

June 27, 2007

REGULAR MEETING OF THE COMMON COUNCIL

JUNE 27, 2007

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 27th day of June 2007 at 7:33 p.m. in the Common Council Chambers, City Hall.

Fourteen members were present at roll call: Ald. Trueworthy, Black, Cruz, Rocha, Catanzaro, Carroll, Hermanowski, Platosz, Kirejczyk, Wyskiewicz, Salvio, Gostin, Bernacki and Bielinski.

One member was absent: Ald. Collins.

Peter J. Denuzze, City Clerk, gave the invocation: O God, our Heavenly Father, bless the participants in tonight's meeting with love of neighbor and wisdom to conduct themselves in such a manner that the people of New Britain will benefit. We ask this in Thy name. Amen.

Rick Guinness led the pledge to the flag.

A moment of silence was observed in memory of nine firefighters who perished inside a furniture warehouse in Charleston, South Carolina when fire swept through it collapsing its roof – the nation's deadliest single disaster for firefighters since the Sept. 11 terrorist attack.

Ald. Catanzaro was granted a point of personal privilege in order to compliment Chief Gagliardi and the New Britain Police department on their humane handling of the recent capture of a black bear cub in a New Britain neighborhood.

Ald. Trueworthy moved to accept the minutes of the Regular Meetings of May 9 and May 23, 2007, seconded by Ald. Bielinski. So voted.

Ald. Trueworthy moved to amend the agenda by substituting 29706(N) and by deleting item 5, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor.

PETITIONS

- 29718 ALD. GOSTIN FOR A CERTIFICATE OF LOCATION APPROVAL TO ALLOW A MOTOR VEHICLE GENERAL REPAIRER'S AND AUTO DEALER'S LICENSE FOR PROPERTY AT 1036 WEST MAIN STREET. REFERRED TO ZONING SUB-COMMITTEE**
- 29719 ALD. BLACK FOR SIDEWALK REPAIR IN FRONT OF 21 AUSTIN STREET. REFERRED TO DEPARTMENT OF PUBLIC WORKS**
- 29720 ALD. SALVIO FOR INSPECTING A BANK EROSION PROBLEM ALONG WILLOW BROOK FROM STEELE STREET SOUTH, PAST TEN ACRE ROAD TO LINCOLN STREET AREA. REFERRED TO DEPARTMENT OF PUBLIC WORKS**
- 29721 ALD. PLATOSZ FOR INSTALLATION OF A 4-WAY STOP SIGN AT THE CORNER OF BINGHAM STREET AND ROCKY HILL AVENUE. REFERRED TO BOARD OF POLICE COMMISSIONERS**
- 29722 ALD. PLATOSZ FOR INSTALLATION OF "NO PARKING" SIGNS ON BINGHAM STREET AT THE CORNER OF 238 ROCKY HILL AVE. REFERRED TO BOARD OF POLICE COMMISSIONERS**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved July 2, 2007 by Timothy T. Stewart, Mayor.

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CONSENT AGENDA

CITY CLERK

29694 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

- Winslow, Janet

Peter J. Denuzze, City Clerk

DEPARTMENT OF LICENSES, PERMITS & INSPECTIONS

29613-1 RE: GRAFFITI – NEW BRITE PLAZA BEHIND THE DOLLAR STORE

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

The graffiti was cleaned behind the Dollar Store of New Brite Plaza.

Frank M. Wiatr, Director
Chief Building Official
Zoning Enforcement Officer

FINANCE DEPARTMENT

29695 RE: PROJECTED SURPLUS – GENERAL FUND FISCAL YEAR 2006-2007

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 Article X, Section 10-5 (a) (2) of the City of New Britain Charter, the projected results from operations for the General Fund, Fiscal 2007, is submitted to the Common Council. Budgetary projects are based on activity through June 19, 2007. Refer to attachments also on file in the Town & City Clerk's Office

The estimated results from operations shall be adjusted through the reporting period for submission to the Council at the regular meeting on July 11, 2007.

Robert Curry
Director of Finance

29696 RE: LINE ITEM TRANSFERS WITHIN A DEPARTMENT'S BUDGET – 06/06/07 THRU 06/20/07

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 20, 2007.

48. Department:	Fairview Cemetery	
From:	204-0010-2120-390	(Other Purchase Services)
To:	204-0010-2120-384	(Heating Fuel)
Amount:	\$3,500.00	
Brief Explanation:	Funds needed due to increased heating and cooling expenses	

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49. Department: Town Clerk
From: 001-1154-1540-210 \$761.00 (Office Supplies)
001-1154-1540-302 \$130.00 (Vital Statistics)
001-1154-1540-310 \$200.00 (Advertising & Printing)
To: 001-1154-1540-373 (Equip., Furn., Maint & Repairs)
Amount: \$1,091.00
Brief Explanation: Funds needed for maintenance contracts for office printers

50. Department: Human Rights and Opportunities
From: 001-1410-4100-375 (Recruitment & Training)
To: 001-1410-4100-111 (Overtime)
Amount: \$300.00
Brief Explanation: Funds needed for attendance at regular monthly Commission meeting and other after hours office assignments

51. Department: Parks and Recreation
From: 001-1511-5300-110 \$1,400.00 (Full Time Salaries)
001-1511-5300-210 \$ 131.00 (Office Supplies)
001-1511-5300-310 \$ 790.00 (Advertising & Printing)
To: 001-1511-5300-113 (Part Time Salaries)
Amount: \$2,321.00
Brief Explanation: Funds needed for personnel due to increased events at Willow Brook Park requiring parking and concession workers

52. Department: Health – Lead Poisoning Prevention
From: 224-1000-5516-113 (Part Time Salaries)
To: 224-1000-5516-210 \$1,398.00 (Office Supplies)
224-1000-5516-288 \$4,100.00 (Education & Training)
224-1000-5516-310 \$ 100.00 (Advertising & Printing)
Amount: \$5,598.00
Brief Explanation: Funds needed to purchase filing cabinets and educational materials

53. Department: Department of Property Management
From: 001-1123-1537-390 (Other Purchase Services)
To: 001-1123-2242-221 (Operating Material &Supplies)
Amount: \$2,700.00
Brief Explanation: Funds to purchase spitter tickets at the Blogoslawski Garage

54. Department: Health – Pandemic Flu
From: 245-1429-4109-221 (Operating Material & Supplies)
To: 245-1429-4109-111 \$ 6,000.00 (Overtime)
245-1429-4109-320 \$18,000.00 (Professional Services)
Amount: \$24,000.00
Brief Explanation: Funds transferred due to revisions based on new guidance from Connecticut Department of Public Health

55. Department: Health – Bioterrorism
From: 245-1429-4110-320 \$18,000.00 (Professional Services)
245-1429-4110-208 \$ 500.00 (Education Supplies)
245-1429-4110-310 \$ 1,000.00 (Advertising & Printing)
245-1429-4110-286 \$ 450.00 (Telephone)
245-1429-4110-288 \$ 3,436.00 (Education & Training)
245-1429-4110-210 \$ 2,500.00 (Office Supplies)
To: 245-1429-4110-221 \$18,700.00 (Oper. Material & Supplies)
245-1429-4110-373 \$ 500.00 (Equip., Furn., Maint & Repairs)
245-1429-4110-111 \$ 3,386.00 (Overtime)
245-1429-4110-407 \$ 1,800.00 (Internet Fees)
245-1429-4110-370 \$ 1,500.00 (Employee Physicals)
Amount: \$25,886.00

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Brief Explanation: Funds transferred to fully utilize grant monies
56. Department: Voters – Democrat
From: 001-1125-1250-320 (Professional Services)
To: 001-1125-1250-373 (Equip., Furn., Maint. & Repairs)
Amount: 3,315.00
Brief Explanation: Additional funds needed to cover the cost of the Election Carriers

Robert Curry
Finance Director

PURCHASING DEPARTMENT

29697 RE: COOPERATIVE PURCHASING – OFFICE PANEL SYSTEMS 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 cooperative purchasing plan:

<u>Supplier</u>	<u>Product</u>	<u>Price</u>
OFI Newington, CT.	Herman Miller Action Office Panel System for: Fire Headquarters Fire Station #2 Total Price	 \$ 7,938.28 <u>\$ 6,564.00</u> \$14,502.28

The New Britain Fire Department requested the purchase of Herman Miller Action Office Panel Systems utilizing the State of Connecticut's Contract Award #05PSX0366. Funding is available for this purchase from Account Number 001-1221-2210-221.

Jack Pieper
Purchasing Administrator

29698 RE: COOPERATIVE PURCHASING – LCD TVs FOR THE PUBLIC SAFETY TELECOMMUNICATIONS CENTER

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

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

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Price</u>
CDW Government, Inc. Vernon Hills, IL.	HP LC4776N – 47" LCD TV	3 Total Price	\$2,166.24 \$6,498.72

The Public Safety Telecommunications Center requested the purchase of three (3) HP LC4776N – 47" LCD TVs utilizing the State of Connecticut's Contract Award #05ITZ0076. Funding is available for this purchase from Account Number 001-1220-2209-442.

Jack Pieper
Purchasing Administrator

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29699 RE: COOPERATIVE PURCHASING – HIV ANTIBODY TEST KITS – HEALTH DEPT. HIV DIVISION

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

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

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Price</u>
OraSure Technologies, Inc. Bethelhem, PA.	Oraquick Advance HIV Test Kits,100 Count Per Case	10 cases	\$ 1,557.00
	Total Price		\$15,570.00

The New Britain Health Department, HIV Division requested the purchase of ten (10) cases of HIV Antibody Test Kits utilizing the State of Connecticut Health Department's Contract Award, #ST4019. Funding is available for this purchase from a grant from the State of Connecticut in Account Number 277-1427-2575-221.

Jack Pieper
Purchasing Administrator

29700 RE: COOPERATIVE PURCHASING – VEHICLES – POLICE DEPARTMENT

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

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

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Warnock Automotive, Inc E. Hanover, NJ.	2007 Ford Expedition, 4 Door, XLT, Police Package and Accessories	2	\$33,734.94	\$67,469.88

The New Britain Police Department requested the purchase of two (2) new Ford Expeditions utilizing the State of Connecticut's Contract Award #06PSX0067. Funding is available for this purchase from Account Number 215-2294-0513-174.

Jack Pieper
Purchasing Administrator

29701 RE: COOPERATIVE PURCHASING – LEAF COLLECTION BOXES – PUBLIC WORKS

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 City of Harrisburg, PA cooperative purchasing plan:

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Old Dominion Brush Company Saratoga Springs	Leaf Collection Box LCB500, 72" High 78" Wide & 8' Long	3	\$3,181.73	\$9,545.19

The New Britain Public Works Department requested the purchase of three (3) Leaf Collection Boxes that will fit into the back of City trucks for leaf collection utilizing the City of Harrisburg's, PACC-2007 Contract. The City of Harrisburg, PA has approved the City of New Britain to utilize their cooperative purchasing contract. The City of Harrisburg's contract has been also utilized in the past by the Town of Farmington, CT and the City of Hartford, CT to procure needed items from Old Dominion Brush Company. Old Dominion Brush Company has also agreed to let the City of New Britain utilize the City of

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Harrisburg's cooperative purchasing contract and pricing for this item. Funding is available for this purchase from Account Number 001-1330-3112-221.

Jack Pieper
Purchasing Administrator

**29702 RE: COOPERATIVE PURCHASING – CARBON CYLINDERS WITH VALVE ASSEMBLIES
– 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 cooperative purchasing plan:

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
Shipman's Fire Equipment Company Waterford, CT.	Scott 4500 PSIG, 30 Minute Carbon Cylinder & Valve Assembly	14	\$711.00	\$9,954.00

The New Britain Fire Department requested the purchase of fourteen (14) Carbon Cylinders with Valve Assemblies to hold air needed for the Firefighters to fight fires with utilizing the State of Connecticut's Contract Award #026PSX0046. Funding is available for this purchase from Account Number 001-1221-2210-222.

Jack Pieper
Purchasing Administrator

**29703 RE: ON-CALL ENGINEERING SERVICES – PINNACLE HEIGHTS HOUSING PROJECT
AREA – 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:

The following on-call engineering project has been requisitioned following the award by the Common Council for on-call engineering contracts, Bid #3185, approved at its Regular Meeting of August 10, 2005

Project Name: Construction Documents for Site Demolition – Pinnacle Heights Housing Area
Vendor: Maguire Group, Inc.
Amount: \$48,940.00
Line Item: 008-4165-2189-432
Requested By: Public Works Department
Scope: Maguire Group will prepare construction documents for utility relocation and site demolition of the existing Pinnacle Heights Housing Project Area. The site demolition plans will include the removal of buildings, roadways, sanitary sewers, all underground services, drainage systems, utility poles, filling of foundations and grading of property. The McGuire Group will create the bid specifications, provide bidding assistance, consulting services, inspect of the area during the construction/demolition process and attend any public meetings.

Jack Pieper
Purchasing Administrator

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29705 RE: ON-CALL ENGINEERING SERVICES FOR SITE / CIVIL DESIGN FOR DRAINAGE IMPROVEMENTS IN WALNUT HILL PARK – PUBLIC WORKS, ENGINEERING DIVISION

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

The following on-call engineering project, "Site/Civil Design for Drainage Improvements in Walnut Hill Park", has been requested by the Public Works Department, Engineering Division. Because this project was anticipated to be over \$50,000, it did not meet the approved award by the Common Council for on-call engineering contracts, Bid #3185, approved at its regular meeting of August 10, 2005. The Engineering Division requested RFP's from five of the firms on the current on-call list that it considered best suited to performing the work to address recurrent flooding and erosion problems within the park. Funding is authorized under the Storm water System Improvements Bond authorization and available within Account Number 008-2703-2239-324.

An evaluation team composed of representatives from Parks and Recreation and Public Works received and reviewed the proposals and conducted presentation interviews with each of the five firms. The proposals and presentations were evaluated based on the firms approach to the project and price and work effort proposals. The RFP request emphasized creativity in the consultant's approach to solving the drainage problems and incorporating their solution into the character and history of the park. Beta Group, Inc. scored the highest in the evaluations. The results of the evaluations are attached.

Following the evaluation, Engineering met with Beta Group, Inc. to discuss their proposal (per the RFP). The result of this meeting was a finalized proposed scope of work that includes additional work added to Beta's presented scope at a price of \$163,500 (a reduction of \$5,000 from their proposal). The proposed scope of the project will include a hydraulic/hydrologic evaluation of the drainage area/system, design of various grading, measures, and improvements to meet the project's stated goals of relieving the drainage related issues, thereby enhancing the parks recreational value, while maintaining its character and history, obtaining necessary permits and appropriate coordination with the Connecticut DOT, DEP, and appropriate historical agencies, preparing final construction and bid documents, and providing construction services.

RESOLVED: That the Purchasing Administrator is hereby authorized to issue a purchase order to Beta Group, Inc. of Rocky Hill, CT in the amount of \$163,500 to provide engineering services for "Site/Civil Design for Drainage Improvements in Walnut Hill Park" per the scope of work, terms and conditions that was submitted in their RFP.

Jack Pieper
Purchasing Administrator

29709 RE: TWO 10 WHEEL DUMP TRUCKS 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. 3338 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Purchase of Two (2) 10 Wheel Dump Trucks for the Public works Department. Funding available for the purchase of this service is within Account Number, 215-2294-3100-743.

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-one (21) Truck Dealers. The Purchasing Administrator received any one (1) letter from a Truck Dealer on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Public Works Department's Administration and the Purchasing Administrator. Therefore the Acting Director of the Public Works Department is recommending that the bid be awarded to Inter-State Ford Truck Sales, Inc, of Hartford, CT, who was the lowest bidder for these 10 Wheel Dump Trucks.

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RESOLVED: That the Purchasing Administrator is hereby authorized to issue a purchase order to Inter-State Ford Truck Sales, Inc of Hartford, CT for two (2) 10 Wheel Dump Trucks at a price of \$158,521.00 per truck for a total of \$317,042.00 per the terms and specifications of Public Bid No. 3338.

Jack Pieper
Purchasing Administrator

29710 RE: TESTING AND CALIBRATION OF WATER METERS – 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. 3351 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Testing and Calibration of Water Meters for the Water Department. Funding is available for the purchase of this service is within Account Number, 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 fourteen (14) Water Meter Testing and Calibration Companies. The Purchasing Administrator did not receive any letters from Water Meter Testing and Calibration Companies on the mailing list who indicated that they could not respond to the bid request. The responses were received and are shown below:

<u>Bidder</u>	<u>Price</u>
Toomey Water Services North Brookfield, MA	\$190.00 per 4", 6" and 8" meter
United Water Solutions Trion, GA.	\$134.50 per 4", 6" and 8" meter

The bids were reviewed for conformance to specifications by the Water Department's Administration and the Purchasing Administrator. Therefore the Director of the Water Department is recommending that the bid be awarded to United Water Solutions of Trion, GA who was the lowest bidder for this Water Meter Testing and Calibration Service.

RESOLVED: That the Purchasing Administrator is hereby authorized to issue a purchase order to United Water Solutions of Trion, GA for the Testing and Calibration of fourteen (14) 4" meters, nine (9) 6" meters and one (1) 8" meter at a price of \$134.50 per meter per the terms and specifications of Public Bid No. 3351.

Jack Pieper
Purchasing Administrator

29711 RE: COOPERATIVE PURCHASING – ENGINEERING SOFTWARE – PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION

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

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

<u>Supplier</u>	<u>Model</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Total Price</u>
DLT Solutions, Inc. Herndon, VA.	Civil 3D 2008 Land Desktop CAD Software	1	\$2,621.29	\$ 2,621.29
	Land Desktop 2008 Network License	2	\$6,008.79	\$12,017.58
	Civil 3D Software Activation Fee	1	\$ 95.00	\$ 95.00
	Total Price			\$14,733.87

The Public Works Department, Engineering Division requested the purchase of Engineering CAD Software utilizing the Federal Government's, GSA, Contract Award #GS-35F-4543G. Funding is available for this purchase from various accounts associated with the projects for which the software is anticipated

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to be used. The account numbers are 008-2910-2616-221, 008-2910-2617-221, 008-2703-225-221, 008-3618-1240-221 and 008-3612-4050-221.

Jack Pieper
Purchasing Administrator

DEPARTMENT OF PUBLIC WORKS

29712 RE: 2007 – 2008 SEWER USER FEES

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

On June 18, 2007 the Board of Public Works, acting as the Water Pollution Control Authority held a required Public Hearing on the 2007-2008 Sewer user fee rates.

At its meeting immediately following the Public Hearing, the Board of Public Works approved the following sewer user rate of \$1.59/ccf. This is a difference of (.142) from fiscal year 2006-2007 rate of \$1.732/ccf as a result of a reduction in consumption from prior year.

Mark E. Moriarity
Acting Public Works Director

TAX DEPARTMENT

29714 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.

Fred J. Menditto
Tax Collector

CONSOLIDATED COMMITTEE

29628-1 RE: PROPOSED AMENDMENT TO THE ORDINANCES ADDING SEC. 23-30 REGULATING NON-STORMWATER DISCHARGES INTO STORM DRAINAGE SYSTEMS

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 at a regular meeting and public hearing held on Thursday evening, June 21, 2007 at 6:30 p.m. in the Council Chambers to which was referred the matter of Item #29628 – Code of Ordinances be amended by adding a new section numbered Section 23-30 – To regulate non-stormwater discharges into storm drainage systems voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Paul D. Catanzaro
Chair

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

29704 RE: HAZARDOUS MATERIAL INSPECTION, TESTING AND CONSULTING FOR THE PINNACLE HEIGHTS HOUSING PROJECT

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. 3316 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Hazardous Material Inspection, Testing and

Consulting For The Pinnacle Heights Housing Project Funding is available for the purchase of this service within Account Number, 008-4165-2189-432.

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 eighty-six (86) Hazardous Material Inspection and Testing Consulting Companies. The Purchasing Administrator did not receive any letters from the Hazardous Material Inspection and Testing Consulting Companies on the mailing list who indicated that they could not respond to the bid request. The responses were received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Superintendent of Property Management, Director of Municipal Development, Health Department Administration and the Purchasing Administrator. After reviewing the bids submitted it was determined that most of the companies did not provide a total price to complete this service. The companies provide pricing that was vague, had alternate, additional or optional pricing within the bids that they submitted. This could cause substantial price increases to complete this job for the City to be in compliance with State and Federal Environmental Regulations. A meeting was conducted with six (6) Hazardous Material Inspection and Testing Companies who submitted the best bid proposals on completing the job. The meeting was to get more information about the scope of work to be performed by them. Only three Hazardous Material Inspection and Testing Consulting Companies after meeting with them responded with a "total price" to complete these services. Therefore it is recommended that the bid be awarded to HRP Associates of Farmington, CT who was the lowest bidder to submit a "Not to Exceed Total Price" for this Hazardous Material Inspection and Testing Consulting Service.

RESOLVED: That the Purchasing Administrator is hereby authorized to enter into a contract with HRP Associates of Farmington, CT for a Not to Exceed Total Price of \$75,270.00 to provide Hazardous Material Inspection and Testing Consulting Service for the Pinnacle Heights Housing Project per the terms and specifications of Public Bid No. 3316.

Jack Pieper
Purchasing Administrator

Ald. Wyskiewicz moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

29706 RE: CHEMICALS AND GASES – 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. 3349 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.

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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-six (56) Chemical and Gas Companies. The Purchasing Administrator did not received 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 the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Water Department Administration and the Purchasing Administrator. During the review it was discovered that Gulbrandsen Tech submitted the low bid for Polyaluminum Chloride, Liquid Form that did not meet bid specifications. Therefore the Director of the Water Department is recommending that the bid for their annual chemical and gases be awarded to the lowest bidders per the highlighted attachment (on file in the Town Clerk's Office) to Borden Remington, Thatcher Company, Solvay Fluorides, Croyne Chemicals, Universal USA, Inc., Holland Company, Inc, American Carbon, Carmeuse N.A., Airgas and Mann Chemical.

RESOLVED: That the Purchasing Administrator be and is hereby authorized to issue standing purchase orders to companies Borden Remington, Gulbrandsen Tech, Thatcher Company, Solvay Fluorides, Croyne Chemicals, Universal USA, Inc., Holland Company, Inc, American Carbon, Carmeuse N.A., Airgas and Mann Chemical whose prices are highlighted on the attachment (on file in the Town Clerk's Office) to provide for the Water Department's annual Chemical and Gas requirements, per the terms and specifications of Public Bid No. 3349.

Jack Pieper
Purchasing Administrator

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

29707 RE: PREVENTIVE MAINTENANCE AND REPAIRS OF HVAC SYSTEMS AT VARIOUS CITY PARKS – PARKS AND RECREATION DEPARTMENT

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

Public Bid No. 3346 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Preventative Maintenance & Repairs of the HVAC Systems at Various City Park Facilities for the Parks and Recreation Department. Funding available for the purchase of this service is within Account Number, 001-1511-5128-372.

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 forty-one (41) Heating and Air Conditioning Repair and Maintenance Companies. The Purchasing Administrator did not receive any letters from Heating and Air Conditioning Repair and Maintenance Companies on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Parks and Recreation Department's Administration and the Purchasing Administrator. The two (2) lowest bidders, Superior Mechanical Systems Inc and Tradesmen of New England LLC indicated in a phone conversation with the Purchasing Administrator that they only quoted on a preventative maintenance program that did not include a price for normal and emergency repairs as per the bid specifications. Superior Mechanical Systems, Inc. and Tradesmen of New England LLC both indicated in the phone conversation with the Purchasing Administrator that they were withdrawing their bids for this service. Therefore the Director of Parks and Recreation Department is recommending that the bid be awarded to the next lowest bidder, and who has provided satisfactory HVAC service to the City for the past three (3) years, Temp Tech Mechanical, Inc.

RESOLVED: That the Purchasing Administrator is hereby authorized to enter into a contract from July 1, 2007 to June 30, 2010 with Temp Tech Mechanical, Inc of Westbrook, CT to provide Preventative Maintenance & Repairs of the HVAC Systems at Various City Park Facilities at a price of \$11,985.00 per

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year with a 2% escalator clause for years two and three per the terms and specifications of Public Bid No. 3346.

Jack Pieper
Purchasing Administrator

Ald. Platosz moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

29708 RE: CLEAN CARTS FOR RUBBISH REMOVAL FOR 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. 3360 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Clean Carts for Rubbish Removal for the Public Works Department. Funding available for this purchase is within Account Number 215-2294-3100-486.

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 six (6) Rubbish Cart Companies. The Purchasing Administrator did not receive any letters from the Rubbish Cart Companies who were on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in the Town Clerk's Office.

The bid was reviewed for conformance to specifications by the Public Works Department Administration and the Purchasing Administrator. The lowest bidder, Otto Environmental of Charlotte, NC could not supply the carts that met the bid specifications. They could not provide carts in the required colors, carts that would not show scratches or scuff marks, contain significant amounts of resin in the container body nor could they provide a warranty that was longer than 10 (ten) years. Otto Environmental was also non-compliant with replacement procedures for defective or failed carts, availability of replacement units and accessibility to local dealers, parts, service or support. Therefore the Acting Director of Public Works is recommending that the bid be awarded to Cesco of New Haven, CT.

RESOLVED: That the Purchasing Administrator is hereby authorized to issue a standing purchase order not to exceed \$1,499,700.00 for the purchase of Clean Carts from Cesco of New Haven, CT per the terms and conditions of Public Bid No. 3360.

Jack Pieper
Purchasing Administrator

Ald. Hermanowski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

DEPARTMENT OF PUBLIC WORKS

29713 RE: SUBWAY RENTAL CHARGES: JANUARY 2007 THROUGH DECEMBER 2007

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

Operating Expenses for the maintenance and extension of the Subway Conduit System requires an income of \$35,695 during 2008 to be obtained from the rental of 28,693 linear feet of occupied underground conduit. The following is recommended for adoption:

Resolved by the Common Council of the City of New Britain, Connecticut, that Subway Rental Charges for the year January 1, 2007 to December 31, 2007 be assessable at the rate of \$1.24 per linear foot, per annum, payable semi-annually on the first day of July, 2007 and the first day of January, 2008. This represents a decrease of (.05) from \$1.29 per linear foot for 2006.

Mark E. Moriarty
Acting Director, Public Works

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

29628-2 RE: AMENDMENT TO THE ORDINANCES ADDING SECTION 23-30 REGULATING NON-STORMWATER DISCHARGES INTO STORM DRAINAGE SYSTEMS

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: INTENT AND PURPOSE. To regulate non-stormwater discharges into storm drainage systems.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that the Code of Ordinances, City of New Britain, be amended by adding a new section numbered Section 23-30 to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

Sec. 23-30. Non-stormwater discharges. [NEW]

(a) *Declaration of Policy.* The intent and purpose of this section is to provide for the health, safety, and general welfare of the citizens through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by illicit stormwater discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance.

(b) *Definitions.* For the purposes of this section, the following shall mean:

(1) *Authorized Enforcement Agency.* Employees or designees of the director of public works.

(2) *Best Management Practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) *Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

(4) *Construction Activity.* Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(5) *Hazardous Materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a

substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) *Illegal Discharge*. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in subsection (g).

(7) *Illicit Connections*. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, processed or domestic wastewater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or conveyance had been previously allowed, permitted, or approved by an authorized enforcement agency or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(8) *Industrial Activity*. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

(9) *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit*. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

(10) *Non-Stormwater Discharge*. Any discharge to the storm drain system that is not composed entirely of stormwater.

(11) *Person*. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(12) *Pollutant*. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(13) *Premises*. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(14) *Storm Drainage System*. Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(15) *Stormwater*. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(16) *Stormwater Pollution Prevention Plan.* A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(17) *Wastewater.* Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(c) *Applicability.* This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(d) *Responsibility for Administration.* The director of public works shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(e) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

(f) *Ultimate Responsibility.* The standards set forth herein are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(g) *Discharge prohibitions.*

(1) *Prohibition of Illegal Discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or liquids containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows as per section 3(a)(2) of the General permit for the Discharge of Storm water from MS4, as amended from time to time.

The following discharges are exempt from discharge prohibitions established by this ordinance providing they contain no pollutants:

- landscape irrigation;
- uncontaminated ground water discharges such as pumped ground water, foundation drains, water from crawl space pumps and footing drains;
- irrigation water;
- lawn watering runoff;
- residual street wash water;
- discharges or flows from fire fighting activities (except training); and
- naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and Flows from riparian habitats and wetlands.

This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the

Connecticut Department of Environmental Protection, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval by the director of public works has been granted for any discharge to the storm drain system.

(2) *Prohibition of Illicit Connections.*

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(h) *Suspension of MS4 Access.*

(1) *Suspension due to Illicit Discharges in Emergency Situations.* The director of public works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(2) *Suspension due to the Detection of Illicit Discharge.* Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(i) *Industrial, Commercial or Construction Activity Discharges.* Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director of public works prior to the allowing discharges to the MS4.

(j) *Monitoring of Discharges.*

(1) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial, commercial or construction activity.

(2) *Access to Facilities.*

(1) The director of public works shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, sampling, and the examination and copying of records that must be kept under the conditions of an

NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The director of public works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The director of public works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director of public works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the director of public works access to a permitted facility is a violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial, commercial or construction activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

(7) If the director of public works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(k) *Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.* The director of public works will adopt requirements identifying Best Management Practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a

property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial, commercial, or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) or stormwater management plan (SMP) as necessary for compliance with requirements of the NPDES permit.

(l) *Watercourse Protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In

addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(m) *Notification of Spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State of Connecticut said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director of public works within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(n) *Enforcement.*

(1) *Notice of Violation.* Whenever the director of public works finds that a person has violated a prohibition or failed to meet a requirement of this section, the authorized enforcement agency may order

compliance by a written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, sampling, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs;
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(o) *Appeal of Notice of Violation.* Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the director of public works within fifteen (15) days from the date of the notice of violation. Hearing on the appeal before the conservation commission, acting in its capacity as the inland wetlands agency, shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the conservation commission shall be final.

(p) *Enforcement Measures After Appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) days of the decision of the conservation commission upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

(q) *Cost of Abatement of the Violation.* Within fifteen (15) days after abatement of the violation by the city pursuant to subsection (p), the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the conservation commission or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this section shall become liable to the City of New Britain by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eighteen (18) percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(r) *Injunctive Relief.* If a person has violated or continues to violate the provisions of this section, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(s) *Compensatory Action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the authorized enforcement agency may impose upon a violator alternative compensatory actions including but not limited to storm drain stenciling, attendance at compliance workshops and watercourse cleanup.

(t) *Fines/Penalties.* Any person that has violated or continues to violate this section shall be subject to a fine of ninety-nine dollars (\$99.00) per day and each day any such violation shall continue shall constitute a separate offense.

(u) *Remedies Not Exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Alderman John F. Carroll
Aldерwoman Lori A. Rocha

Ald. Carroll moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

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NEW BUSINESS

RESOLUTIONS

29715 RE: FUNDING FROM STATE BOARD OF EDUCATION TO YOUTH SERVICE BUREAU - \$72,244.00 – FISCAL YEAR 2007-2008

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

Resolution Summary: This resolution allows for the City of New Britain to apply for and receive funding for the Youth Service Bureau from the State Department of Education in the amount of \$72,244 for fiscal year '07-'08. This is the 34th year of funding for New Britain's Youth Service Bureau.

WHEREAS; the City of New Britain is deeply committed to the well-being of its young people and families alike; and

WHEREAS; the Youth Service Bureau receives state funding for its operation of direct services and administration of programs that benefit resident children and families; and

WHEREAS; the Youth Service Bureau budget in full will be set as part of the annual budget process, however application for and receipt of funds requires authorization at this time, NOW, THEREFORE BE IT

RESOLVED; that the City of New Britain is hereby authorized to apply for and receive a minimum of \$72,244 in funding for the ongoing services of the Youth Service Bureau, AND BE IT FURTHER

RESOLVED; that the Finance Department place such funds into revenue account 278-0500-4215-023 for expenditures authorized in the 2007-08 budget.

Alderman Silvia J. Cruz

Ald. Cruz moved to accept and adopt, seconded by Ald. Black. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

29716 RE: AGREEMENT WITH ARETE DEVELOPMENT GROUP FOR DEVELOPMENT PLAN FOR THE DOWNTOWN AREA

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 taking the necessary steps to revitalize the downtown area; and

WHEREAS, The City is currently in the completion stage of a study on best practices for the revitalization of the downtown overseen by a task force of stakeholders in the downtown; and

WHEREAS, The task force's discussions have continually stressed the critical importance of the development of the downtown area by the private sector particularly to maximize financial resources; and

WHEREAS, Arete Development Group has made a proposal to the City of New Britain to begin the next phase of the revitalization plan by preparing a Development Plan for the downtown area; and

WHEREAS, The Development Plan is expected to include a combination of retail, office, entertainment, service and residential uses as well as the proposed infrastructure, estimated cost of the project and financing details; and

WHEREAS, Arete Development Group will bear all expenses for the preparation of the Development Plan and will also pay for an Environmental Impact Plan which will be prepared by the City of New Britain; and

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WHEREAS, Arete Development Group will complete the Development Plan within nine (9) months of approval of this resolution at which time the Plan will be submitted to the Common Council for approval; and

WHEREAS, The Development Plan, if approved, will require a Master Developer to implement the Development Plan; and

WHEREAS, In consideration for preparation of the Development Plan at no economic cost to the City, Arete Development Group will be designated as the Master Developer only in the event its Development Plan is approved by the Common Council; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to take such steps which are necessary to enter into an agreement with Arete Development Group to prepare a Development Plan.

Alderman Peter J. Gostin

Ald. Gostin moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Salvio. So voted. Approved July 2, 2007.

29717 RE: APPROVAL OF QUISENBERRY ARCARI ARCHITECTS FOR WILLOW STREET PARK PROJECT

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 Common Council of the City of New Britain approved \$25,000 to the Willow Street Park Project with Resolution #29290 dated September 13, 2006 through LoCIP funding (account #213-1800-1861-WIL); and

Whereas, The Common Council approved \$50,000 toward the Willow Street Park Project with Resolution #29355 dated October 11, 2006 through surplus funding (account #219-1910-2254-723); and

Whereas, The Park Department hired Quisenberry Arcari Architects, LLC in the fall of 2006 to prepare the preliminary design work, scope of project and cost estimates for this project; and

Whereas, to date all of the LoCIP funding has been expended and the 2006 surplus funding has been encumbered; and

Whereas, on June 13, 2007 the Common Council approved resolution #24238-7 bond authorization for the Willow Street Park Project; and

Whereas, with adoption of the bond authorization it was decided that the timing of this project is to be completed within the next construction season as per the documentation and funding approved within the bond authorization; and

Whereas, an RFP would jeopardize the completed work to date along with moving forward the project completion date to the next construction season; and

Whereas, there is approximately \$110,000 worth of architectural and engineering work needed to complete this; and be it

Resolved, that the monies are available through the Willow Street bond authorization (account #008-4162-5110-324); and be it further

Resolved, that the Common Council of the City of New Britain approved the architectural and engineering firm Quisenberry Arcari Architects, LLC to finalize the design, bid specifications, evaluate bids, construction oversight and administration, and final punch list work for Willow Street Park Project; and be it further

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Resolved, that Mayor Timothy T. Stewart is authorized to sign all documentations required for this project.

Ald. Shirley Black
Ald. Tonilynn Collins
Ald. Louis G. Salvio
Ald. Silvia Cruz

Ald. Cruz moved to accept and adopt, seconded by Ald. Black. So voted. Approved July 2, 2007 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Trueworthy moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned t 8:32 p.m.

ATTEST: Peter J. Denuzze, City Clerk