

July 9, 2008

REGULAR MEETING OF THE COMMON COUNCIL

JULY 9, 2008

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 9th day of July 2008 at 7:50 p.m. in the Common Council Chambers, City Hall.

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

Two members were absent: Ald. Collins and Ald. Hermanowski. Ald. Collins arrived immediately after roll call.

Peter J. Denuzze, City Clerk, gave the invocation: O God, our Heavenly Father, who has taught us that we should do unto others as we would have them do unto us, we ask your blessings upon the work of this Council. We pray that you will strengthen our hands in all our undertakings, guide our hearts in relations with one another, and give us wisdom to promote good government. We ask this in Thy name. Amen.

Atty. Bruce Chudwick led the pledge to the flag.

Ald. Trueworthy moved to amend the agenda by substituting 30215(I), by adding 30168-1(M-1) and 30168-2(2A), and by deleting M. Motion seconded by Ald. Bielinski. Roll call vote – all members present voted in favor.

PETITIONS

30225 ALD. SALVIO FOR THE INVESTIGATION OF PROPERTIES AT VARIOUS WILLOW STREET AND NORTH STREET ADDRESSES FOR HEALTH, BLIGHT AND DUMPING VIOLATIONS. REFERRED TO THE DEPARTMENT OF LICENSES, PERMITS & INSPECTIONS AND THE HEALTH DEPARTMENT.

30226 ALD. BERNACKI FOR THE REMOVAL OF DYING TREES LOCATED DIRECTLY IN FRONT OF THE STANLEY MEMORIAL CHURCH ON EAST STREET. REFERRED TO THE PARKS AND RECREATION DEPARTMENT.

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved July 15, 2008, by Timothy T. Stewart, Mayor.

CONSENT AGENDA

CITY CLERK

30208 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:

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CLAIMANTS NAME

- Garcia, Luis A.
- Delgado, Anthony E.
- Irizarry, Juan A.
- Kaczynski, Jeffrey
- Ruiz, Lourdes by Attorney John P. Pirina

Peter J. Denuzze
City Clerk

OFFICE OF THE CORPORATION COUNSEL

30209 RE: JEROME BALDYGA V. CITY OF NEW BRITAIN ET AL

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

A motion for summary judgment was filed on behalf of the defendants, City of New Britain and Joseph Carilli, former Director of Public Works. The plaintiff who was terminated from the Public Works Department alleged that the defendants discriminated against him on the basis of disability, retaliated against him in violation of the Americans with Disabilities Act, violated his rights under the Equal Protection Clause of the Fourteenth Amendment, retaliated against him in violation of the First Amendment and Section 31-51q of the Connecticut General Statutes and denied him his due process rights under the Due Process of the Fourteenth Amendment.

The motion for summary judgment was filed on the grounds that there was no credible evidence that the defendants denied the plaintiff equal protection; the plaintiff's alleged petition did not involve a public concern as a matter of law and, therefore, was not protected by the First Amendment and/or Section 31-51q of the Connecticut General Statutes; there was no credible evidence that the plaintiff was retaliated against for his First Amendment protected conduct; there was no credible evidence that the plaintiff was retaliated against in violation of Title VII of the Civil Rights Act of 1964; the plaintiff was not denied due process in violation of the Fourteenth Amendment of the United States Constitution as he was a probationary employee; the plaintiff was not disabled within the meaning of the Americans with Disabilities Act; and there was no credible evidence that the plaintiff was discriminated against in violation of the Americans with Disabilities Act.

The defendants' motion for summary judgment has been granted by Judge Warren W. Egington and judgment has been entered for the defendants.

Mary C. Pokorski
Associate City Attorney

FINANCE DEPARTMENT

30211 RE: LINE ITEM TRANSFERS – WITHIN DEPARTMENT – 6/19/08 THRU 6/30/08

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 30, 2008

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45. Department: Senior Center
From: 001-1421-4225-113 \$2,100.00 (Part Time Salaries)
001-1421-4225-210 \$ 400.00 (Office Supplies)
001-1421-4225-373 \$ 700.00 (Equip., Furn., Maint & Rep)
To: 001-1421-4225-360 (Light, Power & Telephone)
Amount: \$3,200.00
Brief Description: Funds needed for utility expenses
46. Department: Department of Property Management
From: 001-1122-5114-M65 (Mandated Fluorescent Lamp Recycling)
To: 001-1122-5114-223 (Uniforms & Clothing)
Amount: \$490.00
Brief Description: Funds needed for security guards' shoes and clothing per contract
47. Department: Department of Property Management
From: 001-1123-1537-390 (Other Purchase Services)
To: 001-1122-5116-372 (Building, Gr. Maint., & Repairs)
Amount: \$1,235.00
Brief Description: Funds needed for air conditioning repairs at Police Department
48. Department: Dog Fund
From: 205-1200-5112-114 (Temporary)
To: 205-1200-5112-111 (Overtime)
Amount: \$1,500.00
Brief Description: Funds needed for overtime expenses
49. Department: Voters – Republican
From: 001-1125-1251-320 (Professional Services)
To: 001-1125-1251-113 (Part Time Salaries)
Amount: \$3,400.00
Brief Description: Funds needed for part time salaries
50. Department: Health
From: 001-1411-4110-221 (Operating Material & Supplies)
To: 001-1411-4110-374 (Fees, Memberships & Conferences)
Amount: \$100.00
Brief Description: Funds needed for pending invoices
51. Department: Health
From: 001-1411-4110-111 \$ 304.00 (Overtime)
001-1411-4110-210 \$ 200.00 (Office Supplies)
001-1411-4110-330 \$ 106.00 (Rent/Lease of Property/Equip)
001-1411-4110-373 \$ 200.00 (Equip., Furn., Maint & Repairs)
001-1411-4113-221 \$1,719.00 (Oper. Material & Supplies)
To: 001-1411-4110-360 (Light, Power & Telephone)
Amount: \$2,529.00
Brief Description: Funds needed for pending utility expenses

Robert Curry
Finance Director

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PURCHASING DEPARTMENT

30214 RE: ON-CALL ENGINEERING SERVICES CORROSION CONTROL TREATMENT 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:

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: Corrosion Control Treatment Follow-up Evaluation
Vendor: Camp, Dresser & McKee (CDM)
Amount: \$30,000.00
Line Item: 933-1000-9060-XEG
Requested By: Water Department

Scope: A third party evaluation of Lead Corrosion Control Treatment as mandated by the State of Connecticut. CDM will conduct, study and analyze our water quality regarding lead corrosion to determine if prior treatment changes have created a transitional phase or to determine if further treatment modification is needed. CDM will conduct tests at certain locations that did not meet Federal Guidelines. This will be done to determine what type of lead corrosion has occurred. CDM will establish the testing parameters and interpret the results. Once the test results are obtained CDM will establish parameters for the treatment process to minimize the lead corrosion. CDM will meet with the Water Department Administration and state health department to recommend treatment changes if any changes should be needed to the water treatment process.

Jack Pieper
Purchasing Agent

CLAIMS COMMITTEE

30217 RE: ABBES BANKI

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

The Committee on Administration, Finance and Law and the standing claims sub-committee of the Committee on Administration, Finance and Law at a regular meeting held on Wednesday evening, July 2, 2008 at 6:30 p.m. in Room 201, City Hall having held public hearings and made investigations of said claims, respectfully begs leave to recommend the following:

A. RESOLVED; that Abbes Banki of 67 West Main Street, #406, New Britain, Connecticut be given leave to withdraw his claim for property damage sustained on August 2, 2007.

Alderman Michael Trueworthy
Acting Chair

COMMITTEE ON ADMINISTRATION, FINANCE AND LAW

30170-1 RE: PROPOSED AMENDMENT TO SEC. 2-531 AND 2-538 OF THE ORDINANCES REGARDING COOPERATIVE PURCHASING

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

The Committee on Administration, Finance and Law held a regular meeting and public hearing on Wednesday evening, July 2, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30170 – Sections 2-531 and 2-538 of the Code of Ordinances be amended regarding prior

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approval by Common Council when Purchasing Agent wishes to contract with vendor via cooperative purchasing rather than through competitive bid process voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Michael Trueworthy
Acting Chair

COMMITTEE ON PLANNING, ZONING AND HOUSING

30168-1 RE: THE PROPOSED SALE OF 1 AND 11 ANN ST., AND 18 AND 24 SEXTON STREET TO HARTFORD AREA HABITAT FOR HUMANITY

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, July 8, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of item #30168 – Purchase and Sale Agreement with Hartford Area Habitat for Humanity for lots on Ann and Sexton Streets voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderwoman Silvia J. Cruz
Chair

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSION AND DEPARTMENTS

CITY PLAN FIRE DEPARTMENT HEALTH DEPARTMENT LICENSES, PERMITS AND INSPECTIONS

30045-1 RE: STATISTICS ON CODE VIOLATIONS

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

The statistical information requested in this petition would have to be generated manually by each department that issues citations for code violations. Tracking of violations is not done on a centralized database, even by department, but by individual file. For some departments, such as Conservation, that issue a limited number of citations for code violations on an annual basis, going through two years of files would be a few hours work. For the Licenses, Permits and Inspections Department, this could be several weeks worth of work at large costs. For example, the Fire Marshal's office estimates this would be two week's worth of work for one inspector at an overtime cost of approximately \$10,000.

The primary concern would be to take inspectors off line of their regular duties to perform this research, certainly not an outcome the Council intended with this petition. This would therefore require either a temporary employee or overtime to complete this task, in order to keep current with fieldwork. With limited overtime budgets available in the FY 2009 budget, the departments of City Plan, Fire, Health and Licenses, Permits and Inspections respectfully request an appropriation of funds from the Council to

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cover the necessary overtime cost to perform this research before further work is done on this petition as follows:

City Plan	\$ 1,000
Health	4,000
Fire	10,000
Licenses, Permits and Inspections	<u>25,000</u>
Total Requested Appropriation	\$ 40,000

The four involved departments are planning on working with the new IT Director for a coordinated tracking of violations and blighted properties going forward.

City Plan, Fire, Health and Licenses, Permits and Inspections

Ald. Sherwood moved to accept and adopt, seconded by Ald. Trueworthy. Motion to accept and adopt defeated by voice vote. Approved July 15, 2008 by Mayor Timothy T. Stewart.

COMMISSION ON COMMUNITY & NEIGHBORHOOD DEVELOPMENT

30210 RE: DISPOSITION OF VACANT LOT AT 204 BOND STREET

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

At its meeting of June 12, 2008, the Commission on Community and Neighborhood Development, in its capacity as the Housing Site Development Agency, voted unanimously to approve a resolution regarding the Disposition of Vacant Lot at 204 Bond Street.

Accordingly, the Commission on Community and Neighborhood Development hereby transmits and recommends approval by the Common Council, at its meeting on July 9, 2008, of the proposed resolution authorizing the sale and transfer of 204 Bond Street to the Hartford Area Habitat for Humanity.

Kenneth A. Malinowski, Director
Department of Municipal Development

Ald. Trueworthy moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Bielinski. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

FINANCE DEPARTMENT

30212 RE: SURPLUS REPORT FOR FISCAL YEAR 2008 – GENERAL FUND

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

Attached is the surplus report for Fiscal Year 2008.

(REPORT ON FILE IN TOWN CLERK'S OFFICE)

Rebecca Salerni, Finance Department

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. Motion to accept and adopt defeated by voice vote. Approved July 15, 2008 by Mayor Timothy T. Stewart.

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PURCHASING DEPARTMENT

30213 RE: WATER AND SEWER LINE PROTECTION BID FOR NEW BRITAIN WATER AND PUBLIC WORKS DEPARTMENT'S CITY CUSTOMERS

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. 3425 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Water and Sewer Line Protection Bid for the New Britain Water and Public Works Department's City Customers for a three (3) year period, with an option to extend the agreement for two (2) additional one (1) year periods.

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 nine (9) Line Protection Companies. The Purchasing Agent did not receive any letters from the Line Protection Companies on the mailing list indicating that they could not provide a response to the bid request. Responses were received as per attached.

The bids were reviewed for conformance to specifications by the Water and Public Works Department's Directors and the Purchasing Agent. The bid responses were rated on the following selection criteria:

- Responsiveness of the written proposal to the purpose and scope of the project and to the plan's value to New Britain Water and Sewer Departments and its customers.
- Reputation and professional qualifications of the specific individuals assigned to complete the project.
- Experience with governmental entities in the management of similar programs.
- Revenue sharing plan offered.
- Limits on the dollar amounts of the protection plan coverages.
- Customer satisfaction with the protection plan being offered.
- City of New Britain ordinances pertaining to bid awards to In State vs. Out of State Companies.
- Sustainability of protection plan in view of rapidly escalating labor, materials, fuel and asphalt prices and, as such, the ability to guarantee high levels of service at the fixed prices submitted.
- What bidder submitted the most responsible bid for this Line Protection Service.

Therefore the Water and Public Works Directors are recommending that the bid be awarded to Homeowner Safety Valve Company of Bridgeport, CT who submitted the most responsible bid for the Service Line Protection Plan and who has supplied this protection plan to the customers of the New Britain Water and Public Works Department's City Customers since May of 2003. The bid results have also been presented to the Water Commission at their July 8, 2008 meeting. At this meeting they approved the Director of the Water Department's recommendations to award this bid to Homeowner Safety Valve Company of Bridgeport, CT.

RESOLVED: That the Purchasing Agent be and is hereby authorized to enter into a contract from August 1, 2008 to July 31, 2011 with the option to extend the agreement for two (2) additional one (1) year periods for Water and Sewer Line Protection Services for Water and Public Works Department's City Customers per the terms, conditions, pricing and specifications of Public Bid 3425.

Jack Pieper
Purchasing Agent

Ald. Platosz moved to accept and adopt, seconded by Ald. Bielinski. Accepted and adopted with Ald. Platosz opposed. Approved July 15, 2008 by Mayor Timothy T. Stewart.

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30215 RE: SEWER REHABILITATION CONTRACT #5 – 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:

Public Bid No. 3428 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase of Sewer Rehabilitation, Contract #5 for the Public Works Department. Funding is available for this in account number 008-4205-2182-322.

Invitations to bid were solicited and the bid was duly advertised in the New Britain Herald Newspaper, the City and State of Connecticut's Department of Administration Services websites and mailed to thirty-three (33) Construction Companies. The Purchasing Agent did not receive any letters from the Construction Companies on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in Town Clerks Office.

The bids were reviewed for conformance to specifications by the Public Works Department, Engineering Division, and the Purchasing Agent. Therefore the Director of the Public Works Department is recommending that the bid be awarded to the lowest bidder, Insituform Technologies, Inc of Chesterfield New Jersey.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with and issue a Purchase Order to Insituform Technologies, Inc of Chesterfield, New Jersey to conduct the Sewer Rehabilitation, Contract #5, for the Public Works Department as per the pricing attached and the terms, conditions and specifications of Public Bid No. 3428.

Jack Pieper
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

Ald. Cruz left the chambers at 9:00 p.m.

WATER DEPARTMENT

30216 RE: LEAD ACTION LEVELS

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

The Water Department has reported to the State Health Department that the 90th percentile lead action level has been exceeded for the semi-annual compliance test period of January 1st, 2008 –June 30th 2008. The results of the testing show that slightly over 10%, approximately 13 %, of the households tested had elevated lead levels. The water department has been working on this issue for the past three years since the problem was discovered. The results of the testing performed in the previous rounds of sampling had shown that the number of homes with elevated levels of lead was dropping. The 90th percentile went from 37 parts per billion (ppb) in the round where the problem was first discovered to 13 ppb after the change in water chemistry then 7 and 5 ppb in the following sampling rounds. Unfortunately this rounds results show that the 90th percentile has gone up to approximately 21 ppb.

Since this is above the federal mandated action level the water department must take the following actions again as it did during the first exceedance.

- 1) It must distribute public education materials;

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- 2) Collect of water quality parameters in the distribution system.
- 3) Publish notices to customers that some homes had elevated lead levels in their tap water.
- 4) Distribution of a public service announcement to five major electronic media outlets.
- 5) Distribution of pamphlets regarding lead education to major New Britain organizations.
- 6) Complete of a draft corrosion control optimization study

In addition the water department will be collecting samples at these selected sites this summer and fall. We hope to receive compliance notification from the State Health Department next December if 90% of those samples consistently test below the 15 ppb lead action level. Should the lead level exceed the threshold at this point we may have to try using a corrosion inhibitor, such as Orthophosphate. We are making an assessment as to the long-term viability of carbonate passivation (PH/alkalinity adjustment) treatment to control lead levels at the tap. We are researching other utility case studies and the literature on carbonate passivation to understand the time-frame necessary to achieve consistent decrease in lead levels. Data we have looked at from other large water systems demonstrate it takes several years and that there is some variability along the way.

Announcement to five major electronic media outlets will be sent out this month and again in December to comply with the federal public notification regulations.

Our testing schedule for the next six months is to collect 30 samples in July and 30 in November. If we meet the 90% standard this fall, then we will not have to repeat the notifications to the media or the direct mailing public education letters to our customers. If we do not meet the 90% standard, then we have to send out both the media notification and the direct mailing in December 2008.

If we pass the 90% this fall, we will also have to take another 60 samples in the winter/spring of 2009. If we do not meet the 90% in the spring, then we will have to send out both the notifications to the media and the direct mailing public education letters to our customers in June 2009.

Gilbert Bligh, Director of Water
City of New Britain

Ald. Sherwood moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

30170-2 RE: AMENDMENT TO SEC. 2-531 AND 2-538 OF THE ORDINANCES REGARDING COOPERATIVE PURCHASING.

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

Resolution Summary: PURPOSE. To require approval by the Common Council when the Purchasing Agent wishes to contract with a vendor via cooperative purchasing rather than through the competitive bid process. Competitive bids are awarded by resolution and the intent of this amendment is to also require approval of a cooperative purchase by resolution.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Sections 2-531 and 2-538 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

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Sec. 2-531. Definitions.

As used in this article:

Contractual services shall mean all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition. Nor shall contractual services include those circumstances where the city is engaged in contracting for services in conjunction with other units of government in furtherance of a cooperative venture, including inter-local agreements with those units of government provided that a report shall be ~~made to it is~~ approved by the common council.

Local bidder shall mean a bidder maintaining taxable business property in the form of real estate, personal property or combination thereof within the city.

Purchasing agent or agent shall mean the purchasing agent of the city. Supplies shall mean all supplies, materials and equipment.

Using agency shall mean any department, agency, commission, bureau or other unit in the city government using supplies or procuring contractual services as provided for in this article.

(Code 1970, § 2-125; Ord. of 8-85; No. 26768-1, 2-13-02)

Cross-references: Definitions and rules of construction generally, § 1-2.

Sec. 2-538. Cooperative purchasing.

(a) The agent shall have the authority, subject to the common council's approval by resolution, of the purchasing agent's report to join with ~~other~~ another units of government in a cooperative purchasing plans when the best interests of the city would be served thereby.

(b) The agent shall evaluate and ~~execute~~ recommend a combined purchases that best promotes the economic interests of the city and shall provide sufficient documentation to the Common Council supporting such recommendation and the financial benefit thereof.

(Code 1970, § 2-138; Ord. of 12-74; Ord. of 7-01)

Alderman Paul D. Catanzaro
Alderman Gregory J. Gerratana

Ald. Catanzaro moved to accept and adopt, seconded by Ald. Gerratana. Resolution adopted with Ald. Salvio and Ald. Bernacki opposed. Returned July 15, 2008 without the approval or disapproval of Mayor Stewart.

29981-1 RE: AMENDMENT TO THE ORDINANCES ADDING DIVISION 2B ENTITLED "OTHER POST-EMPLOYMENT BENEFITS TRUST"

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 establish an Other Post-Employment Benefits Trust for the purpose of funding certain required benefits to retirees of the City of New Britain.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article V of Chapter 2 of the Code of Ordinances, City of New Britain, be amended by adding a new Division 2B

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entitled "Other Post-Employment Benefits Trust", to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

DIVISION 2B. OTHER POST-EMPLOYMENT BENEFITS TRUST

Sec. 2-428. Other Post-Employment Benefits Trust

(a) Authority; Establishment of Other Post-Employment Benefits Trust. Pursuant to the authority granted in section 4-2 of the Charter and section 7-450(b) of the Connecticut General Statutes, there shall be created and established the Other Post-Employment Benefits Trust (the "OPEB Trust") to fund certain retiree benefits pursuant to the terms of previously established plans for the benefit of certain employees and retirees, their spouses and dependents (the "OPEB System").

(b) Establishment of Other Post-Employment Benefit Board. Immediately upon the enactment of this ordinance, the Pension Committee of the City of New Britain shall also constitute the Other Post-Employment Benefits Board of Trustees for the OPEB Trust, hereinafter referred to as the "OPEB Board". The Director of Finance shall serve as an ex officio member of the OPEB Board. The members of said OPEB Board shall receive no compensation for serving as a Trustee and shall serve terms coextensive with their respective terms as members of the Pension Committee.

(c) Powers and Duties of the OPEB Board. The OPEB Board shall perform the duties set forth in the OPEB Trust Agreement, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The City's Treasurer shall have the care and custody of all funds held in the OPEB Trust and shall have the power, with the approval of the OPEB Board, to invest such funds in securities legal for investment for such trust funds.

Alderman Louis G. Salvio

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. Ald. Trueworthy moved to amend the motion to: Accept and refer back to the Committee on Administration, Finance and Law, seconded by Ald. Catanzaro. Amendment carried. Motion as amended carried. Resolution Referred. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30168-2 RE: THE SALE OF 1 AND 11 ANN ST., AND 18 AND 24 SEXTON ST. TO HARTFORD AREA HABITAT FOR HUMANITY FOR NOT LESS THAT \$22,000.00

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

WHEREAS, The City of New Britain is committed to the revitalization of its neighborhoods; and

WHEREAS, The City of New Britain owns vacant lots known as 1 and 11 Ann Street and 18 and 24 Sexton Street; and

WHEREAS, Hartford Area Habitat for Humanity (HAHFH), a regional community organization that is dedicated to increasing affordable housing and homeownership opportunities for low and moderate income families through sweat equity and volunteer labor that has had multiple successful projects here in New Britain, wishes to purchase this lot for a building project to place three single family homes on this site; and

WHEREAS, The City of New Britain has received a request for transfer of this property from HAHFH for Twenty Two Thousand Dollars (\$22,000.00) and other valuable consideration; and

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

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute on behalf of the City of New Britain a purchase and sales agreement with Hartford Area Habitat for Humanity for the properties known as 1 and 11 Ann Street and 18 and 24 Sexton Street and to execute any and all documents necessary for the conveyance of said properties in accordance with the terms of said agreement at a sale price of not less than \$22,000.00.

Alderman Louis G. Salvio
Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

NEW BUSINESS

RESOLUTIONS

30218 RE: CONTRACT AMENDMENT FOR ANOTHER ONE-YEAR PERIOD WITH ALDEN NOVAK & DODD, INC. – PROFESSIONAL SERVICES - ASSESSORS AND TAX 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, at its Regular Meeting of August 9, 2000, the Common Council authorized via Resolution 26019 a professional services contract between the City of New Britain and Alden Novak & Dodd, Inc., the agreement was in effect through June 30, 2001 with extensions of the contract through June 30, 2008 was subsequently approved by the Common Council; and

WHEREAS, The City Assessor requests authorization for a contract amendment to provide for another extension of the professional services agreement with Alden Novak & Dodd, Inc through June 2009; services provided include software support for the Tax Department and the Assessor's applications, such as:

- Revision of software as required;
- Support for City personnel in the operation of the applications;
- Conversion of magnetic media for communications with the State of Connecticut and outside printing services;
- Maintenance of a link to CAMA system; and,

WHEREAS, the proposed amendment specifies the same annual cost of \$17,600.00 for the services which this amount has been budgeted for FY 08-09 in the General Fund, Assessor's line item 001-1151-1511-350;

RESOLVED, that the Purchasing Administrator is hereby authorized to execute a contract amendment for another one-year period with Alden Novak & Dodd, Inc in the amount of \$17,600 for the provision of professional services described above.

Alderman Michael Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

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30219 RE: JULY – RECREATION AND PARKS MONTH

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: It's July—the kickoff of the summer season. It's time to enjoy what our New Britain Parks and Recreation Department offers. Play your favorite sport, visit the outdoors, spend time with family and friends, or just kick back and relax. That's why the National Recreation and Park Association has designated July as Recreation and Parks Month.

WHEREAS, The New Britain Parks and Recreation Department brings visibility to parks and recreation, and quality sports programs, and

WHEREAS, Parks, recreation activities, and leisure experiences provide opportunities for young people to live, grow, and develop into contributing members of society, and

WHEREAS, parks and recreation creates lifelines and grows life experiences for people of all ages in our community, and

WHEREAS, the New Britain Parks and Recreation Department generates opportunities for people to come together and experience a sense of community through fun recreational pursuits and special events, and

WHEREAS, the Department was recently awarded the Governor's Community Award for outstanding health and fitness programs and facilities, and

WHEREAS, parks and recreation agencies provide outlets for physical activities, socialization and stress reducing experiences, and

WHEREAS, parks, playgrounds, pools, camps, stadiums, sports fields, nature trails, golf courses, after school programs, concerts, schools, Major League sporting events, open spaces, and historic sites make a community attractive and desirable place to live, work, play, and visit to contribute to our ongoing economic vitality, and

WHEREAS, parks, greenways, and open space provide a welcome respite from our fast paced, high tech lifestyles while protecting and preserving our natural environment, and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impact upon the social, economic, health, and environmental qualities of our community,

NOW, THEREFORE BE IT RESOLVED, that we announce that July is Recreation and Parks Month and encourage all citizens to celebrate by participating in one or more of the hundreds of activities offered by the New Britain Parks and Recreation Department.

Alderwoman Shirley Black
Alderwoman Toni Lynn Collins
Alderman Louis G. Salvio

Ald. Black moved to accept and adopt, seconded by Ald. Collins. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

July 9, 2008

30220 RE: GRANT FUNDING FROM THE STATE OF CONNECTICUT DEPT. OF PUBLIC HEALTH IN THE AMOUNT OF \$15,360

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

Program Objective: To assess the prevalence and demographics of personal disaster preparedness of a representative cross-section of the clinic population of the New Britain Health Department, through a Surveillance Program questionnaire. Health Department Nurses will administer the survey at the New Britain Health Department to identify risk, educate and provide appropriate information to clients.

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

Resolution Purpose: To approve the receipt of grant funding from the State of Connecticut for fiscal year 2008/2009 for the New Britain Health Department.

WHEREAS; the clients of the New Britain Health Department clinics have shown evidence of risk factors contributing to their overall health and well being.

WHEREAS; the State of Connecticut Department of Public Health has granted the City of New Britain an award in the amount of \$15,360.

WHEREAS; these funds are to be used by the New Britain Health Department to identify clients with health-associated risk factors NOW THEREFORE BE IT

RESOLVED, that the Mayor, Timothy Stewart, be authorized to sign any necessary and appropriate agreements in order to secure the use of such funds. BE IT FURTHER

RESOLVED, that the monies in the amount of \$15,360 be appropriated within a special revenue fund as follows:

REVENUE:		
234-0500-0503-842	Revenue – St of CT	\$15,360
EXPENDITURES:		
234-1427-2575-110	Salaries	\$12,520
234-1427-2575-119	Fringe Benefits	\$ 160
234-1427-2575-129	Administrative Fees	\$ 1,200
234-1427-2575-210	Office Supplies	<u>\$ 1,480</u>
Total Expenditures		\$15,360

Alderman Adam Platosz

Ald. Platosz moved to accept and adopt, seconded by Ald. Collins. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30221 RE: BUDGET AMENDMENT – POLICE DEPT. – DRUG INVESTIGATION FUND - \$61,350

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 Drug Investigation Fund is an existing special revenue fund to which most revenue is credited as the result of the State of Connecticut drug asset forfeiture program, the greatest share of the proceeds from which are returned to Police Departments for use in drug control strategy; and

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WHEREAS, State statutes prescribe that funds received are to be used in the following categories: 85% to enhance drug investigation and enforcement and 15% for drug education, and,

WHEREAS, state of the art weaponry and equipment in the hands of trained professionals are necessary tools that help ensure the safety of the citizens of this City, and

WHEREAS, the purpose of this resolution is to formally allocate drug asset forfeiture funds to upgrade weapons and equipment within the Department assigned to the Training, Patrol and Investigation Divisions and the SWAT Team, and

WHEREAS, used guns, Department property, valued at approximately \$20,000, will be traded-in to Jo Jo's Gun Shop and new guns and equipment, valued at approximately \$81,350, will be purchased from Jo Jo's Gun Shop, THEREFORE BE IT

RESOLVED, that a budget amendment in the Drug Investigation Fund to formally appropriate funds accumulated in that fund in the total of \$61,350 be made to purchase guns and equipment from Jo Jo's Gun Shop as follows:

Drug Investigation Fund

Increase Revenue:

289-0500-0505-077	Fund Balance	\$61,350
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Increase Expenditures:

289-1431-4039-442	Equipment	\$61,350
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Ald. Suzanne Bielinski - Police Liaison
Ald. Roy Centeno- Police Liaison
Ald. Silvia Cruz - Police Liaison
Ald. Lawrence Hermanowski- Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Catanzaro. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30222 RE: THE PROPOSED SALE OF 34 MERRIMAC ROAD KNOWN AS PINNACLE HEIGHTS TO CENTERPLAN DEVELOPMENT COMPANY LLC FOR NOT LESS THAN \$6,000,000.00

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

WHEREAS, In 2004, the City of New Britain purchased approximately 62.78 acres of property at 34 Merrimac Road which formerly housed the Pinnacle Heights housing project from the Connecticut Housing Finance Authority (CHFA) for the purposes of economic development; and

WHEREAS, The City of New Britain has a strong commitment to redevelopment and economic development, including job creation and Grand List growth; and

WHEREAS, In May 2007, the City of New Britain held a public bid (#S-159) for the sale of this property. Two proposals were received, one from Centerplan Development Company LLC for \$6 million and one from Ceruzzi Holding LLD for \$4.5 million. Both bids contained provisions that the offer was for land only after the demolition of the buildings by the City; and

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WHEREAS, Centerplan Development Company LLC is involved in a variety of industrial, residential and retail development projects, including the recently successful development of the former Fafnir Bearing site for Celebration Foods. The Centerplan development team has extensive experience in the development and construction of commercial real estate projects; and

WHEREAS, Centerplan Development Company LLC desires to purchase said property for the development of the parcel into a mix of commercial and retail such as restaurants to support said commercial development as well as the surrounding residential neighborhood. Centerplan already has interest from four local light industrial facilities who are looking to expand their operations at this site; and

WHEREAS, Centerplan Development Company LLC has offered to purchase from the City of New Britain this parcel for a sale price of \$6 million on property that was appraised in February 2008 at \$4,170,000; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and hereby is authorized to execute on behalf of the City of New Britain a Purchase Agreement with Centerplan Development Company LLC, or its affiliate company, for the purchase of real property located at 34 Merrimac Road known as Pinnacle Heights, from the City of New Britain and to execute any and all documents necessary for the conveyance of said property at the sale price of not less than Six Million Dollars (\$6,000,000.00).

Alderman Louis G. Salvio, Minority Leader
Alderman Mark H. Bernacki, Asst. Minority Leader

Ald. Salvio moved to accept and refer to the Committee on Planning, zoning and Housing, seconded by Ald. Trueworthy. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30223 RE: CONTRACT WITH MAGUIRE GROUP, INC. – CONTRACT #5 SANITARY SEWER I/I REHABILITATION 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 Department of Public Works is currently in the process of starting construction on Contract #5 of the Sanitary Sewer I/I Rehabilitation Project, and;

Whereas, Maguire Group has been doing the design for Contract #5 of the I/I Project through the On-Call Engineering Consultants Bid No. 3185, and;

Whereas, the Department of Public Works has received a project proposal from Maguire Group, Inc. to provide Contract Administration and Resident Inspection Services for Contract #5 of the above-mentioned project, and;

Whereas, the proposed work scope has been reviewed and accepted by the Department, and;

Whereas, the funding for this proposed project is included in the Sanitary Sewer I/I Rehabilitation Project Account No.008-4205-2182-322 (\$125,000) and is available for this purpose, and;

Therefore Be It Resolved, that the Common Council authorizes Mayor Timothy T. Stewart to enter into a contract on behalf of the City of New Britain with Maguire Group, Inc., in the amount of \$125,00.

Alderman Lori A. Rocha
Alderman Phil Sherwood

July 9, 2008

Ald. Rocha moved to accept and adopt, seconded by Ald. Sherwood. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30210-1 RE: THE SALE OF VACANT LOT AT 204 BOND STREET TO HARTFORD AREA HABITAT FOR HUMANITY FOR NOT LESS THAN \$10,000.00

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

WHEREAS, the Hartford Area Habitat for Humanity (Habitat) has been allocated \$75,000 under the FY 2006 Community Development Block Grant Program for the purchase of lots and the construction of single-family homes, and

WHEREAS, Habitat wishes to purchase the vacant lot at 204 Bond Street, and

WHEREAS, Habitat plans to construct a single-family house on the lot, and

WHEREAS, the City of New Britain Housing Site Development Agency is the owner of record of 204 Bond Street;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby authorizes the Mayor of the City of New Britain to execute any and all agreements and documents in relation to the sale and transfer of 204 Bond Street to the Hartford Area Habitat for Humanity in an amount not less than \$10,000.

Alderman Lawrence J. Hermanowski

Ald. Trueworthy moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Salvio. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

30224 RE: CONTRACT WITH FUSS & O'NEILL – LAND FILL CLOSURE 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 Department of Public Works is seeking assistance for the Connecticut Department of Environmental Protection Consent Order for the Landfill Closure, and;

Whereas, Fuss & O'Neill has submitted a proposal for CTDEP Consent Order Assistance, Operations and Filling Plan, Meetings, bidding, closure plan and 3 years of groundwater, surface water and stormwater monitoring through the On-Call Engineering Consultants Bid No. 3185, and;

Whereas, the proposed work scope has been reviewed and accepted by the Department, and;

Whereas, the funding for this proposed project is included in the Landfill Closure Project Account No.008-2716-4056-320 (\$221,800) and is available for this purpose, and;

Therefore Be It Resolved, that the Common Council authorizes Mayor Timothy T. Stewart to enter into a contract on behalf of the City of New Britain with Fuss & O'Neill in the amount of \$221,800.

Alderman Lori A. Rocha
Alderman Phil Sherwood

July 9, 2008

Ald. Rocha moved to accept and adopt, seconded by Ald. Sherwood. So voted. Approved July 15, 2008 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Trueworthy. So voted. Meeting adjourned at 10:26 p.m.

ATTEST: Peter J. Denuzze, City Clerk