

August 12, 2009

REGULAR MEETING OF THE COMMON COUNCIL

AUGUST 12, 2009

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 12th day of August 2009 at 8:39 p.m. in the Common Council Chambers, City Hall.

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

Two members were absent: Ald. Centeno, and Ald. Collins.

City Clerk, Peter J. Denuzze, gave the invocation: O God, our Heavenly Father, bless the city of New Britain and all its citizens. Bless this Common Council and the work they are engaged in. Grant that they work together for the betterment of our city. We ask this in Thy name. Amen.

Rita Cefaratti led the pledge to the flag.

A moment of silence was observed in memory of Michael Collins, brother of Ald. Tonilynn Collins, who died on July 26, 2009, and in memory of Bernard (Bernie) Guida, Chairman Emeritus of Guida's Dairy in New Britain, who died on August 6, 2009.

Ald. Trueworthy moved to accept and adopt the minutes of the Regular Meetings of June 10th, June 24th and July 8, 2009, seconded by Ald. Bielinski. So voted.

Ald. Trueworthy moved to amend the agenda by adding item 30712(11), by deleting item E, and by moving 30674-1(L), 30674-2(2), and 30706(5) to the end of the agenda, seconded by Ald. Bielinski. Roll call vote – 11 in favor, 2 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Black, Cruz, Catanzaro, Hermanowski, and Bielinski. Opposed: Ald. Salvio and Ald. Bernacki.

PETITIONS

- 30699 ALD. SALVIO TO AMEND THE ZONING MAP TO CHANGE THE S-3 (SINGLE FAMILY) ZONED PORTION OF THE PROPERTY AT 382 ALLEN STREET TO B-1 (NEIGHBORHOOD BUSINESS). REFERRED TO CITY PLAN COMMISSION AND THE ZONING COMMITTEE.**
- 30713 ALD. SALVIO, BY REQUEST, FOR SIDEWALK INSPECTION ON GREENWOOD STREET AND POSSIBLE INCLUSION IN "SIDEWALK REPLACEMENT PROGRAM". REFERRED TO THE DEPARTMENT OF PUBLIC WORKS.**
- 30714 ALD. HERMANOWSKI AND ALD. TRUEWORTHY FOR THE DEPT. OF PUBLIC WORKS TO PROVIDE A FIRM SCHEDULE FOR THE COMPLETION OF THE INSTALLATION OF THE TRAFFIC SIGNAL AT THE INTERSECTION OF BROAD, MAIN, AND BEAVER STREETS. REFERRED TO THE DEPARTMENT OF PUBLIC WORKS.**

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Approved August 14, 2009 by Timothy T. Stewart, Mayor.

August 12, 2009

CONSENT AGENDA

CITY CLERK

30695 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

- Amos, Aaron
- Bucior, Tom
- Kummer, Nicole
- Rio, Gabriel M.
- Talalaj, Thomas A.
- Wojianowski, Oscar
- Vonella, Kristi M. by her Atty. Edward H. Smith Jr.

Peter J. Denuzze
City Clerk

OFFICE OF THE CORPORATION COUNSEL

30696 RE: PHILIP P. KOSINSKI V. MARCUS A. BURRUS, 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:

On July 14, 2009, at the Bridgeport United States District Court, the jury rendered a defendants' verdict in the matter of Philip P. Kosinski v. Marcus A. Burrus and City of New Britain. The plaintiff had alleged that Marcus Burrus, a police officer, violated plaintiff's rights including his right to be secure against unreasonable search and seizure not to be subjected to any cruel or unusual punishment under the Eighth Amendment, not to be deprived of life, liberty or property without due process of law, and to be accorded equal protection by the Fourteenth Amendment. The plaintiff had been tasered by the defendant after failing to comply with the hospital staff and police officer's instructions to calm down and to stop spitting blood and bodily fluids. The plaintiff had been in the quiet room of The Hospital of Central Connecticut.

Irena J. Urbaniak
City Attorney

FINANCE DEPARTMENT

30697 RE: LINE ITEM TRANSFERS – 7/1/09 THRU 8/4/09

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

In accordance with the city of New Britain ordinance of Article VII – Finance, Section 2-494(c), the following departments have transferred monies from one line item to another within their departmental budget (total department budget has not changed). Each transfer will be continuously numbered from month to month throughout the fiscal year. This report represents the transfers executed by the mayor in accordance with the aforementioned ordinance for the period ending August 4, 2009

August 12, 2009

- 1. Department: Municipal Insurance and Risk Management
- From: 001-1920-9004-337 (Comprehensive/Auto/Liability Ins.)
- To: 001-1920-9004-E95 (Excess Workers' Compensation)
- Amount: \$5,006.00
- Brief Description: Funds needed for Workers' Compensation Policy due to budget cuts

Robert Curry
Finance Director

30698 RE: LINE ITEM TRANSFER – THRU JUNE 30, 2009

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, 2009

- 50. Department: Health - Environmental
- From: 224-1000-5516-209 (Medical Supplies)
- To: 224-1000-5516-221 (Operating Material and Supplies)
- Amount: \$400.00
- Brief Description: Funds needed for outstanding invoices

Robert Curry
Finance Director

PURCHASING DEPARTMENT

30701 RE: EXTERIOR WINDOW WASHING SERVICES AT CITY HALL – DEPT. OF PROPERTY MANAGEMENT

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. 3483 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Exterior Window Washing Services, to be performed semi-annually, at City Hall for the Department of Property Management. Funding is available for this purchase from Account Number 001-1122-5114-372, General Fund, Building, Garage Maintenance and Repairs.

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-nine (29) Window Washing Companies. The Purchasing Agent did not receive any letters from Window Washing Companies on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Facilities Superintendent and the Purchasing Agent. The lowest bidder, VIP Special Services LLC has been very unresponsive to the Facilities Superintendent and failed to return his phone calls in a timely manner pertaining to questions that he has regarding the bid that they submitted. Therefore the Facilities Superintendent is recommending that the bid be awarded to the next lowest bidder, L.A. Window Cleaning Company, LLC of Holbrook, MA who has been very responsive, returned phone calls and has indicated that they will lower their price to that of VIP Special Services LLC.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a purchase order to L.A. Window Cleaning Company, LLC of Holbrook MA for Exterior Window Washing Services, to be performed semi-annually, at City Hall for a price of \$2,600.00 per cleaning effective from September 1, 2009 to August 31, 2010 with an option to extend the contract for one (1) additional year if

August 12, 2009

approved and agreed upon by the Facilities Superintendent for a price of \$2,600.00 per cleaning, per the terms and specifications of Public Bid No. 3483.

Jack Pieper
Purchasing Agent

30702 RE: WHIGVILLE AND SHUTTLE MEADOW RESERVOIRS DAM REHABILITATION FOR 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. 3490 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Whigville and Shuttle Meadow Reservoirs Dam Rehabilitation for the Water Department. Funding is available for this purchase from Account Number 930-1000-9060-XEG, Water Department's Capital Improvements Fund.

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-nine (29) Construction Companies. The Purchasing Agent did not receive any letters from Construction Companies on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Water Department Administration, the On-Call Engineering Company overseeing the project and the Purchasing Agent. Therefore the Director of the Water Department is recommending the bid be awarded to D&V Morin Construction Company, Inc of Meriden, CT who submitted the lowest responsible bid. The bid results have also been presented to the Water Commission at their August 11, 2009 meeting. At this meeting they approved the Director of the Water Department's recommendation to award the Whigville and Shuttle Meadow Reservoirs Dam Rehabilitation to D&V Morin Construction Company, Inc.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a purchase to D&V Morin Construction Company, Inc of Meriden, CT for the Whigville and Shuttle Meadow Reservoirs Dam Rehabilitation for the Water Department for a total price of \$399,410.00 per the terms and specifications of Public Bid No. 3490.

Jack Pieper
Purchasing Agent

DEPARTMENT OF PUBLIC WORKS

30694-1 RE: POTHoles AT INTERSECTION OF MILL STREET AND GLEN STREET

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

Potholes have been repaired by Public Works.

Mark E. Moriarty,
Director Public Works

COMMITTEE ON PLANNING, ZONING AND HOUSING

30675-1 RE: PROPOSED SALE OF 121-131 MAIN STREET TO ARETE DEVELOPMENT GROUP – NEW BRITAIN POLICE STATION

August 12, 2009

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 and public hearing held on Tuesday evening, July 7, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30675– Purchase and Sale of 121-131 Main Street, New Britain to Arete Development Group voted to accept as amended 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, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

30700 RE: COOPERATIVE PURCHASING, USB LAPTOP AIR CARDS FOR THE FIRE DEPT.

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 by the Fire Department for the following under the State of Connecticut's Cooperative Purchasing Plan:

<u>Supplier</u>	<u>Item</u>	<u>Quantity</u>	<u>Monthly Cost</u>	<u>Unit Service Price 24 Months</u>
AT&T Mobility West Hartford, CT.	USB Laptop Air Cards	6	\$39.99	\$959.76
			Total Price	\$5,758.56

The Fire Department requested the purchase of six (6) USB Laptop Air Cards with services utilizing the State of Connecticut's Contract Award #ITB06ITZ0146. The USB laptop air cards enhances communications for the Emergency Management Operations and facilitates working with the State of Connecticut's emergency services representatives. It also ensures internet connectivity with the State's website in the event of a City's internet failure. Money to pay for these air cards is from a Connecticut Department of Homeland Security and Emergency Management grant that the City's Office of Emergency Management receives annually. Funding is available for this purchase from Account Number 226-1221-2210-442, Fire Department Grants, Department Equipment.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$5,758.56 to AT&T Mobility of West Hartford, CT for the purchase six (6) USB Laptop Air Cards for the Fire Department, utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #ITB06ITX0146

Jack Pieper
Purchasing Agent

Ald. Bielinski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

August 12, 2009

30703 RE: ON-CALL ENGINEERING SERVICES FOR NEW POLICE HEADQUARTERS

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

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

Project Name: New Police Headquarters
Vendor: Kaestle Boos Associates, Inc.
Amount: \$33,000.00
Line Items: 008-2408-0513-324, Capital Projects, Engineering and Appraisals
Requested By: Police Department

Scope: Kaestle Boos Associates, Inc will meet with the Police Chief to discuss the future requirements for the new Police headquarters. This will allow Kaestle Boos Associates, Inc to design and develop the floor plans for the new police headquarters. When approved by the Police Chief, Kaestle Boos Associates, Inc will be able to develop specifications and engineering prints for this project so it can be put out to bid. They will attend any meetings that may be held. Once the bids are received Kaestle Boos Associates, Inc will assist in reviewing the bids submitted to assure that the bidders complied with the bid specifications. Once the project has been awarded, Kaestle Boos Associates, Inc will conduct on-site visits to assure that the project meets specifications, as well as attend and conduct any construction meetings.

Jack Pieper
Purchasing Agent

Ald. Hermanowski moved to accept, seconded by Ald. Bielinski. So voted. Ald. Hermanowski and Ald. Catanzaro opposed. Approved August 14, 2009 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

30675-2 RE: THE SALE OF 121-131 MAIN STREET TO ARETE DEVELOPMENT GROUP FOR NOT LESS THAN \$2,000,000.00 (NEW POLICE STATION)

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

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

WHEREAS, At its March 12, 2008 meeting, the Common Council approved the acquisition of the property known as 121-131 Main Street for use as a new police station at a cost of \$1,600,000; and

WHEREAS, The City expended \$312,000 for the abatement and demolition of the building on the property; and

WHEREAS, The City is desirous of developing this property in the most cost effective and timely manner; and

WHEREAS, Arete Development Group, the City's master downtown developer has made an offer to acquire the property in order to develop it for a police station and commercial/retail development for a price of \$2,000,000; 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 and Sale Agreement with Arete Development Group or its affiliate company, for the sale of real property located at 121-131 Main Street, 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 Two Million Dollars (\$2,000,000.00), and such sale shall be contingent upon city approval of the

August 12, 2009

~~building plans and approval from the Common Council of the terms and conditions of the lease and/or buy back agreement(s) for the building to be used as a police station, including a conditional clause for approval of the building plans and leaseback of portion of the facility for use as a police station.~~

Alderman Louis G. Salvio,
Minority Leader

Alderman Mark H. Bernacki,
Asst. Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. Resolution adopted with Ald. Hermanowski and Ald. Platosz opposed. Approved August 14, 2009 by Mayor Timothy T. Stewart.

NEW BUSINESS

RESOLUTIONS

30704 RE: LEASEHOLD/EASEMENT EXCHANGE AGREEMENT WITH NEW BRITAIN AVENUE LAND, LLC FOR PROPERTY KNOWN AS ONE MAIN STREET FOR A MUNICIPAL PARKING LOT THROUGH NOV. 30, 2011

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 downtown through the support of existing businesses and cooperation in expansion or new business development; and

WHEREAS, With the success of businesses such as C-Town Market and the continued growth of events at Trinity on Main, the lower portion of Main Street experiences parking congestion that threatens the continued growth of downtown businesses and venues; and

WHEREAS, New Britain Avenue Land, LLC ("NBAL") owns a vacant lot on the corner of Main and Chestnut Elm Streets known as One Main Street that it has offered for the City's use in a lease arrangement to be used as a municipal parking lot to alleviate this parking congestion. In consideration for use of this lot, NBAL requests the exclusive use of City's parking spaces on Herald Square to help alleviate a parking issue of its own: lack of available land to use for parking adjacent to another of its properties at the corner of Chestnut Street and the Truman Overpass, commonly known as "Parcel 9". NBAL's intent is to develop said vacant lot, "Parcel 9", for medical and other commercial office space; and

WHEREAS, The City of New Britain believes that said exchange is in all parties' best interest for the development of Parcel 9 as well as benefit downtown businesses in need of parking, particularly as this transaction has no direct cost to the City; 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 leasehold/easement exchange agreement with New Britain Avenue Land, LLC for use of the property known as One Main Street for a municipal parking lot through November 30, 2011, in consideration for a parking easement located at Herald Square to said New Britain Avenue Land, LLC and to execute any and all documents necessary for the leasing/easement of said property in accordance with the terms of said agreement with no direct cost to the City during the term of this agreement.

Alderman Louis G. Salvio
Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. Ald. Salvio moved to amend the third Whereas paragraph by changing the words "corner of Main and Chestnut Streets" to "corner of Main and Elm Streets", seconded by Ald. Trueworthy. So voted. Resolution as amended adopted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

August 12, 2009

30705 RE: LICENSING AGREEMENT WITH THE STATE OF CONNECTICUT FOR 82 PARKING SPACES IN THE BADOLATO GARAGE FOR DEPT. OF CHILDREN AND FAMILIES

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 owns and operates the Badolato Garage located on Columbus Boulevard and Washington Street; and

WHEREAS, The State of Connecticut desires to use the parking garage for parking for employees of the State of Connecticut Department of Children and Families ("DCF"); and

WHEREAS, The State on a month-to-month basis uses up to fifty-five (55) parking spaces per month for State of Connecticut employees of DCF in the parking garage pursuant to an agreement dated on or about August 18, 2003, which agreement has expired; and

WHEREAS, The State requires an additional twenty-seven (27) parking spaces in the parking garage for employee parking; and

WHEREAS, The City of New Britain wishes to enter into a licensing agreement with the State of Connecticut; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to negotiate and execute on behalf of the City of New Britain a licensing agreement between the City of New Britain and the State of Connecticut at the agreed upon price of Forty Dollars (\$40.00) per space per month for eighty-two (82) parking spaces in the Badolato Garage for use by the employees of the State of Connecticut Department of Children and Families. The term of the agreement to be effective upon approval by the Attorney General of the State of Connecticut and appropriate State of Connecticut departments and agencies.

Alderman Louis G. Salvio

Ald. Salvio moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30707 RE: REPLACEMENT OF BROOKSIDE ROAD BRIDGE OVER WILLOW BROOK - \$4,900 INCREASE TO BETA GROUP, INC.

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 previously retained the services of BETA Group, Inc. under the City's On-Call Consultant Contract and issued Purchase Order #63375 on 10/10/07 to prepare design plans for the replacement of the Brookside Road Bridge over Willow Brook which was to be advertised for bid and constructed by a private contractor;

WHEREAS, the City of New Britain Public Works Department has determined that this bridge can be constructed with its own forces for a substantial savings over the cost of hiring a private contractor;

WHEREAS, the City of New Britain Public Works Department is pursuing funding through the Local Bridge Program administered by the Connecticut Dept. of Transportation and will continue to pursue this funding even if constructed by City forces;

WHEREAS, the Local Bridge Program has recently assumed responsibility for review of Flood Management Certifications on these projects and is requiring a new application and materials be submitted which were not part of BETA Group's original scope of work;

WHEREAS, BETA Group, Inc. has submitted a proposal to prepare the new application and materials for a lump sum fee of \$4,900 and funding is available in account #008-3618-1241-324;

THEREFORE BE IT RESOLVED, that the Common Council authorizes the Department of Public Works to increase Purchase Order #63375 by \$4,900 and authorizes BETA Group, Inc. to complete the work as detailed in their proposed scope of services dated July 17, 2009.

August 12, 2009

Alderman Lori A. Rocha
Alderman Phil Sherwood

Ald. Rocha moved to accept and adopt, seconded by Ald. Sherwood. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30708 RE: BUDGET TRANSFER – PARK DEPT. \$32,051.00 – AFTER SCHOOL PROGRAM

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

Resolution Summary

Program Objective: This after school program grant provides comprehensive after school programming at two elementary schools, DiLoreto Dual Language Magnet School and Smalley Academy. Students in grades three through five are targeted to attend the after school program from 3:00 to 6:00 p.m. The three major components of the after school program are education, recreation, and cultural arts.

Local Program Operation Department: Parks and Recreation, under the supervision of the Director.

Resolution Purpose: The Parks and Recreation Department respectfully requests a transfer to provide monies for operational and programmatic expenses from under-expended full-time and part-time wages and fees, memberships and conferences.

WHEREAS, the Parks and Recreation Department has already received approval of applicable transfers from the Connecticut State Department of Education, and

WHEREAS, less monies in full-time salaries and part-time staff were required, in addition to a lack of certified teacher availability, and fewer travel opportunities, and

WHEREAS, a budget is developed as a plan and adjustments have to be made due to unforeseen circumstances such as a low number of staff availability, snow days, and a lack of availability of certified teachers to work the hours after the regular school day, and

WHEREAS, additional monies are needed in supplies accounts (arts and crafts, sports equipment, etc), the contractual services accounts (educational and recreational sub-contractors for after school programming) and the health/life insurance account, therefore, be it

RESOLVED, that the sum of \$32,051 be transferred within the after school program grant program account as outlined below:

	From:	
251-1511-5111-110	Full-time Salaries	\$3,341
251-1511-5111-113	Part-time salaries	\$27,000
251-1511-5111-374	Fees, Memberships, Conferences	\$1,710
	To:	
251-1511-5111-140	Health/Life Insurance	\$4,795
251-1511-5111-221	Operating Material & Supplies	\$14,000
251-1511-5111-330	Rental/Leases of Property/Equipment	\$13,256
	Total	\$32,051

Alderman Shirley Black
Alderman Tonilynn Collins

Ald. Black moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30709 RE: BUDGET APPROPRIATION – FIRE DEPARTMENT - \$15,000

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

August 12, 2009

Whereas The New Britain Fire Department has applied for the Equipment, Training, and Exercise Program from the Department of Emergency Management & Homeland Security and:

Whereas the New Britain Fire Department has requested funding to purchase equipment for its Emergency Operations Center. This equipment consists of satellite phones, solar chargers, air cards, and operational costs.

Whereas the New Britain Fire Department has been awarded a total of \$15,000 for these purposes and is on a reimbursement basis.

Therefore be it resolved that: the funding for this grant be approved as follows:

Revenue:		
226-0516-0503-023	State of CT	\$15,000
Expenditures:		
226-1221-2210-442	Equipment	\$15,000

Alderman Suzanne Bielinski,
Mayor Pro Tem

Alderman Tonilynn Collins

Ald. Bielinski moved to accept and adopt, seconded by Ald. Rocha. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30710 RE: PROPOSED AMENDMENT TO SEC. 7-40 THROUGH 7-48 OF THE ORDINANCES – ANTI-BLIGHT ORDINANCE

Proposed Ordinance on file in Town Clerk's Office.

Ald. Bernacki moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Salvio. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30711 RE: BUDGET APPROPRIATION - \$105,829.00 GRANT FUNDING FROM THE STATE OF CONNECTICUT – HEALTH PER CAPITA

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:

The City of New Britain Health Department routinely receives state funding which must be utilized to augment local appropriations provided for public health purposes. These funds are appropriated in the City's special revenue account structure under the Health Per Capita Grant.

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

Resolution Purpose: To formally accept and appropriate grant funding from the State of Connecticut within the City's Health Per Capita special revenue fund account structure.

WHEREAS, Under Executive Order #31, the Governor has allotted limited funding to support the per capita grants-in-aid. The City of New Britain Health Department will receive the August 09 allotment of per capita funding allocated from the Governor's budget in the amount of \$15,958 and

WHEREAS, under the terms of the grant, the City is allowed to carryover unexhausted funds into the new fiscal year. At the end of fiscal year 2009, this amounted to \$89,871.

WHEREAS, also, under the terms of the grant, the City is allowed to transfer monies between line items to further augment local appropriations as needed and

WHEREAS, the State of Connecticut has previously approved these line items transfers.
THEREFORE BE IT,

August 12, 2009

RESOLVED, that the fund balance of \$89,871 from Fiscal Year 2009 be transferred into the Health Per Capita revenue and BE IT FURTHER

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

RESOLVED, that the entire amount of \$105,829 be appropriated within the City's special revenue account structure as follows:

Revenue:		
287-0500-0505-023	Revenue – State of CT	\$ 15,958
287-0500-0505-077	Revenue – Fund Balance	<u>\$ 89,871</u>
	Total Revenue	\$105,829
Expenditures:		
287-1427-4037-113	Data Entry Technician*	\$ 64,000
287-1427-4037-100	Nursing Services*	\$ 5,000
287-1427-4037-119	Fringe Benefits	\$ 4,000
287-1427-4037-390	Computer Services	\$ 2,500
287-1427-4037-376	Books and Periodicals	\$ 1,000
287-1427-4037-330	Vehicle Lease	\$ 18,000
287-1427-4037-372	Bldg., Maint. & Repair	\$ 7,000
287-1427-4037-442	Equipment	\$ 3,529
287-1427-4037-244	Malpractice Insurance	<u>\$ 800</u>
	Total Expenditures	\$ 105,829

Notes:

* Existing temporary positions funded through Health Per Capita Grant in previous years.

Alderman Adam Platosz

Ald. Platosz moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30712 RE: PROPOSED AMENDMENT TO SEC. 2-770 OF THE ORDINANCES ADDING (B) CONCERNING PURCHASE AND SALES AGREEMENTS OF CITY PROPERTY

Proposed Ordinances on File in Town Clerk's Office

Ald. Hermanowski moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Trueworthy. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

Ald. Trueworthy moved the Council enter into Executive Session, accompanied by the Mayor and the Corporation Counsel, to discuss negotiations regarding 30674-1(L), 30674-2(2), and 30706(5). Motion seconded by Ald. Bielinski. Roll call vote – all members present voted in favor. Executive Session began at 10:07 p.m.

The Council voted to return to order at 10:30 p.m. on motion of Ald. Trueworthy, seconded by Ald. Bielinski.

COMMITTEE ON PLANNING, ZONING AND HOUSING

30674-1 RE: THE PROPOSED SALE OF CITY PROPERTY KNOWN AS PINNACLE HEIGHTS

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

August 12, 2009

The Common Council and the Committee on Planning, Zoning and Housing at a regular meeting and public hearing held on Tuesday evening, August 4, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30674 –Sale of city owned property known as Pinnacle Heights voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a neutral recommendation.

Alderman Silvia J. Cruz,
Chair

Ald. Salvio moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

RESOLUTIONS

30674-2 RE: THE SALE OF 34 MARIMAC ROAD KNOWN AS PINNACLE HEIGHTS TO NB-BT2, LLC OR ITS AFFILIATE COMPANY FOR NOT LESS THAN \$5,000,000.00

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 60 acres of property at 34 Marimac 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, At its August 13, 2008 meeting, the Common Council authorized Mayor Timothy T. Stewart to enter into negotiations for the sale of the Pinnacle Heights property to Centerplan Development Company LLC 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; and

WHEREAS, Due to changes in its financing abilities resulting from the economic downturn, Centerplan Development Company LLC has not closed on this transaction, and has not indicated that they are able to complete this project

WHEREAS, Another developer, Tartaglia Associates (through their affiliated entity NB-BT2, LLC or another affiliated entity) has made an offer to acquire the Pinnacle Heights property for a similar proposal of mixed (commercial, retail and light industrial) use for \$5,000,000; 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 and Sale Agreement with NB-BT2, LLC, or its affiliate company, for the sale of real property located at 34 Marimac 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 Five Million Dollars (\$5,000,000.00) contingent upon a final purchase and sale agreement approved by the common council.

Alderman Louis G. Salvio,
Minority Leader

Alderman Mark H. Bernacki,
Asst. Minority Leader

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

30706 RE: BUDGET TRANSFER - \$75,000 – OFFICE OF THE CORPORATION COUNSEL – FULL TIME SALARIES

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:

August 12, 2009

WHEREAS, the responsibilities of the Office of the Corporation Counsel are set forth in the Charter and in the Code of Ordinances of the Common Council of the City of New Britain. They are as follows: to conduct all civil cases, to bring civil actions brought for or against the City; to serve as legal advisors of all commissioners, boards, committees and executive officers and of the Common Council; to index and record all opinions construing statutes or ordinances or charter provisions of the City; to advise the Common Council as to the legality of all proposed ordinances or proposed amendments to ordinances; to take such legal steps as are necessary to enforce the payment of taxes and assessments which have been due and unpaid for a period of one year.

WHEREAS, the Corporation Counsel on occasion must hire outside legal counsel due to conflict of interest or need of specialized legal expertise.

WHEREAS, there are currently four matters which require outside counsel; including two in Police Department because of conflict of interest and environmental issues related to Willow Street Park and Fafnir Booth Industrial Park.

WHEREAS, the FY 2009-2010 budget does not include monies for Legal Services. NOW, THEREFORE, BE IT,

RESOLVED, that a transfer be made from the General Services Contingency to the Corporation Counsel Legal Services as indicated below:

FROM:		
001-1910-9001-073	General Services - Contingency	\$75,000
TO:		
001-1155-1550-321	Corporation Counsel – Full Time Salaries	\$75,000

Alderman Louis G. Salvio
Alderman Mark H. Bernacki
Alderman Adam Platosz
Alderman Gregory Gerratana

Ald. Salvio moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved August 14, 2009 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Salvio. So voted. Meeting adjourned at 10:40 p.m.

ATTEST: Peter J. Denuzze, City Clerk