

September 9, 2009

REGULAR MEETING OF THE COMMON COUNCIL
SEPTEMBER 9, 2009

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 9th day of September 2009 at 7:55 p.m. in the Common Council Chambers, City Hall.

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

Peter J. Denuzze, City Clerk, gave the invocation: O God, our Heavenly Father, bless and help this Common Council in their work. Motivate them to act in a spirit of openness, honesty and integrity. We ask this in Thy name. Amen

The pledge to the flag was led by the lifeguards who were present in the Chamber to be recognized for their heroic and tireless efforts in keeping the City of New Britain pools safe for all patrons throughout the summer months.

A moment of silence was observed in memory of Father Ladislaus J. Kaminski of Sacred Heart Church who died on August 21, 2009, and in memory of all the victims of the tragic 9/11 attack on U. S. Soil.

Ald. Trueworthy moved to amend the agenda by moving 30735(9) to the beginning of the agenda, by substituting 30719(E), by adding 30710(R), 30680-1(S), 30710(1.A), and 30680-2(1.B). Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor.

RESOLUTION

30735 RE: LIFEGUARD RECOGNITION

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 recognize the 2009 lifeguards and their outstanding courageous work they performed at the two outdoor pools this past summer.

WHEREAS, The New Britain Parks and Recreation Department opened two outdoor pools this summer at AW Stanley Park and Willow Brook Park, and

WHEREAS, these two pools were host to over 28,000 visits, and 1,411 youth swim lessons, **AND**

WHEREAS, several aquatic special events were offered such as; flick and float, carnival day, Mayor's back to school pencil hunt, pool side comedy club, and morning pool parties, **AND**

WHEREAS, the lifeguards supervised thousands of picnickers that utilized the pools at AW Stanley, **AND**

WHEREAS, in a lengthy five month application process that includes a written test, interview process, and swim test, a total of only 47 lifeguards out of 100 applicants were hired to ensure the safety of the thousands of swimmers this summer, **AND**

WHEREAS, prior to the pools opening to the public, these lifeguards participated in over 100 hours of vigorous and comprehensive Red Cross, OSHA, and Emergency Medical Services training, in addition to being trained in all city rules, regulations, policies, reporting procedures, health codes, and effective public relations techniques, **AND**

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WHEREAS, during the eight weeks of operation, the lifeguards performed daily exercise routines that included swimming laps, push ups, and sit ups along with weekly CPR and First Aid testing and Saturday in-service training where they were regularly tested on emergency rescue techniques, AND

WHEREAS, these lifeguards successfully completed and performed all the tasks necessary to be a qualified lifeguard in accordance to New Britain and Red Cross safety standards, AND

WHEREAS, these lifeguards saved a total of 38 distressed swimmers in the 56 days of the summer pool season, AND

WHEREAS, all saves were performed effectively and to the safety standards handed down to them in the hours of training required to be a successful certified lifeguard, NOW THEREFORE BE IT

RESOLVED, that Mayor Timothy T. Stewart, members of the Common Council, and the Parks and Recreation Commission recognize these lifeguards for their heroic and tireless efforts in keeping the City of New Britain pools safe for all patrons that visited the pools throughout the hot summer months.

Alderman Shirley Black
Alderman Tonilynn Collins

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

PETITIONS

- 30737** ALD. HERMANOWSKI AND SHERWOOD FOR THE DEPT. OF LICENSES, PERMITS AND INSPECTIONS TO TAKE APPROPRIATE ACTION TO REMEDY BLIGHTED & UNSECURED PROPERTY AT 608 MAIN STREET AS REGULATED BY THE CODE OF ORDINANCES. REFERRED TO THE DEPT. OF LICENSES, PERMITS & INSPECTIONS.
- 30738** ALD. HERMANOWSKI AND SHERWOOD FOR TAKING APPROPRIATE ACTION TO REMEDY BLIGHTED AND UNSECURED CONDITIONS AT 294 BURRITT STREET AS REGULATED BY THE CODE OF ORDINANCES. REFERRED TO THE DEPT. OF LICENSES, PERMITS & INSPECTIONS.
- 30739** ALD. HERMANOWSKI AND SHERWOOD FOR TAKING APPROPRIATE ACTION TO REMEDY BLIGHTED AND UNSECURED CONDITIONS AT 43 OSGOOD AVENUE AS REGULATED BY THE CODE OF ORDINANCES. REFERRED TO THE DEPT. OF LICENSES, PERMITS & INSPECTIONS.
- 30740** ALD. HERMANOWSKI AND SHERWOOD FOR TAKING APPROPRIATE ACTION TO REMEDY BLIGHTED AND UNSECURED CONDITIONS AT 478 MCCLINTOCK STREET AS REGULATED BY THE CODE OF ORDINANCES. REFERRED TO THE DEPT. OF LICENSES, PERMITS & INSPECTIONS.

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

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CONSENT AGENDA

CITY CLERK

30715 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

- Gulli, Peter
- Knitowska, Aleksandra
- Podbielski, Elizabeth A.
- Sofianos, Ioannis P.

Peter J. Denuzze
City Clerk

FINANCE DEPARTMENT

30716 RE: LINE ITEM TRANSFERS – 08/05/09 THRU 09/01/2009

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 September 1, 2009

2. Department: Public Works – Property Management & Construction
From: 001-1312-3117-111 (Overtime - Engineering)
To: 001-1312-3117-110 (Full Time Salaries - Engineering)
Amount: \$800.00
Brief Description: Annual bonus omitted from salary line item
3. Department: Property Management
From: 001-1122-5114-M65 (Mandated Fluorescent Lamp Recycling)
To: 001-1122-5112-375 (Recruitment and Training)
Amount: \$125.00
Brief Description: Funds needed for registration fees for mandatory electrical continuing ed

Robert Curry
Finance Director

PURCHASING DEPARTMENT

30717 RE: PROFESSIONAL SERVICES – ANNUAL MAINTENANCE AND SUPPORT OF FIREHOUSE SOFTWARE – PUBLIC SAFETY TELECOMMUNICATIONS 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 2-531 a purchase order was requested by the Public Safety Telecommunications Department for the Annual Maintenance on their Firehouse Software.

<u>Supplier</u>	<u>Services</u>	<u>Total Annual Cost</u>
ACS Firehouse Software	Software Maintenance and Support	\$3,615.00

Firehouse Software is a powerful records management system to help manage information needed by the Public Safety Telecommunications Department to make needed decisions in emergency situations. It is the most trusted and widely used fire records management system. The Public Safety Telecommunications Department has been utilizing this Firehouse Software for seven (7) years. ACS Firehouse Software Company is the sole source supplier of this Firehouse Software and are the only ones that can offer the needed software and maintenance support. This highly technical professional service is very unique. It would be very difficult to find another software support company to submit a bid for this very unique professional service. The bid solicitation for the purchase of this unique service would not be beneficial to the City. Funding for this annual maintenance and support of this Firehouse Software is available in account 001-1220-2209-371, General Fund, Fire Maintenance Contracts.

Jack Pieper
Purchasing Agent

30718 RE: PROFESSIONAL SERVICES – ANNUAL MAINTENANCE AND SUPPORT OF ACQUIRE SOFTWARE – INFORMATION TECHNOLOGY 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 2-531 a purchase order was requested by the Information Technology Department for the Annual Maintenance, Upgrade Assurance and Hot Line Support of their Acquire Software.

<u>Supplier</u>	<u>Services</u>	<u>Total Annual Cost</u>
Computer Product Resources, Inc. New York, NY.	Software Maintenance And Hot Line Support	\$6,210.75

The Acquire is a software utilized by the Information Technology Department and is on the City's mainframe. The software is needed to extract data from the financial system and put it into report format. Computer Products Resources will provide annual maintenance, upgrade assurance and hot line support for the Acquire Software. This highly technical professional service is very unique. It would be very difficult to find another software support company to submit a bid for this very unique professional service. The bid solicitation for the purchase of this unique service would not be beneficial to the City. Funding for this annual maintenance and support of this Acquire Software is available in account 001-1151-1536-371, General Fund, Maintenance Contracts.

Jack Pieper
Purchasing Agent

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30719 RE: PROFESSIONAL SERVICES – ANNUAL MAINTENANCE AND SUPPORT OF PAPERCLIP SOFTWARE FOR THE INFORMATION TECHNOLOGY 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 2-531 a purchase order was requested by the Information Technology Department for the Annual Maintenance and Hot Line Support of their Paperclip Software

<u>Supplier</u>	<u>Services</u>	<u>Total Annual Cost</u>
Computer Product Resources, Inc. New York, NY.	Software Maintenance And Hot Line Support	\$6,138.65

The Paperclip is a software utilized by the Information Technology Department and is on the City's mainframe. The software is needed to provide scanning of financial documents into the financial system. Computer Products Resources will provide annual upgrade assurance and hot line support for ten (10) full production and five (5) desktop workstation licenses. This highly technical professional service is very unique. It would be very difficult to find another software support company to submit a bid for this very unique professional service. The bid solicitation for the purchase of this unique service would not be beneficial to the City. Funding for this annual maintenance and support of this Acquire Paperclip Software is available in account 001-1151-1536-371, General Fund, IT Maintenance Contracts.

Jack Pieper
Purchasing Agent

30720 RE: COOPERATIVE PURCHASING, TASER CARTRIDGES AND BATTERIES – 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 standing purchase order was requested by the Police Department for the following under the State of Connecticut's Cooperative Purchasing Plan:

<u>Supplier</u>	<u>Need Supplies</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Price</u>
Tom Ashmore Enterprises, Inc. Woodbury, CT.	Taser XP Duty Cartridges	313	\$23.95	\$7,496.35
	Taser Batteries	1 case	\$1,797.00	\$1,797.00
			Total Cost	\$9,293.35

The New Britain Police Department requested a purchase order for Taser XP Duty Cartridges and Batteries utilizing the State of Connecticut's Contract Award #06PSX0151. Funding is available for this purchase from Account Number 001-1600-1827-Z03, General Fund, Ammunitions and Explosives.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$9,293.35 to Tom Ashmore Enterprises, Inc of Woodbury, CT for the purchase of Taser XP Duty Cartridges and Batteries utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #06PSX0151.

Jack Pieper
Purchasing Agent

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30721 RE: COOPERATIVE PURCHASING, RIFLE AND PISTOL AMMUNITION FOR THE 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 standing purchase order was requested by the Police Department for the following under the State of Connecticut's Cooperative Purchasing Plan:

<u>Supplier</u>	<u>Need Supplies</u>	<u>Total Price</u>
Jurek Brothers, Inc. Greenfield, MA.	Rifle and Pistol Ammunition	\$58,000.00

The New Britain Police Department requested a purchase order for Rifle and Pistol Ammunition utilizing the State of Connecticut's Contract Award #07PSX0219. Funding is available for this purchase from Account Number 001-1600-1827-Z03, General Fund, Ammunitions and Explosives.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$58,000.00 to Jurek Brothers, Inc of Greenfield, MA for the purchase of Rifle and Pistol Ammunitions utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #07PSX0219.

Jack Pieper
Purchasing Agent

30723 RE: PHASE 1 CLOSURE OF THE NEW BRITAIN LANDFILL FOR THE PUBLIC WORKS DEPT.

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

Public Bid No. 3494 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Phase 1 Closure of the New Britain Landfill for the Public Works Department. Funding is available for this project from Account Number 008-2716-4056-322, Capital Projects, Landfill Closure.

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-one (31) Construction Companies. The Purchasing Agent did not receive any letters from the Construction Companies on the mailing list indicating they could not respond to the bid request. The responses received are on file in Town Clerk's Office.

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

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with and issue a purchase order to Manafort Brothers Inc of Plainville, CT for the Phase 1 Closure of the New Britain Landfill for a total price of \$488,530.00 per the terms and specifications of Public Bid No. 3494.

Jack Pieper
Purchasing Agent

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30724 RE: TWO (2) SATELLITE PHONES WITH ACCESSORIES FOR THE NEW BRITAIN 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:

Public Bid No. 3498 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase of two (2) Satellite Phones with Accessories for the New Britain Fire Department. Funding available for the purchase of these Satellite Phones with Accessories in Account Number 226-1221-2210-442, Fire Department Grants, Department Equipment. The Grant to fund this purchase was approved by the Common Council at the August 13, 2009 meeting. Also at the August 13, 2009 meeting the Common Council approved the related satellite laptop air cards.

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) Suppliers of these Satellite Phones with Accessories. The Purchasing Agent did not receive any letters from suppliers of these Satellite Phones with Accessories on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Fire Department's Administration and the Purchasing Agent. Therefore the Fire Chief is recommending that the bid be awarded to World Communications Center of Chandler, AZ for the purchase of these Satellite Phones with Accessories. World Communications Center was not the lowest bidder but their bid price for the cost of the pre-paid minutes was less than the other bidders. The pre-paid minutes will be an on-going expense for these Satellite Phones and the Fire Department will save money on any future purchases of these pre-paid minutes by going with World Communications Center.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order to World Communications Center of Chandler, AZ for the purchase of two (2) Satellite Phones with Accessories for \$2,593.63 each per the terms and specifications of Public Bid No. 3498.

Jack Pieper
Purchasing Agent

30726 RE: ARCHITECTURAL IMPROVEMENTS TO THE BADOLATO MUNICIPAL PARKING GARAGE FOR THE PROPERTY MANAGEMENT DEPT

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

Public Bid No. 3491 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Architectural Improvements at the Badolato Parking Garage for the Property Management Department. Funding available for the Architectural Improvements at the Badolato Parking Garage is in Account Number, 008-1972-1998-322, Capital Improvements Construction Contracts.

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-six (36) local Sign and Painting Contractors. The Purchasing Agent did not receive any letters from the local Sign and Painting Contractors on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Superintendent of Property Management, the On-call Engineering firm associated with this project and the Purchasing Agent. The Superintendent of Property Management has decided not to have the concrete ceilings, perimeter walls, columns and beam surfaces in garage stained. This will reduce the overall cost of the project by \$116,023.56. Therefore, the Superintendent of Property Management is recommending that the bid for the Architectural Improvements at the Badolato Parking Garage be awarded to Frank Capasso & Sons, Inc of Northford, CT who was the lowest responsible bidder.

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RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract with Frank Capasso and Sons, Inc of Northford, CT and to issue a Purchase Order for \$140,090.74 for the Architectural Improvements at the Badolato Parking Garage per the pricing, terms and specifications of Public Bid No 3491.

Jack Pieper
Purchasing Agent

DEPARTMENT OF PUBLIC WORKS

30713-1 RE: INSPECTION OF SIDEWALKS ON GREENWOOD STREET

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

An inspection of sidewalks on Greenwood Street by Public Works staff revealed old and damaged slate curb and sidewalk in many areas.

Some slate is already scheduled for replacement this season and more next season. Additional replacement will be considered as funding allows.

Mark E. Moriarty,
Director Public Works

30714-1 RE: SCHEDULE OF COMPLETION OF THE INSTALLATION OF THE TRAFFIC SIGNALS AT THE INTERSECTION OF BROAD, BEAVER, MAIN AND NORTH STREETS

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

In response to a request from the Mayor and Common Council, Petition 30714, Public Works has reviewed the status of the installation of the traffic signals at the intersections of Broad Street, Beaver Street, Main Street and North Street, State Project No. 88-150. As of September 1, 2009, Manafort's subcontractor has installed the new mast arms at both of the intersections. The subcontractor is installing the wiring for the signals, some of the traffic signal heads have been installed, and work is ongoing. Based on continuing conversations with Manafort's project manager, it is estimated that the signal work will be completed by the end of September. Once the traffic signals are operational, there will be a time period, approximately two weeks, when they will be set to "flash" in order to provide a transition period to advise drivers that the signals are up and will be operational. The traffic signals should be fully operational by the second week of October.

Mark E. Moriarty
Director of Public Works

30527-1 RE: BUILDING OF NEW BRIDGE ON TEN ACRE ROAD

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

Pursuant to RESOLUTION 30527, the City of New Britain Department of Public Works (DPW) has undertaken the construction of this bridge performing nearly all of the work with its own forces. In addition, the Public Works Dept. has been working closely with the purchasing department to obtain competitive quotes for the required materials and equipment.

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Precast Culvert

DPW, under the competitive bid process, solicited bids and awarded a contract to United Concrete Products for the fabrication and delivery of a pre-cast concrete culvert. A total of four (4) firms bid on the precast structure. United's low bid was \$26,950.00. The high bidder bid \$54,896.40

Equipment

DPW rented, after numerous vendor negotiations, the following pieces of equipment:
Komatsu PC-220 Excavator with excavating bucket: \$6,000.00/mnth.
6" trailer mounted pump with intake and discharge hoses: \$3,000.00/mnth.
6' Temporary Chainlink Fence with gates: \$2,000.00/mnth.

Material

DPW has purchased, after numerous vendor negotiations, the following materials.
Epoxy coated rebar for concrete reinforcement: \$5,500.00/lb
Crushed stone for Culvert base material: \$6,000.00
Class "A" and Class "F" concrete for barrier wall and footing construction: \$97.75/cy.
Damproofing of concrete structures: \$1,200.00/lb
Structure Membrane waterproofing: \$4,200.00/lb
48" Poly pipe for by-pass piping system: \$9,700.00/lb

TEN ACRE ROAD BRIDGE

<u>Item</u>	<u>Budget</u>	<u>Amount spent thru September 2, 2009</u>
Materials	\$ 250,000.00	\$25,000.00
Equipment Rentals	\$ 75,000.00	\$8,000.00
Public Works Labor and Equipment	\$125,000.00	\$17,000.00
TOTAL	\$450,000.00	\$50,000.00

As previously stated the Department of Public Works will report to the Council, at each Council meeting, updates on the progress of the project.

Mark E. Moriarty,
Director Public Works

CLAIMS COMMITTEE

30727 RE: SETTLEMENT OF CLAIMS

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, September 2, 2009 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 Jason Rector of 186 New Britain Road, Kensington, Conn. and Michael Foley, Jr., Esq. his attorney, be given leave to withdraw his claim for personal injuries sustained in an accident on July 18, 2008; and be it further

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B. RESOLVED; that Simon Morales of 9 East Lawlor Street, New Britain, Conn. and Joseph C. Morelli, Esq., his attorney, be given leave to withdraw his claim for personal injuries sustained in an accident on July 18, 2008; and be it further

C. RESOLVED; that Progressive Casualty Insurance Co. of 500 Winding Brook Drive, Glastonbury, Conn. 06033 be given leave to withdraw their claim for property damage sustained in an accident on July 18, 2008.

Alderman Gregory Gerratana
Acting Chair

COMMITTEE ON ADMINISTRATION, FINANCE AND LAW

30712-1 RE: PROPOSED AMENDMENT TO SEC. 2-770 OF THE ORDINANCES ADDING (b) CONCERNING PURCHASE AND SALES AGREEMENTS OF CITY PROPERTY

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 at a regular meeting and public hearing held on Wednesday evening, September 2, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30712 – Chapter 2 of the Code of Ordinances be amended by revising Section 2-770 – Sale and purchase of property within ninety (90) days of the date of approval voted to accept and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Gregory Gerratanna
Vice-Chairman

COMMITTEE ON PLANNING, ZONING AND HOUSING

30710-1 RE: PROPOSED AMENDMENT TO THE ORDINANCES REPLACING THE CURRENT ANTI-BLIGHT ORDINANCE WITH A NEW ANTI-BLIGHT AND CLEAN AND LEAN PROGRAM – SEC. 7-40 THROUGH 7-49

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, September 8, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of item #30710 – Sections 7-40 through 7-48 of the Code of Ordinances – Article III – Antiblght – Clean and Lien Programs be deleted in its entirety and replaced, voted to accept and recommend that the following resolution be referred back to the Common Council with a neutral recommendation.

Alderman Michael Trueworthy
Acting Chair

30680-1 RE: TERMINATION OF GROUND LEASE AND MANAGEMENT AGREEMENT WITH NEW BRITAIN GENERAL HOSPITAL REGARDING THE GEORGE A. QUIGLEY PARKING GARAGE

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, September 8, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of item #30680 – George A. Quigley Parking Garage adjacent to The Hospital of Central Connecticut – Terminate the Ground Lease and Management Agreement effective December 31, 2011

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voted to remove from tabled items, accept and recommend that the following resolution be referred back to the Common Council with a neutral recommendation.

Alderman Michael Treworthy
Acting Chair

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

30722 RE: COOPERATIVE PURCHASING, VACCINE REFRIGERATOR FOR THE HEALTH 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 standing purchase order was requested by the Health Department for the following under the State of Connecticut's Cooperative Purchasing Plan:

<u>Supplier</u>	<u>Needed Item</u>	<u>Total Price</u>
Fisher Scientific Company, LLC Houston, TX.	Revco, REL2304 Vaccine Refrigerator with accessories	\$6,778.30

The New Britain Health Department requested a purchase order for a new Vaccine Refrigerator utilizing the State of Connecticut's Contract Award #09PSX0222. The present vaccine refrigerator is old and is not operating efficiently. If it fails to operate any vaccine stored in it will be lost. With the flu season approaching the Health Department did not want the risk of the present refrigerator failing. The cost of the new Vaccine Refrigerator will be paid from a Public Health Emergency Response Funding, H1N1 State of Connecticut grant that the Health Department has already received. Funding is available for this purchase from Account Number 245-1429-4109-442, H1N1 Grant Fund.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$6,778.30 to Fisher Scientific of Houston, TX for the purchase of a new Revco, REL2304 Vaccine Refrigerator with accessories utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #09PSX0222.

Jack Pieper
Purchasing Agent

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

30725 RE: INSTALLATION OF LIGHTING AT THE STANLEY GOLF COURSE DRIVING RANGE

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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Public Bid No. 3499 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Installation of Lighting at the Stanley Golf Course for the Parks and Recreation Department, Stanley Golf Course. Funding available for this purchase is in Account Number, 213-1800-1865-H83, LOCIP, Stanley Golf Lights, Capital Improvements Account.

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) area electrical contractors. The Purchasing Agent did not receive any letters from electrical contractors on the mailing list who indicated 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 Stanley Golf Course, the Parks and Recreation Department Administration and the Purchasing Agent. Therefore the Director of Parks and Recreation is recommending that the bid be awarded to Shock Electric of Danbury, CT who was the lowest bidder.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a Purchase Order to Shock Electric of Danbury, CT for the Installation of Lighting at the Stanley Golf Course for the Parks and Recreation Department for a total price of \$34,356.00 per the terms and specifications of Public Bid No. 3499.

Jack Pieper
Purchasing Agent

Ald. Sherwood moved to accept and adopt, seconded by Ald. Bielinski. Report accepted and adopted with Ald. Hermanowski and Ald. Trueworthy opposed. Approved Sept. 11, 2009 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

30712-2 RE: **AMENDMENT TO SEC. 2-770 OF THE ORDINANCES ADDING (b) CONCERNING PURCHASE AND SALES AGREEMENTS OF CITY PROPERTY – MUST BE EXECUTED WITHIN 90 DAYS OF APPROVAL BY THE COMMON COUNCIL**

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 that any purchase and sale agreement for City property approved by the Common Council must be executed within ninety (90) days of the date of approval

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Chapter 2 of the Code of Ordinances, City of New Britain, be amended by revising Section 2-770 to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

Sec. 2-770. Sale and purchase of property.

(a) The department of property management may recommend to the mayor, subject to approval by the common council, the sale of any portion of any city property which shall not be required for public use and the revenue arising from any such sale shall be collected and paid to the city treasurer.

(b) All purchase and sale agreements of city property must be executed by both parties within ninety (90) days of approval of the transaction by the common council. In addition, the mayor shall present a report to the council at the next regularly scheduled meeting of the council at the expiration of said ninety (90) day period which includes a copy of the executed purchase and sale agreement. In the

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event a purchase and sale agreement has not been executed within said ninety (90) day period, the council's approval shall be deemed to be automatically void and of no legal effect.

Alderman Lawrence J. Hermanowski
Alderman Michael W. Trueworthy

Ald. Trueworthy moved to accept and refer back to the Committee on Administration, Finance and Law, seconded by Ald. Hermanowski. So voted. Approved Sept. 11, 2009 by Mayor Timothy T. Stewart.

30710-2 RE: AMENDMENT TO THE ORDINANCES REPLACING THE CURRENT ANTI-BLIGHT ORDINANCE 7-40 THRU 7-48, WITH A NEW ANTI-BLIGHT AND CLEAN AND LEAN PROGRAM SEC. 7-40 THRU 7-49

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 replace Article III. ANTI-BLIGHT PROGRAM, Sections 7-40 through 7-48 of the Code of Ordinances with a new anti-blight and clean and lien program. The State's Attorney's Office has been unwilling to enforce the current anti-blight ordinance due to its concerns about its constitutionality and the appeal process. These concerns have been addressed in the revisions.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article III. ANTI-BLIGHT PROGRAM, Sections 7-40 through 7-48 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

ARTICLE III. ANTIBLIGHT - CLEAN AND LIEN PROGRAM*

Sec. 7-40. Declaration of policy.

This article is authorized pursuant to Connecticut General Statutes, section 7-148(c)(7)(H)(xv). ~~It is hereby found and declared that there exists within the City of New Britain a large number of real properties which are vacant and in a blighted condition and that the existence of such vacant and blighted properties contributes to the decline of neighborhoods. It is further found that the existence of vacant and blighted properties adversely affects the economic well being of the city and is inimical to the health, safety and welfare of the residents of the city. It is further found that many of the vacant and blighted properties can be rehabilitated, reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and ancillary commercial facilities and that such rehabilitation, reconstruction, demolition and/or reuse would eliminate, remedy and prevent the adverse conditions described above. which empowers a municipality to make and enforce regulations which define and are intended to prevent housing blight, including regulations providing for reduction of assessments, maintenance of property, specification standards to determine neglect and fines for each violation of between ten dollars (\$10.00) and one hundred dollars (\$100.00) per day.~~

Sec. 7-41. Creation or maintenance of blighted premises prohibited.

No owner of real property located in the City of New Britain shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted premises.

Sec. 7-42. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

(a) Accessory structure shall mean a structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

~~(b) A blighting blighted condition shall refer to any of the conditions identified pursuant to subsection (c) below that could contribute to defining a property as blighted premises. mean any condition in which the City of New Britain determines to be in violation of and pose a significant risk to health and public safety as set forth in the Connecticut Building, Fire Safety and Public Health Codes and the Minimum Housing Code of the City of New Britain.~~

~~(c) Blighted premises shall mean any building, structure or parcel of land whether vacant or occupied in which the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police have identified at least one violation of building, housing, zoning, fire or health codes that pose a significant risk to health and safety or in which the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police have identified at least fifteen (15) occurrences in a one-year period of any of the following: violations of building, housing, zoning, fire or health codes or any of the conditions identified in subdivisions (1) or (2) of this subsection that do not pose a significant risk to health and safety.~~

~~(1) The following public safety conditions shall constitute blighting conditions:~~

- ~~a. Any felony or misdemeanor arrest on the premises.~~
- ~~b. Any felony or misdemeanor warrant issued or served to a person residing in the premises.~~
- ~~c. Any police call to the property arising from complaints by neighbors for noise, loud music or any other disturbances, which complaints have been corroborated by a responding police officer.~~

~~(2) The following building conditions shall constitute blighting conditions:~~

- ~~a. Doors, windows or other openings into houses, apartment buildings or commercial buildings which are (i) broken or missing, (ii) boarded-up with unpainted wood, metal or other material or (iii) boarded-up, but some or all of the material used to board up the windows or doors in question have been broken, pried off or apart or otherwise vandalized;~~
- ~~b. Collapsing or missing walls, floors or roof;~~
- ~~c. Exterior walls which contain holes, breaks, loose or rotting materials, which are not properly surface-coated to prevent deterioration or the paint on which is significantly discolored or faded;~~
- ~~d. Foundation walls which contain open cracks and breaks;~~
- ~~e. Overhang extensions, including, but not limited to, canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust, tearing, fading or other decay;~~
- ~~f. Chimneys and similar appurtenances which are in a state of disrepair;~~
- ~~g. Screening which contains tears or ragged edges;~~
- ~~h. Vermin infestation;~~
- ~~i. Garbage, trash or abandoned vehicles on the premises unless the premises is a junkyard licensed by the State of Connecticut;~~
- ~~j. Uncut grass, weeds or undergrowth at least one foot in length;~~
- ~~k. A fence with missing or rotted boards or with broken or ragged links or other material or which, if made from wood, is not properly surface-coated to prevent deterioration, significant discoloration or fading;~~
- ~~l. Bushes or trees allowed to grow anywhere in an area more than one foot laterally and less than seven (7) feet vertically over a walkway, driveway or street;~~
- ~~m. Accumulation of stagnant or unsanitary water;~~

- ~~n. Dead trees deemed hazardous to the public or to adjacent property;~~
- ~~o. Display lights or exterior signs in a broken or disassembled state;~~
- ~~p. Exterior paint significantly chipped or faded;~~
- ~~q. Clothing left hanging from trees, scrubs or fences in the front yard of any residence;~~
- ~~r. Interior furniture left outside, exposed to the elements;~~
- ~~s. Accumulations of feces or putrefying substances;~~
- ~~t. Vehicles parked on premises unlawfully;~~
- ~~u. Graffiti, as defined in section 7-60 of this Code of Ordinances.~~

City of New Britain determines that existing conditions to be in violation of and pose a significant risk to health and safety as set forth in the State of Connecticut Building, Fire Safety and Public Health Codes and the Minimum Housing Code of the City of New Britain.

(d) Building shall mean a fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or occupied.

~~(e) Building official shall have the meaning as set forth in Connecticut General Statutes, section 29-260. As used herein, the City of New Britain shall include the fire marshal, director of health and director of licenses, permits and inspections. In addition, references to actions taken by the fire marshal, the director of health and/or the director of licenses, permits and inspections shall also apply to similar actions taken by the subordinates or representatives of these officials.~~

(f) Dilapidated shall mean no longer adequate for the purpose or use for which it was intended or having fallen into partial or total ruin or decay.

~~(g) Housing board of appeals shall mean the housing board of appeals established in section 13-60 of the Code of Ordinances of the City of New Britain.~~

~~(hg)~~ Legal occupancy shall mean human habitation of a building that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes.

~~(ih)~~ Neighborhood shall mean an area of the city comprising buildings, structures or parcels of land any part of which is within a radius of one thousand (1,000) feet of ~~any part of another building, structure or parcel of land within said city~~ a blighted premises.

~~(ji)~~ Owner shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

~~(kj)~~ Significant risk to health or safety shall refer to conditions that would likely result in illness, injury or death if allowed to persist.

~~(hk)~~ Proximate property shall mean any building, structure or parcel of land within one thousand (1,000) feet of a blighted premises.

~~(ml)~~ Structure shall mean that which has been or is built or constructed and which is, or should be, fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks or stairways.

~~(mm)~~ Vacant shall mean a period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

~~(en)~~ Vacant parcel shall mean a parcel of land with no buildings or structures thereon.

~~(p)~~ References to actions taken by the director of licenses, permits and inspections, the fire marshal, the director of health and/or the chief of police shall also apply to similar actions taken by the subordinates or representatives of these officials.

Sec. 7-43. Enforcement. Lien for costs and expenses incurred by the City of New Britain.

~~(a) Complaints. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the director of licenses, permits and inspections.~~

~~—(b) Investigation. The director of licenses, permits and inspections shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the building inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide to the director of licenses, permits and inspections a copy of said report together with any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.~~

~~—(c) Orders to take corrective action. The director of licenses, permits and inspections shall track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any of the conditions in subdivisions (1) or (2) of subsection (c) of section 7-42 identified by any city department. If these records reveal any premises to be blighted premises, as defined in subsection (c) of section 7-42, the director of licenses, permits and inspections shall serve a notice of violation and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner can not be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. In the case of violations of subdivision (1) of subsection (c) of section 7-42, conditions shall be considered corrected if no further events identified as blighting conditions under subdivision (1) of subsection (c) of section 7-42 occur on the premises in question during any twenty-one (21) consecutive days after the effective date of the order set pursuant to subsection (c) of section 7-43 or subdivision (2) of subsection (f) of section 7-43. A copy of the order may be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.~~

~~(d) Appeal of order:~~

~~(1) Any person aggrieved by a notice or order of the director of licenses, permits and inspections issued in connection with any alleged violation of this article, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may apply to the housing board of appeals for a reconsideration of such notice or order, provided such application is made within twenty (20) calendar days after the date of the receipt of the original notice or order was sent to the owner by certified mail or in-hand service.~~

~~(2) Upon receipt of the petition, the housing board of appeals shall meet within a reasonable time for the hearing of the appeal and shall advise the petitioner in writing of the time and place where the appeal will be heard.~~

~~(e) Factors to be considered by board. In considering an appeal, the housing board of appeals should consider the following factors:~~

~~(1) Whether there is evidence to support the existence of a condition constituting a violation under this article;~~

~~(2) Whether an extension of time for compliance or a modification of the order is appropriate based upon evidence presented relating to the following:~~

~~(i) There are practical difficulties or unnecessary hardships in carrying out the strict letter of the notice or order as it applies to the specific case that outweigh the benefits to the occupants and general public.~~

~~(ii) Such an extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety and general welfare.~~

~~(iii) The extension will not serve the purpose of transferring responsibility for compliance to another party by, for example, sale or transfer of ownership.~~

~~(iv) The violations continuing during the period of the extension will not constitute a danger to the health and safety of the neighborhood or general public.~~

~~(f) Action following appeal hearing:~~

~~(1) After the hearing as provided in subsection (d) of this section 7-43, the director of licenses, permits and inspections shall sustain, modify or withdraw the notice of violation in accordance with the findings of the housing board of appeals as to whether the provisions of this article and any applicable rules or regulations adopted pursuant thereto have been complied with.~~

~~(2) If the housing board of appeals sustains or modifies a notice of violation, it shall be deemed to be an order.~~

~~(g) Judicial review of decision of board on appeal. Any person aggrieved by the final decision of the housing board of appeals on a notice of violation of this article may obtain judicial review in any court of competent jurisdiction as provided by the laws of the state by filing that appeal within fifteen (15) days of the final decision of the board. A copy of any petition filed with a court of competent jurisdiction shall be transmitted to the housing board of appeals.~~

Whenever the owner fails to comply with an order to repair, board, or demolish a building, sign, or structure and/or remove the blighting condition and the City of New Britain has made repairs, boarded, or demolished the building, sign, or structure and/or removed the blighted condition after the owner's failure to do so, reasonable costs incurred by the City of New Britain shall be a lien against the real property. The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording. The costs incurred by the City of New Britain, plus interest thereon, in the repair, boarding or demolishing of a building, sign, or structure and/or removal of the blighting condition, shall be added to the amount of taxes due on the real property where the building, sign or structure was located.

Sec. 7-44. Repairs and other corrective action; recovery of costs. Violations and penalties.

~~(a) Whenever a property owner fails, neglects or refuses to make repairs or take other corrective action specified in the order, or modified order, the city may undertake such repairs or actions, when in its judgment a failure to make them will endanger the public health, safety and welfare; and the cost of such repairs as determined by the chief building inspector will not exceed fifty (50) per cent of the fair market value as determined by the city assessor of the structure to be repaired.~~

~~—(b) Notice of the intention to make such repairs or other corrective action shall be served on the owner by certified mail.~~

~~—(c) When repairs are made or other corrective action taken by the city, the cost of such repairs and corrective action shall constitute a debt in favor of the City of New Britain against the owner of the repaired structure. In the event the owner fails, neglects or refuses to pay the City of New Britain the amount of the debt within thirty (30) days of receipt of the notice of debt, the city may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover such debt. Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.~~

~~(a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.~~

~~(b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, the City of New Britain shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall~~

be one hundred dollars (\$100.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order.

(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.

(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.

(e) A one percent per day interest charge shall be applied for failure to pay, within forty-five (45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

Sec. 7-45. Procedures for demolition. Enforcement.

~~(a) Determination of need to demolish; order; appeal. When the chief building official, or any official vested with the jurisdiction to enforce any health or safety code determines, based upon the condition of a building or structure, that the building or structure is beyond repair, that conditions exist which constitute a violation of this article, and that efforts to secure the building or structure so as to abate any condition constituting a violation have failed to abate the violation, such official may condemn the building and ask the chief building official to issue an order that the building or structure be demolished. The order shall be issued in accordance with the procedures set forth in section 7-43 of this article. The owner of such property may appeal such order in accordance with the provisions of section 7-43 of this article.~~

~~(b) Failure to comply with order to demolish. Whenever the property owner fails, neglects or refuses to comply with an order to demolish the property, the city may take any or all of the following actions to enforce the order:~~

~~(1) Institute an action in a court of competent jurisdiction for criminal prosecution of the owner for violation of this article seeking an order for payment of fines, for violation of the provisions of this article in an amount not to exceed one hundred dollars (\$100.00) for each day such violation exists;~~

~~(2) Institute a civil action in a court of competent jurisdiction seeking an injunction for abatement of the violation and/or an order for demolition of the building or structure and/or for recovery of fees imposed for violation of the provisions of this article;~~

~~(3) When in the judgment of the chief building inspector [director of licenses, permits and inspections], the fire marshal, the director of health or the chief of police, the conditions of the structure constitutes an imminent danger to the public health, safety or welfare of the neighborhood or general public so as to present an emergency situation, the city may undertake the demolition of the building or structure after giving notice to the owner of the property and shall recover the costs incurred in accordance with the provisions for recovery of costs set forth in section 7-44 of this article.~~

(a) Complaints. Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the City of New Britain.

(b) Investigation. The City of New Britain shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide a report which includes any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.

(c) Orders to take corrective action. The City of New Britain shall track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any of the conditions in subdivisions (1) or (2) of subsection (c) of section 7-42 identified by any city department. If these records reveal any premises to be blighted premises, as defined in subsection (c) of section 7-42, the City of New Britain shall serve a notice of violation and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner can not be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. A copy of the order may be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(d) The notice from the City of New Britain shall include 1) the allegations against him or her and the amount of fines, penalties, costs or fees due; 2) that the individual may contest liability before a hearing officer appointed by the mayor by delivering in person or by mail written notice within ten (10) days of the date thereof; 3) that if no hearing is demanded an assessment and judgment may be entered and issued without further notice.

Appeal of order: Any person aggrieved by any decision rendered herein may appeal pursuant to Section 1-17 of the Code of Ordinances entitled "Procedure for enforcement of municipal ordinances".

Sec. 7-46. Violations and penalties.

~~(a) Each violation of any provision of this article shall be considered a separate offense hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.~~

~~(b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, pursuant to subsection (c) of section 7-43 or subdivision (2) of subsection (f) of section 7-43, the director of licenses, permits and inspections shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall be one hundred dollars (\$100.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order. In the case of violations of subdivision (1) of subsection (c) of section 7-42, conditions shall be considered corrected if no events identified as blighting conditions under subdivision (1) of subsection (c) of section 7-42 occur on the premises in question within a period of twenty one (21) consecutive days.~~

~~(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.~~

~~(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.~~

~~(e) A one percent per day interest charge shall be applied for failure to pay, within forty-five (45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens. In addition to placing a lien against the property for failure to pay any fee arising from the enforcement of this article, the city may bring a civil action against the debtor in a court of competent jurisdiction to recover such debt.~~

~~(f) Upon failure to correct any violation of this article by the specified date, the director of licenses, permits and inspections may, in addition to other penalties and actions, bring civil or legal action~~

~~against the violator, may institute a civil action for injunctive relief to require abatement, [and/or] may initiate enforced abatement, or demolition procedures.~~

Sec. 7-47. Conflict of ordinance; effects of partial invalidity.

~~(a) In any case where a provision of this article is found to be in conflict with any existing code, ordinance or regulation of the State of Connecticut and the City of New Britain existing on the effective date of this article, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.~~

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

Sec. 7-486. Antiblght administrative procedures.

(a) Creation of blighted premises committee. The mayor or his designee shall convene a blighted premises committee consisting of the director of licenses and permits, the fire marshal, a representative of the police department, the director of health, a representative of the office of the corporation counsel, the director of municipal development and any other city staff as deemed appropriate. The chair of the building commission shall act as liaison to said committee.

(b) Responsibilities of the blighted premises committee. The blighted premises committee shall be responsible for:

- (1) Creating and maintaining a list of blighted premises within the City of New Britain;
- (2) Coordinating interdepartmental cooperation and action in inspections of blighted premises and in the enforcement of the provisions of this article;
- (3) Developing and implementing specific strategies to eliminate blighted premises within the city.

(c) Submit annual reports. The blighted premises committee shall prepare and submit a written report to the mayor annually which report shall include a list of blighted premises within the city and actions planned or taken to eliminate blighted conditions.

(d) The blighted premises committee shall also be designated as the urban homesteading agency pursuant to the Urban Homesteading Act established in section 8-169o et seq. of the Connecticut General Statutes and is authorized to take the necessary steps to acquire abandoned or blighted properties. The Urban Homesteading Act is incorporated by reference as if fully set forth herein.

Secs. 7-47 - 7-49. Reserved.

Alderman Mark H. Bernacki
Alderman Louis G. Salvio

Ald. Bernacki moved to accept and adopt, seconded by Ald. Salvio. Resolution adopted with Ald. Cruz opposed. Approved Sept. 11, 2009 by Mayor Timothy T. Stewart.

30680-2 RE: TERMINATION OF GROUND LEASE AND MANAGEMENT AGREEMENT WITH NEW BRITAIN GENERAL HOSPITAL REGARDING THE GEORGE A QUIGLEY PARKING GARAGE

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

WHEREAS, On June 19, 1985, the Common Council authorized the appropriation of \$4,900,000.00 for the construction of what is now known as the George A. Quigley Parking Garage adjacent to The Hospital of Central Connecticut; and

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WHEREAS, On January 21, 1986, an additional appropriation of \$1,300,000.00 was approved in connection with the construction of the parking garage; and

WHEREAS, New Britain General Hospital as Lessor and City of New Britain as Lessee are parties to a Ground Lease for said parking garage which is scheduled to expire on December 31, 2013; and

WHEREAS, The City of New Britain is required to vacate the parking garage as of December 31, 2013; and

WHEREAS, There is a Management Agreement scheduled to expire on December 31, 2013, whereby the City of New Britain ~~is paid \$2,000.00~~ pays \$3,971.00 per month as a Management Fee in connection with the operation of the parking garage; and

WHEREAS, The parties are interested in amending the Ground Lease and Management Agreement so that the City of New Britain's obligations terminate as of December 31, 2011; and

WHEREAS, The Hospital of Central Connecticut has agreed to pay the City of New Britain ~~the~~ an amount of not less than \$1,200,000 as consideration for the termination of the Ground Lease and Management Agreement as of December 31, 2011; now, therefore, be it

RESOLVED, That in exchange for a payment of not less than \$1,200,000, Timothy T. Stewart, Mayor, be and is hereby authorized to execute any documents on behalf of the City of New Britain which are necessary to terminate the Ground Lease and Management Agreement effective December 31, 2011.

Alderman Mark H. Bernacki
Alderman Louis G. Salvio

Ald. Bernacki moved to accept, seconded by Ald. Salvio. Motion to accept failed by voice vote.

NEW BUSINESS

RESOLUTIONS

30728 RE: AGREEMENT AUTHORIZATION – WATER RESOURCES INVESTIGATIONS

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 New Britain Board of Water Commissioners has participated for a number of years with the U.S. Department of the Interior in the water resources investigations, including collection and analysis of surface water data at the stream-gaging station located in Burlington; and,

Whereas, the project is jointly funded from Water Dept. and federal funds; for the period October 1, 2009 through September 30, 2010, funding for the program will be as follows:

New Britain Water Department	\$4,530
U.S. Department of the Interior	\$1,250

And,

Whereas, the Board of Water Commissioners at its August 11, 2009 meeting approved the program agreement; therefore, be it

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Resolved, that the Board of Water Commissioners is hereby authorized to enter into a joint funding agreement with the U.S. Department of the Interior for the above-stated purpose.

Ald. Lawrence J. Hermanowski
Common Council Liaison Water Dept.

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

30729 RE: LEASE AGREEMENT WITH THE BOARD OF WATER COMMISSIONERS FOR SPACE IN CITY HALL (10/1/2009 THRU 12/31/2012)

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 Board of Water Commissioners has been leasing space in City Hall consisting of Rooms 105, 108, and 310 pursuant to a lease agreement through August 31, 2009, and

WHEREAS, The parties are interested in a new lease agreement for the term from October 1, 2009 through December 31, 2012 for the lease of Rooms 108 and 406; and

WHEREAS, The new lease agreement provides lessee with an option to renew for an additional term of one (1) year provided that all terms are subject to re-negotiation; and

WHEREAS, The annual rent for the new lease shall be Thirty-Four Thousand Three Hundred Seventy-One Dollars (\$34,371.00) to be paid in equal monthly installments of Two Thousand Eight Hundred Sixty-Four Dollars and Twenty-Five Cents (\$2,864.25); and

WHEREAS, The Board of Water Commissioners voted to approve this lease on August 12, 2009; and

WHEREAS, The rental income derived from said lease will result in additional revenues to the General Fund of the City; now, therefore, be it

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to enter into the attached lease agreement with the Board of Water Commissioners.

(Copy of Lease Agreement on file in Town Clerk's Office)

Alderman Lawrence J. Hermanowski

Ald. Collins recused herself – she is employed by the Water Department. Ald. Hermanowski moved to accept and adopt, seconded by Ald. Bernacki. Resolution adopted with Ald. Trueworthy and Ald. Sherwood opposed. Approved Sept. 11, 2009 by Mayor Timothy T. Stewart.

Ald. Collins returned to the chambers.

30730 RE: APPROVAL OF RECEIPT OF GRANT FUNDING FROM THE STATE OF CONNECTICUT TO THE NEW BRITAIN HEALTH DEPARTMENT \$13,361

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.

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Resolution Purpose: To approve the receipt of grant funding from the State of Connecticut for fiscal year 2009/2010 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 \$13,361.

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 \$13,361 be appropriated within a special revenue fund as follows:

REVENUE:		
234-0500-0503-842	Revenue – St of CT	\$13,361
EXPENDITURES:		
234-1427-2575-113	Salaries	\$10,500
234-1427-2575-119	Fringe Benefits	\$ 152
234-1427-2575-129	Administrative Fees	\$ 800
234-1427-2575-210	Office Supplies	\$ 309
234-1427-2575-320	Professional Services	<u>\$ 1,600</u>
	Total Expenditures	\$13,361

Alderman Adam Platosz

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

30731 RE: APPROVAL OF RECEIPT OF GRANT FUNDING FROM THE STATE OF CONNECTICUT TO THE NEW BRITAIN HEALTH DEPARTMENT - \$30,258.00

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:

Program Objective: The State Department of Public Health, through the Centers for Disease Control, has notified The New Britain Health Department that they will be receiving Phase I of Public Health Emergency Response funding (H1N1) for the period beginning July 1, 2009 and ending July 30, 2010. The funding in the amount of \$30,258 is to upgrade New Britain's preparedness for response to Novel H1N1 influenza.

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 period 7/1/09 through 07/30/10.

WHEREAS; the State Department of Public Health has notified the City that funding has been awarded in the amount of \$30,258 for the period 7/1/09 through 07/30/10 for Novel H1N1 flu planning THEREFORE, BE IT

RESOLVED, that The Mayor is authorized to sign any necessary and appropriate agreements in order to secure the use of such funds for said program. This approval may be so indicated by the Town Clerk signing and attesting to this resolution; and BE IT FURTHER

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RESOLVED, that the amount of \$30,258 be appropriated into Special Revenue Fund #245, Bioterrorism Planning Program as follows:

	Pandemic Flu Preparedness	
Revenue:		
245-0500-0505-023	State of CT	\$30,258
Expenditures:		
245-1429-4109-113	Salaries	\$ 8,599
245-1429-4109-119	Fringe	\$ 126
245-1429-4109-208	Education Supplies	\$ 2,375
245-1419-4109-210	Office Supplies	\$ 4,867
245-1429-4109-221	Medical Materials	\$ 9,000
245-1429-4109-288	Training & Education	\$ 500
245-1429-4109-310	Advertising & Printing	<u>\$ 4,791</u>
	Total Flu Expenditures	<u>\$30,258</u>

Alderman Adam Platosz

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

30732 RE: LEAD PREVENTION 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:

Special Revenue Fund: Lead Poisoning Prevention Program

Program Objective: Minimizing the risk of lead poisoning in children through awareness, identification, treatment and intervention. Grant funded personnel perform outreach services within the community in order to promulgate the program plan. The initial year of grant funding, July 1993.

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

WHEREAS; the State of Connecticut Department of Public Health has previously notified the City that this grant would be renewed for Fiscal Years 7/1/08 through 6/30/10 in the amount of \$102,268.00 (\$51,134.00 per year) and

WHEREAS; the State of Connecticut Department of Public Health has recently notified the City that this grant may be renewed for fiscal years 7/1/09 through 6/30/10 in the amount of \$51,134.00, SO, THEREFORE BE IT,

RESOLVED; that upon review and approval by the Board of Health Commissioners, the Mayor be authorized to sign any necessary and appropriate agreements in order to secure the use of such funds for the program. This approval may be so indicated by the town clerk signing and attesting to a confirmation form upon passage of this resolution as requested by the State of Connecticut Department of Public Health, and BE IT FURTHER

RESOLVED; that a special revenue fund, Lead Poisoning Prevention, #224, be established for the purpose of recording all income and expenditure activity for this program, reflecting an authorized expenditure budget of \$51,134.00 and estimated income from the State of Connecticut of \$51,134.00 for fiscal years 7/1/09 through 6/30/10.

Revenues:	Original
224-1000-5516-000 State of Connecticut	\$51,134.00

Expenditures:	
224-1000-5516-113 Salaries	\$43,529.00
224-1000-5516-119 Fringe Benefits	\$0
224-1000-5516-120 Employer Contribution-MERF	\$0
224-1000-5516-125 Worker's Compensation	\$1,368.00
224-1000-5516-129 Administrative Overhead	\$1,200.00
224-1000-5516-142 MEDICARE	\$632.00
224-1000-5516-209 Medical Supplies	\$1,000.00
224-1000-5516-210 Office Supplies	\$555.00
224-1000-5516-221 Operating Material & Supplies	\$875.00
224-1000-5516-286 Telephone	\$200.00
224-1000-5516-288 Education & Training	\$1,175.00
224-1000-5516-310 Advertising & Printing	\$600.00
224-1000-5516-375 Recruitment & Training	\$0
224-1000-5516-379 Travel & Transportation	<u>\$0</u>
Total Expenditures:	\$51,134.00

Alderman Adam Platosz

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

30733 RE: BUDGET APPROPRIATION – NEW BRITAIN POLICE DEPARTMENT – STATE GRANT

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

WHEREAS, the State Office of Policy and Management (OPM) has previously awarded the New Britain Police Department a \$150,130 grant to work with victims of domestic violence, and this award was accepted in resolution form by the Common Council, and

WHEREAS, this grant requires no cash match by the City with the funding provided by federal funding at a rate of 75% and the remaining 25% paid by the State of Connecticut, and,

WHEREAS, the State has increased the grant amount by \$32,500, with the increase being allocated for police overtime and to pay for a contractual worker in the Police Department from Prudence Crandall. In addition the State has extended the grant award period 3 months to December 31, 2009, and

WHEREAS, the purpose of this resolution is to combine this increase with the original allocation and previous increases, all to be used within the period from October 1, 2008 to December 31, 2009, and THEREFORE BE IT

RESOLVED, that Mayor Timothy Stewart be authorized to execute all grant documents with the State Office of Policy and Management and to sign the Memorandum of Agreement with the Prudence Crandall Center on behalf of the City of New Britain for the Domestic Violence Grant, AND BE IT FURTHER

RESOLVED, that a budget amendment be made for the Domestic Violence Grant to formally appropriate \$182,630 of the funds accumulated in that fund as follows:

Revenue:		Original Budget	Budget Amendment	Revised Budget
267-0500-0505-023	Revenue – State of CT	\$ 37,533	\$ 8,125	\$ 45,658
267-0500-0505-818	Revenue – Federal Government	<u>112,597</u>	<u>24,375</u>	<u>136,972</u>
	Total Revenue	\$150,130	\$ 32,500	\$182,630

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Expenditures:				
267-1000-1824-111	Overtime (Service domestic violence related arrest warrants)	\$ 93,975	\$17,620	\$111,595
267-1000-1824-221	Office Supplies	1,000	2,595	3,595
267-1000-1824-320	Contractual (Prudence Crandall)	44,000	14,880	58,880
267-1000-1824-442	Department Equipment	<u>11,155</u>	<u>(2,595)</u>	<u>8,560</u>
	Total Expenditures	\$150,130	\$32,500	\$182,630

Ald. Suzanne Bielinski - Police Liaison
Ald. Roy Centeno - Police Liaison
Ald. Silvia Cruz - Police Liaison
Ald. Lawrence J. Hermanowski - Police Liaison

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

30734 RE: STIPEND FROM THE DEPT. OF EMERGENCY MANAGEMENT & HOMELAND SECURITY TO THE NEW BRITAIN FIRE DEPARTMENT

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

Whereas, The New Britain Fire Department has applied for the Emergency Operations Center (EOC) Computer Stipend from the Department of Emergency Management & Homeland Security and:

Whereas, the New Britain Fire Department has requested funding to purchase a computer and software for its Emergency Operations Center.

Whereas, the New Britain Fire Department has been awarded a total of \$1,298 for these purposes and is on a reimbursement basis.

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

Revenue:		
226-0517-0503-023	State of CT	\$1,298
Expenditures:		
226-1221-2210-221	Operating Supplies & Materials	\$1,298

Suzanne Bielinski
Tonilynn Collins

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

30736 RE: BUDGET ADOPTION – N.B.P.D. – STATE FUNDING IN THE AMOUNT OF \$5,834.24

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

Whereas, the State of Connecticut, has previously given the New Britain Police Department funding in FY 2009 to assist Central Connecticut State University (CCSU), to address problems off campus, and

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Whereas, these funds are to be used to work in collaboration with the CCSU Police Department to conduct Driving Under the Influence (DUI) checkpoints and increase police patrols and law enforcement in the Belvidere Neighborhood, and

Whereas, the original grant funds, in the amount of \$11,454, are to be augmented with a second allocation of \$5,834.24, for a total of \$17,288.24. These funds continue to be used for officer overtime as set forth in the budget listed below, and require no cash match from the City. The period of the grant remains from November 15, 2008 through September 30, 2009, and

Whereas, that Mayor Timothy Stewart be authorized to execute all grant documents with the State of Connecticut on behalf of the City of New Britain for the assistance of the CCSU Police Department in the Belvidere Neighborhood, in the sum of \$17,288.24, Therefore be it

Resolved, that an additional sum of \$5,834.24 be appropriated within the special revenue account structure as follows:

Revenue:		<u>Original</u>	<u>Added</u>	<u>Total</u>
217-0500-0505-023	Revenue – State	\$11,454	\$5,834.24	\$17,288.24
Expenditures:				
217-1600-1808-111	Police Overtime	\$11,454	\$5,834.24	\$17,288.24

Ald. Suzanne Bielinski - Police Liaison
Ald. Roy Centeno - Police Liaison
Ald. Silvia Cruz - Police Liaison
Ald. Lawrence J. Hermanowski - Police Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved Sept. 11, 2009 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 at 9:25 p.m.

ATTEST: Peter J. Denuzze, City Clerk