 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. 3485

Jack Pieper
Purchasing Agent

**30647 RE: **PRECASTED CONCRETE BOX CULVERTS FOR THE PUBLIC WORKS
DEPARTMENT****

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

Public Bid No. 3487 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Precasted Concrete Box Culverts for the Ten Acre Road over Willow Brook Reconstruction Project, for the Public Works Department. Funding is available for this purchase from Account Number 213-1800-1858-TEN LOCIP Fund, Ten Acre Road Sidewalk and Culvert Repair.

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 five (5) Precasted Concrete Box Culvert Companies. The Purchasing Agent did not receive any letters from the Precasted Concrete Box Culvert Companies on the mailing list indicating they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Public Works Department, Engineering Division and the Purchasing Agent. Therefore the Director of Public Works is recommending that the bid be awarded to United Concrete Products Inc of Yalesville, CT who was the lowest bidder.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with and issue a purchase order to United Concrete Products Inc of Yalesville, CT for the purchase of Precasted Concrete Box Culverts at a total price of \$26,950.00 for the Ten Acre Road over Willow Brook Reconstruction Project per the terms and specifications of Public Bid No. 3487.

Jack Pieper
Purchasing Agent

DEPARTMENT OF PUBLIC WORKS

**30610-1 RE: **POTHoles AT INTERSECTION OF FARMINGTON AVE. AND HAYES
STREET****

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

Potholes at the intersection of Farmington Ave and Hayes Street were repaired by Public Works Staff on May 19, 2009.

Mark E. Moriarty,
Director Public Works

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30611-1 RE: POTHoles AT INTERSECTION OF HIGH STREET AND CARMODY STREET

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

Potholes at the intersection of High and Carmody Streets, Carmody and Grove Streets and the entire length of Grove Street were repaired by Public Works Staff on May 20, 2009.

Mark E. Moriarty,
Director Public Works

COMMITTEE ON ADMINISTRATION, FINANCE AND LAW

**30641-1 RE: LEASE AGREEMENT WITH SLAWOMIR AND BEATA RULKA FOR
PROPERTY KNOWN AS 143 GROVE 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, June 2, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30641– Lease Agreement with Slawomir and Beata Rulka for property known as 143 Grove Street voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Roy Centeno
Vice-Chair

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

PURCHASING DEPARTMENT

**30645 RE: ON-CALL ENGINEERING SERVICES – TRAFFIC CONTROL SIGNAL DESIGN
SERVICES FOR THE MYRTLE AND BURRITT STREET INTERSECTION**

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

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

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Project Name: Traffic Control Signal Design Services for the Myrtle and Burritt Street Intersection

Vendor: Tighe & Bond
Amount: \$19,500.00
Line Items: 008-2910-2617-320, Capital Improvements Streets, Professional Services

Requested By: Public Works Department, Engineering Division

Scope: The City of New Britain has secured funding through the Connecticut Department of Transportation (ConnDOT) under the Hazard Elimination Program for the upgrade of the existing traffic control signals at Myrtle and Burritt Street Intersections. Tighe & Bond will conduct a survey which will include average daily traffic count, observe traffic during weekday afternoon peak hours, measure sight distances, obtaining traffic speeds and the latest available accident data of the intersection. The data collected by this survey will enable Tighe & Bond to create a report of the intersection and to meet with the Public Works Department to discuss their findings. Tighe & Bond will then create preliminary designs for the traffic control signals in accordance with the ConnDOT traffic control design manual and prepare a preliminary construction cost estimate. They will attend any meetings that will be held with ConnDOT, the Utility Companies or the Public. After these meetings they will create the final design drawings, construction documents and develop bid specifications. Once the bids are received Tighe & Bond will assist in reviewing all bids to assure that the bidders complied with bid specifications. When the bid is awarded they will conduct on-site visits to assure the project meets specifications as well as attend and conduct any construction meetings.

Jack Pieper
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

30641-2 RE: LEASE AGREEMENT WITH SLAWOMIR AND BEATA RULKA FOR 143 GROVE STREET

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

WHEREAS, The City of New Britain is committed to the revitalization of its neighborhoods through the support of businesses in our community and specifically to the continued progress of our Neighborhood Revitalization Zones (NRZ) such as the Broad Street NRZ; and

WHEREAS, The City of New Britain, through its Housing Site Development Agency (HSDA), owns a vacant lot known as 143 Grove Street; and

WHEREAS, the Zieleniak Green Grocer, owned by Slawomir and Beata Rulka, located at 109 Broad Street is a well respected and vital part of the Broad Street business community. Given the nature of the retail grocery business as well as the busy traffic on that area of Broad Street, there is a need for additional parking near the store for customers. The city owned lot at

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143 Grove Street is located in the rear of 109 Broad and would be able to fill some of that need for additional parking; and

WHEREAS, The City of New Britain has received a request for a one year lease with an annual option to renew for the lot at 143 Grove Street for \$100 per month plus the cost of leasehold improvements to the property which was recently approved by the Commission on Community and Neighborhood Development as the Board of the HSDA ; and

WHEREAS, The City of New Britain is interested in helping to alleviate some of the parking constraints for this local business while maintaining the lot in case it is needed for future City use, including the reconstruction of Broad Street project; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute on behalf of the City of New Britain a one year lease agreement with annual option to renew with Slawomir and Beata Rulka for the property known as 143 Grove Street and to execute any and all documents necessary for the leasing of said property in accordance with the terms of said agreement for a total rental revenue of not less than \$100 per month and leasehold improvements for the first year and terms for future years subject to negotiation.

Alderman Louis G. Salvio
Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Trueworthy. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

NEW BUSINESS

RESOLUTIONS

30648 RE: PATTON BROOK WELL LEASE

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 Board of Water Commissioners voted at its Regular Meeting of February 10, 2009 to continue the annual lease of the Patton Brook Well to the Town of Southington Board of Water Commissioners; and,

WHEREAS, the Patton Brook Well has been leased to the Town of Southington Board of Water Commissioners continuously since 1979; the term of the proposed lease is one year, July 1, 2009 through June 30, 2010, and the annual lease fee is \$106,924.32; and,

WHEREAS, the mayor has approved the lease and recommends it to the Common Council of the City of New Britain in accordance with Section 13-3 of the Charter of the City of New Britain; therefore, be it

RESOLVED, that the Common Council of the City of New Britain hereby approves the Patton Brook Well lease between the City of New Britain Board of Water Commissioners and the Town of Southington Board of Water Commissioners, and the Mayor is hereby authorized to sign the lease on behalf of the City.

Alderman Lawrence J. Hermanowski
Common Council Liaison – Water Dept.

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Ald. Hermanowski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

30649 RE: INDEMNIFICATION AND HOLD HARMLESS AGREEMENT WITH TILCON CONNECTICUT INC., TILCON INC., AND OLD CASTLE MATERIALS INC (NEW BRITAIN POLICE DEPT. USING TILCON PROPERTY IN PLAINVILLE FOR AN OUT-DOOR FIRING RANGE)

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, Tilcon-Tomasso, now known as Tilcon Connecticut Inc., Tilcon Inc. and Old Castle Materials Inc., has granted the Police Department of the City of New Britain the use of its property located in Plainville, Connecticut for an out-door firing range; and

WHEREAS, The Police Department has used this property as an out-door firing range since 1986; and

WHEREAS, The Police Department has allowed members of sister law enforcement agencies to utilize this property as a firing range in accordance with Policy Number 1.16; and

WHEREAS, The City of New Britain has agreed to indemnify and hold harmless Tilcon-Tomasso for any loss or claim in connection with its use of the firing range; and

WHEREAS, Tilcon Connecticut Inc., Tilcon Inc. and Old Castle Materials Inc. have requested that the City of New Britain execute an Indemnification and Hold Harmless Agreement in connection with the utilization of their property; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute the Indemnification and Hold Harmless Agreement with Tilcon Connecticut Inc., Tilcon Inc. and Old Castle Materials Inc.

Alderman Suzanne Bielinski
Alderman Roy Centeno
Alderman Silvia Cruz
Alderman Lawrence Hermanowski

Ald. Bielinski moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

29417-1 RE: AMENDMENT TO LEASE AGREEMENT WITH NEW ROYAL BRIDE, LLC – 28 PARKING SPACES IN BADOLATO PARKING GARAGE

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. Amendment and Assignment of Lease Agreement with New Royal Bride, LLC for lease of 28 parking spaces in Badolato Parking Garage.

WHEREAS, On December 15, 2006, the City of New Britain approved and authorized Mayor Stewart to enter into a Lease Agreement with New Royal Bride, LLC (Lessee) for senior parking at the Badolato Garage; and

WHEREAS, The parking lease executed between the parties on April 27, 2007, provides for the lease of twenty-eight (28) parking spaces in the Badolato Garage for thirty (30) years commencing on January 1, 2007; and

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WHEREAS, The Lessee has completed construction of a substantial portion of the housing project; and

WHEREAS, The Lessee's lender as part of the financing approval requires that the Lessee receive assurance from the City of New Britain of an additional parking period of three (3) years for the tenants together with assignment rights provisions; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to negotiate and enter into an Amendment and Assignment Lease Agreement with New Royal Bride, LLC for the lease of twenty-eight (28) parking spaces in the Badolato Parking Garage for a term of a new thirty (30) year time period commencing on January 1, 2010.

Alderman Louis G. Salvio

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

30650 RE: JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$82,923 – N.B. POLICE DEPARTMENT

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

WHEREAS, the Bureau of Justice Assistance (BJA), has funding available under the FY2009 Edward Byrne Justice Assistance Grant Program, and

WHEREAS, these funds can be used to support a broad range of activities to prevent and control crime based upon local needs and conditions, and

WHEREAS, there is NO MATCH requirement for this grant, and

WHEREAS, these funds, in the amount of \$ 82,923, will be used as set forth in the budget listed below; Now, Therefore, Be It

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to apply for a Justice Assitance Grant in the sum of \$ 82,923, as follows:

Revenue:		
269-0535-0504-F69	Federal Revenue	\$82,923
Expenditures:		
269-1036-xxxx-111	Police Housing Cops - OT	\$60,000
269-1036-xxxx-111	Burglary/Robbery Squad - OT	\$22,923

Alderman Suzanne Bielinski
Alderman Roy Centeno
Alderman Silvia Cruz
Alderman Lawrence J. Hermanowski

Ald. Bielinski moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 7:50 p.m.

ATTEST: Peter J. Denuzze, City Clerk