

October 14, 2009

**REGULAR MEETING OF THE COMMON COUNCIL**  
**OCTOBER 14, 2009**

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 14th day of October 2009 at 7:42 p.m. in the Common Council Chambers, City Hall.

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

Three members were absent: Ald. Rocha, Gerratana, and Cruz.

City Clerk, Peter J. Denuzze, 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.

Ald. Trueworthy moved to accept and adopt the minutes of the Regular Meeting of September 9, 2009, seconded by Ald. Bielinski. So voted.

**PETITIONS**

- 30775           ALD. BLACK FOR INSTALLATION OF A "STOP" SIGN ON THE CORNER OF  
LAWLOR STREET AND EAST LAWLOR ST. REFERRED TO THE BOARD OF  
POLICE COMMISSIONERS.**
- 30776           ALD. BLACK FOR INVESTIGATING SPEEDING, LOUD MUSIC AND LOITERING ON  
LAWLOR STREET. REFERRED TO THE BOARD OF POLICE COMMISSIONERS.**
- 30777           ALD. BERNACKI AND ALD. SALVIO FOR INVESTIGATING EXCESSIVE TRUCK  
TRAFFIC ON EDDY GLOVER BLVD. REFERRED TO THE BOARD OF POLICE  
COMMISSIONERS.**
- 30778           ALD. BERNACKI AND SALVIO FOR REMOVING NO PARKING RESTRICTIONS ON  
THE NORTHEASTERLY PORTION OF STRATFORD ROAD FROM STANLEY  
STREET TO CUL-DE-SAC. REFERRED TO THE BOARD OF POLICE  
COMMISSIONERS.**
- 30779           ALD. COLLINS FOR MONITORING AND ENFORCING THE SPEED LIMIT ON ELLIS  
AND COLLINS STREETS. REFERRED TO THE BOARD OF POLICE  
COMMISSIONERS.**
- 30780           ALD. CRUZ FOR REPAIRING SIDEWALKS ON THE CORNER OF GLEN STREET  
AND DIVISION STREET. REFERRED TO THE DEPT. OF PUBLIC WORKS.**
- 30781           ALD. TRUEWORTHY FOR INSTALLATION OF CURBING ON THE NORTH SIDE OF  
BROOK STREET BETWEEN LOGAN STREET AND SOUTH MAIN STREET.  
REFERRED TO THE DEPARTMENT OF PUBLIC WORKS.**
- 30782           ALD. COLLINS FOR PATCHING A POTHOLE ON THE CORNER OF DEWEY STREET  
AND EAST MAIN STREET. REFERRED TO THE DEPARTMENT OF PUBLIC  
WORKS.**
- 30783           ALD. CRUZ FOR TRIMMING OVERGROWN BRUSH CAUSING BLIGHT CONDITIONS  
IN FRONT OF 98 HART STREET. REFERRED TO THE DEPT. OF LICENSES,  
PERMITS & INSPECTIONS.**

**30784 ALD. CRUZ FOR TRIMMING OVERGROWN BRUSH AND DEBRIS CAUSING BLIGHT CONDITIONS LOCATED AT THE CORNER OF CAMP STREET AND HART STREET. 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 present voted in favor. Approved October 16, 2009 by Timothy T. Stewart, Mayor.

**CONSENT AGENDA**

**CITY CLERK**

**30760 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

- Candelario, Roberto
- Chase, Bonnie by her Atty. David A. Zipfel
- Despina, Louisa A.
- Roberts, Colleen by her Atty. Vincent F. Sabatini
- Sirois, Paul J.

Peter J. Dennuzze  
City Clerk

**CITY PLAN**

**30699-1 RE: PROPOSED AMENDMENT TO THE ZONING MAP TO CHANGE THE ZONE OF PORTIONS OF A PARCEL OF LAND AT 382 ALLEN ST. FROM S-3 (SINGLE-FAMILY) TO B-1 (NEIGHBORHOOD BUSINESS)**

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

The City Plan Commission, at its regular meeting held on September 21, 2009 voted 4 to 0 to recommend that this proposed zone change be approved.

BACKGROUND: The proposed zone change encompasses two small portions of a 24,200 square foot (.55 acres) property, that is situated on the northeastern corner of Allen Street and Carlton Street. It is the site of Roma's Restaurant and the business's associated parking. The property is 150 feet in length along Carlton Street and 165 feet in width along Allen Street. The B-1 zoned portion of property where the restaurant is sited is an unusual "L" shape that totals 14,700 square feet in area. The S-3 zoned portions of the property consist of a 60 by 75 foot square at the northwestern corner and a 40 by 125 foot strip along the eastern boundary. The S-3 zoned square at the northwestern corner is occupied by parking; the 40-foot S-3 strip along the eastern property line is vacant, partially-grassed lawn, though portions are gravel and appear to be used for parking.

**FINDINGS:** It is not exactly clear what various processes of zone changes, variances, building modifications and property transactions have, over the years, resulted in the current configuration of property and zoning lines. The restaurant building is a three-story, wood-frame structure which appears to have been originally constructed as a three-family house around 1920. Two residential apartment units remain on the upper floors of the building. Portions of the property were zoned residential, apparently as far back as 1927. This current zone change is proposed essentially as a “house-keeping” matter, a means of correcting the zoning line to correspond to the property lines and use of the property.

**ZONING CONSIDERATIONS:** The proposed B-1 zoning would result in the entire business property falling within the B-1, neighborhood business zone, and is a logical extension of the neighboring B-1 zone on the opposite side of Carlton Street and along the southern frontage of Allen Street. It would serve to make the accessory parking on the property more conforming rather than legally nonconforming as it is now. Some nonconforming conditions would remain, such as the existing parking within the required transitional yard along the neighboring residential properties. An important improvement with the B-1 zoning, and part of the impetus for this zone change, is that the B-1 zoning would allow the property owner to install a 6-foot privacy fence to buffer the adjoining residential properties, where under the current S-3 zoning the portions of fence within 25 feet of the streetline would be restricted to 4 feet in height. This zone change would serve to allow the property owner to legally install fences that give improved privacy and buffering to the adjoining residential properties.

**CONCLUSION:** The subject property has long been used as a business property and this zone change would be appropriate and consistent with this use of the property. It is a logical extension of the adjoining B-1 zoning district and serves to unify the property under a single zone, making the zoning lines consistent with the property lines. This change in zone does not alter the potential for any change in use on the property or any potential for additional expansion on the site, since the property appears to be at near maximum use now, with the limiting factors being the required off-street parking and the B-1 zone’s required yard and transitional zone setbacks.

**RECOMMENDATION:** The City Plan Commission is of the opinion that this is a minor correction of the zoning lines that is consistent with the long-established use of the property. The Commission also feels that the change would be beneficial to the neighborhood in allowing the installation of improved screening fences along the adjoining residential property lines, a measure that the Commission would strongly encourage. The Commission therefore, recommends adoption of this zoning change.

G. Geoffrey Bray  
Chairman, City Plan Commission

## **OFFICE OF THE CORPORATION COUNSEL**

**30761 RE: CHARLES FORD VS. DAVID M. LORE, 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:

Please be advised that the Honorable Judge Warren W. Eginton of the United States District Court has dismissed the matter of Charles Ford v. David M. Lore, et al. The Office of Corporation Counsel represented the City of New Britain and New Britain Police Department. The claim arose from an incident that occurred on May 11, 2000, when the plaintiff was boarding a New Britain Transit bus. Plaintiff claimed that the bus driver, defendant Lore, shut the door on him while he was attempting to board the bus.

The Court dismissed the complaint based on the doctrine of res judicata and plaintiff’s failure to state a claim. Plaintiff initially brought this action based on the identical facts in state court, which action was removed to federal court. The claims were dismissed due to plaintiff’s failure to allege factual allegations that stated any viable federal claims and due to court’s lack of diversity jurisdiction over any state claim. The Second Circuit affirmed the dismissal. This claim arose from the same transaction and, thus, res judicata applied.

Irena J. Urbaniak  
City Attorney

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**30762 RE: KELVIN NEGRON, ADMINISTRATOR ESTATE OF JESUS NEGRON V. JOHN CARLONE 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:

Please be advised on September 28, 2009, in the matter of Negron v. Carlone, et al, the jury in the United States District Court at New Haven brought in a unanimous verdict in favor of John Carlone and Jill Thompson. This was an excessive force case against two New Britain police officers filed by Kelvin Negron, Administrator of the Estate of Jesus Negron. Mr. Negron, age 29, on July 11, 2006, the date of his death, was suffering from a drug induced psychotic episode. While in police custody, he was repeatedly tasered by the defendants due to his failure to comply with police orders. The jury unanimously found that the plaintiff did not prove that Negron's Fourth Amendment rights were violated by the use of excessive force and verdict was rendered in favor of the defendants.

Irena J. Urbaniak  
City Attorney

**30763 RE: JOHN S. KAMINSKI V. DETECTIVE HAYES, 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:

Please be advised that the Honorable United States District Judge Christopher Droney has granted the City defendants' motion to dismiss and has directed the Clerk of the Court to enter judgment and close the case. The action had been brought against Chief of Police Gagliardi, Detective Sergeant Hayes, Detective Wardwell, Mayor Tim Stewart and the City of New Britain.

The plaintiff challenged the search of his residence pursuant to the warrant issued to Detectives Wardwell and Hayes on the grounds that the affidavit in support of the warrant included false statements and omitted material information. While executing the search warrant, New Britain police officers seized various items of evidence, including photographs of the plaintiff engaged in sexual acts with unconscious minors. Based on the photographs, plaintiff was charged with multiple counts of sexual counts. Plaintiff pled guilty to six counts of sexual assault in the first degree. The Connecticut Appellate Court affirmed the conviction.

Plaintiff had asserted that during the preliminary stages of his criminal case, he sent letters to Mayor Stewart and State Police Commissioner Boyle, who forwarded his letter to Chief Gagliardi seeking an investigation of the alleged false statements in the search warrant affidavits and the illegal search. Plaintiff alleges neither the Mayor nor Chief responded. The Court determined that the plaintiff does not have a constitutional right to an investigation by the Mayor or the Police Chief about whom he complained.

As to the claim against the City of New Britain, plaintiff had failed to allege any facts supporting a claim of municipal liability, therefore, did not state a claim against the defendant City of New Britain.

Plaintiff claims Detective Wardwell and Sergeant Hayes in their affidavit had omitted relevant information and referenced information contained in a state police document which had been forged by the detectives. A Superior Court found probable cause to issue the search warrant. New Britain Police executed the warrant, seized evidence which resulted in the plaintiff's arrest on sexual assault charges. Our Office argued that plaintiff's Fourth Amendment claim against Wardwell and Hayes is barred by the Supreme Court's decision in Heck v. Humphrey because plaintiff was convicted of sexual charges and the conviction had not been overturned. The Court agreed with our argument and dismissed the count on that ground.

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As to the conspiracy count, the Court agreed the plaintiff did not assert any specific allegations that any of the defendants entered into any agreement with each other to commit fraud. Plaintiff's allegations failed to state a claim upon which relief may be granted.

Qualified immunity was granted as to malicious prosecution.

Irena J. Urbaniak,  
City Attorney

## **PURCHASING DEPARTMENT**

### **30764 RE: #2 FUEL OIL FOR THE 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. 3485 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Purchase of #2 Fuel Oil for heating of City Buildings during the 2009-2010 winter season for the Department of Property Management. Funding is available for this purchase from the Department of Property Management's Account Number 001-1122-5120-384, General Fund, Heating Fuel.

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-three (23) Oil Companies. The Purchasing Agent did not receive any letters from the Oil Companies on the mailing list who indicated that they could not respond to the bid request. Responses were stated as a differential price per gallon above the Low New Haven Harbor Pricing of \$1.742 per gallon that was posted in the Journal of Commerce on September 14, 2009 and a fixed price per gallon. Bids received are on file in the Town Clerk's Office.

The bid was reviewed for conformance to specifications by the Department of Property Management's Administration and the Purchasing Agent. Therefore, the Superintendent of Property Management is recommending that the bid for #2 Fuel Oil be awarded on a differential pricing per gallon over the low New Haven Harbor pricing at the time of delivery to Dime Oil of Waterbury, CT who submitted the lowest price. Dime Oil has supplied the City with this #2 Fuel Oil during the 2008-2009 winter season.

RESOLVED: That the Purchasing Agent be and is authorized to enter into a contract and issue a standing purchase order for #2 Fuel Oil with Dime Oil of Waterbury, CT for the quoted differential of \$0.0469 above the low New Haven Harbor Pricing Posted in the Journal of Commerce at the time of delivery of the #2 Fuel Oil for a period from October 15, 2009 to October 14, 2009 per the pricing, terms and specifications of Public Bid No. 3495.

Jack Pieper  
Purchasing Agent

### **30765 RE: REPLACEMENT OF THE WINDOWS AT FIRE STATION #1 AND #2 FOR THE N.B. 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. 3497 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Replacement of the Windows at Fire Station #1, and #2 for the New Britain Fire Department. Funding is available for the replacement of the windows at Fire Station #1, and #2 in the Fire Department's account 213-1800-1865-H74, LOCIP, Window Replacement, Fire Stations #1 and #2, Capital Improvements.

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-seven (27) Window Manufacturers or Window Replacement Contractors in the area. The

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Purchasing Agent did not receive any letters from the Window Manufactures or Window Replacement Contractors on the mailing list who indicated that they could not respond to the bid request. The responses received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Fire Department Administrative Staff, the Fire Chief and the Purchasing Agent. Therefore the Fire Chief is recommending that the bid for the Replacement of the Windows at Fire Station #1, and #2 be awarded to Shield Media, LLC of West Hartford, CT who was the lowest bidder.

RESOLVED: That the Purchasing Agent is authorized to enter into a contract with and issue a Purchase Order for \$18,600.00 to Shield Media, LLC of West Hartford, CT for the Replacement of the Windows at Fire Station #1, and #2 per the terms and specifications of Public Bid No. 3497.

Jack Pieper  
Purchasing Agent

**30766 RE: LIQUID CORROSION INHIBITOR, CALCIUM CHLORIDE FOR THE PUBLIC WORKS DEPARTMENT**

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

Public Bid No. 3501 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase of Liquid Corrosion Inhibitor, Calcium Chloride, for the Public Works Department. Funding is available for the purchase of this Liquid Corrosion Inhibitor, Calcium Chloride, in the Public Works Department's account, 001-1330-3116-221, General Fund, Snow Removal, Operating Material and Supplies.

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 twelve (12) Chemical Companies. The Purchasing Agent did not receive any letters from the Chemical Companies on the mailing list who indicated that they could not respond to the bid request. The response received are on file in the Town Clerk's Office.

The bid was reviewed for conformance to specifications by the Public Works Department's Administration and the Purchasing Agent. Reed Systems LTD who submitted the lowest bid for the 2009/2010 winter season did not submit a bid for Liquid Corrosion Inhibitor, Calcium Chloride but for Envirobrine Liquid Melting Agent and Soil Stabilizer. Reed Systems LTD indicated in their bid documents that they did not want the City to accept their bid in place of the Liquid Corrosion Inhibitor, Calcium Chloride but accept it as an additional, alternate product. Therefore the Director of the Public Works Department is recommending that the bid be awarded to James Reed Sales, Inc of Athens New York who met all bid specifications and was the lowest bidder for this Liquid Corrosion Inhibitor, Calcium Chloride.

RESOLVED: That the Purchasing Agent is authorized to issue a standing purchase order and enter into a two (2) year contract with James Reed Sales, Inc of Athens, NY for Liquid Corrosion Inhibitor, Calcium Chloride for a price of \$.93 per gallon from October 15, 2009 to October 14, 2010 and a price of \$.93 per gallon from October 15, 2010 to October 14, 2011 per the terms, conditions and specifications of Public Bid No. 3501.

Jack Pieper  
Purchasing Agent

**30767 RE: ON-CALL ENGINEERING SERVICES ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) APPLICATION FOR THE PINNACLE HEIGHTS SITE DEVELOPMENT**

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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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: Economic Development Administration (EDA) Application  
for the Pinnacle Heights Site Development  
Vendor: Maguire Group Inc.  
Amount: \$33,890.00  
Line Items: 008-4165-2189-432, Capital Improvements, Pinnacle  
Heights Demolition Account  
Requested By: Public Works Department

Scope: The Economic Development Administration has approved the submittal of a formal application from the City for funding to make the Pinnacle Heights area available for economic development. As part of the formal application process for obtaining the funding from the EDA, submission of an engineering report is required. The Maquire Group, Inc is familiar with the project and has worked with other municipalities in the preparation of EDA applications. The Maguire Group, Inc will create the required engineering documents that will provide project information, cost estimates, environmental reports, traffic studies and methods of construction. They will also prepare construction documents, sketches of the proposed infrastructure, buildings, and roadways associated with the project. The Maguire Group will assist in the preparation of any permit applications. They will attend any Public or City Departments meetings associated with this project.

Jack Pieper  
Purchasing Agent

**30769 RE: PRINTING OF ABSENTEE AND POLLING PLACE BALLOTS FOR NOV. 2009  
ELECTION – CITY CLERK’S OFFICE**

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 2-541 a purchase order has been requested by the City Clerk’s Office for the purchase of the printing of Election, Absentee and Polling Ballots for the November 2009 elections. The area printer is the sole source vendor for these ballots.

<u>Supplier</u>	<u>Services</u>	<u>Price</u>
Adkins Printing New Britain, CT.	Printing of Municipal Election Ballots	\$8,000.00

The Purchasing Agent has verified that Adkins Printing of New Britain, CT is a sole source supplier of these ballots. Adkins Printing printed the Presidential Election Ballots for the City in October 2008. The Purchasing Agent has been in direct contact with the Secretary of the State’s Office. He was informed that with the new voting system and the importance of the accuracy of the printing of these ballots that the Secretary of State decided to have only one company print the ballots so there could be no errors. The Secretary of the State’s Office made Adkins Printing of New Britain the sole source supplier of these ballots. All Towns and Cities have to order these ballots from Adkins Printing. Funding for the purchase of the printing of these ballots is available from account 001-1154-1540-211, City Clerk, General Fund, Election Supplies.

Resolved: that the Purchasing Agent is hereby authorized to issue a Purchase Order for \$8,000.00 to Atkins Printing of New Britain for the Printing of Municipal Election, Absentee and Polling Ballots for the November 2009 elections for the City Clerk’s Office.

Jack Pieper  
Purchasing Agent

**PARKS AND RECREATION DEPARTMENT**

**30654-1 RE: TRIMMING OF TREES ON PENDLETON ROAD BETWEEN KILBOURNE AVE. AND LYLE ROAD**

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

The Common Council Petition #30654 was referred to the Parks and Recreation Department for action.

In response to Petition #30654, all of the trees on Pendleton Road, between Kilbourne Avenue and Lyle Road were inspected and pruned. The work was completed as of August 12, 2009.

This report was approved by the Parks and Recreation Commission on September 10, 2009.

William DeMaio  
Director, Parks and Recreation

**DEPARTMENT OF PUBLIC WORKS**

**30569-1 RE: CURBING INSTALLED – 183 AND 197 LINDEN STREET**

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

Public Works crews installed curbing along the frontage of 183 and 197 Linden Street on September 30, 2009.

Mark E. Moriarty,  
Director Public Works

**30527-2 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.

Material, Equipment Rentals and Public Works Labor and Equipment thru October 1, 2009 are as follows:

**Material**

Concrete	\$2,288.00
Rebar	\$2,885.00
Concrete Form Liner	\$6,044.00
Precast Concrete Culvert	\$26,950.00
Membrane Waterproofing	\$3,556.00
By-Pass Piping System	\$9,538.00
“River Jack” Stone	\$494.00
Crushed Stone	\$2,730.00
Storm Drainage Piping	\$414.00
Sand Bags	\$390.00
Block, Brick, Cement	\$1,650.00
Misc. Concrete Materials	\$2,650.00
Concrete Formwork Contractor	<u>\$1,295.00</u>

**Sub-Total Materials \$60,884.00**

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**Equipment**

DPW rented, after numerous vendor negotiations, the following pieces of equipment:

Komatsu PC-220 Excavator with excavating bucket:	\$12,520.00
6" trailer mounted pump with intake and discharge hoses:	\$9,000.00
180 Ton Crane with operation crew	\$8,045.00
Temporary Construction Fence	<u>\$5,509.00</u>
<b>Sub-Total Equipment</b>	<b>\$35,074.00</b>
<b>Sub-Total Labor</b>	<b>\$25,632.00</b>

TEN ACRE ROAD BRIDGE

<u>Item</u>	<u>Budget</u>	<u>Amount spent thru October 1, 2009</u>
Materials	\$250,000.00	\$60,884.00
Equipment Rentals	\$ 75,000.00	\$35,074.00
Public Works Labor	\$125,000.00	<u>\$25,632.00</u>
<b>TOTAL</b>	<b>\$450,000.00</b>	<b>\$119,590.00</b>

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

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

**PURCHASING DEPARTMENT**

**30768 RE: ON-CALL ENGINEERING SERVICES PUMP EFFICIENCY STUDY AT HART POND  
RAW WATER PUMPING STATION**

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: Pump Efficiency Study at the Hart Pond Raw Water Pumping Station

Vendor: Tata & Howard, Inc.

Amount: \$23,000.00

Line Items: 930- 1000-9060-XEG, Water Department Operating Fund, Outside Services

Requested By: Water Department

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Scope: Tata & Howard, Inc will perform a general inspection of the Hart Raw Water Pump Station to review all of the system's components, its operations and maintenance procedures. Test will also be conducted to the water pump during its operation to determine its discharge pressure, water flow, electricity usage and motor efficiency. Tata and Howard, Inc will then compare their test results with data and records that are kept by the Water Department. This will help Tata & Howard, Inc to identify improvements that can be made to increase the overall efficiency of the Pumping Station. Tata & Howard will create preliminary designs for any needed improvements to the Pumping Station. They will then meet with the Water Department to discuss their inspection and testing results as well as any needed improvements that should be made to the Pumping Station.

Jack Pieper  
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved October 16, 2009 by Mayor Timothy T. Stewart.

Ald. Catanzaro and Ald. Collins recused themselves in regard to the following two reports of the Committee on Planning, Zoning and Housing – they did not attend the Planning, Zoning and Housing Committee meeting nor did they listen to the tape.

### **COMMITTEE ON PLANNING, ZONING AND HOUSING**

#### **30699-2 RE: CHANGE OF ZONE – S-3 (SINGLE FAMILY) ZONED PORTIONS OF THE PROPERTY AT 382 ALLEN STREET TO B-1 (NEIGHBORHOOD BUSINESS)**

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

The Common Council as the Zoning Authority of the City of New Britain gave due and legal notice of a time and place for a public hearing in reference to Item #30699 – Amend Zoning Map to change the S-3 (Single Family) zoned portions of the property at 382 Allen Street to B-1 (Neighborhood Business), so that entire business property falls within the B-1 zoning district. Said hearing was held on Tuesday evening, October 6, 2009 at 7:00 p.m. in the Council Chambers of City Hall, 27 West Main Street, New Britain, Connecticut.

The City Plan Commission, at a regular meeting held on September 21, 2009 voted 4 to 0 to recommend that this proposed zone change be approved.

The Common Council as the Zoning Authority of the City of New Britain voted to accept the following proposed zone change to the Zoning Map and refer back to the Common Council with a neutral recommendation.

To amend Zoning Map to change the S-3 (Single Family) zoned portions of the property at 382 Allen Street to B-1 (Neighborhood Business), so that entire business property falls within the B-1 zoning district.

Alderman Michael Trueworthy  
Acting Chair

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved October 16, 2009 by Mayor Timothy T. Stewart.

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**30754-1 RE: GRANTING CERTIFICATE OF LOCATION – MOTOR VEHICLE GENERAL REPAIRER’S AND AUTO DEALER’S LICENSE – 710 ALLEN STREET JOEL SANTIAGO AND RAFFAEL CORDERO**

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 public hearing and regular meeting held on Tuesday evening, October 6, 2009 at 7:00 p.m. in the Council Chambers to which was referred the matter of Joel Santiago and Rafael Cordero seeks granting of certificate of location approval to allow motor vehicle general repairer’s and auto dealer’s license for property at 710 Allen Street voted to accept and recommend that the following petition be referred back to the Common Council with a neutral recommendation.

Alderman Roy Centeno  
Acting Chair

#30754

To His Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to petition your Honorable body:

In accordance with CGS Section 15-54, Joel Santiago and Rafael Cordero seeks granting of a certificate of location approval from the Common Council, acting in its capacity as Zoning Commission of the City of New Britain, in order to allow a motor vehicle general repairer’s and auto dealer’s license for property at 710 Allen Street.

Said property is zoned B-3, which allows auto repair and auto dealers by right.

Alderman Mark H. Bernacki

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved October 15, 2009 by Mayor Timothy T. Stewart.

Ald. Catanzaro and Ald. Collins returned to the Chambers.

**NEW BUSINESS**

**RESOLUTIONS**

**30770 RE: CONTRACT WITH INFRASTRUCTURE MANAGEMENT GROUP, INC. FOR BUSINESS STRATEGY AND FINANCIAL PLANNING SERVICES – NEW SOLID WASTE TRANSFER STATION – CHRISTIAN LANE**

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 is under consent order from the Connecticut Department of Environmental Protection to cease it’s landfill filling and transfer station operations at the Deming Road Facility by December of 2013;

WHEREAS, The City needs to plan and prepare for the future handling of waste streams currently handled at the existing Deming Road landfill and recycling center;

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WHEREAS, The City is currently designing and is proposing to build a residential recycling facility and solid waste transfer station at the 7.11 acre site of the old located at 642 Christian Lane in the Town of Berlin;

WHEREAS, The City has a contractual obligation to handle by-pass waste from the Bristol Resource Recovery Facility Operating Committee (BRRFOC), and in return BRRFOC has committed \$1,000,000 in funding for the construction of a new transfer station at the Christian Lane site;

WHEREAS, the City has been awarded a \$400,000 R.P.I. Grant from the State of Connecticut for engineering and design services related to the design and permitting of the transfer station;

WHEREAS, the City established the Transfer Station Bond, and funding for this project is available in account number 008-3003-4055-324, therefore, be it

RESOLVED, that the Public Works Department is hereby authorized to enter into a contract with Infrastructure Management Group, Inc., for the sum of \$55,000 for business strategy and financial planning services related to the operation of a new solid waste transfer station located on Christian Lane.

Aldersperson Lori Rocha  
Aldersperson Phil Sherwood

Ald. Sherwood moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved October 16, 2009 by Mayor Timothy T. Stewart.

Ald. Collins and Ald. Hermanowski recused themselves in regard to resolution 30771 and 30772 due to a possible conflict of interest – they each have a relative working for the after school program.

**30771 RE: 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTER GRANT IN THE AMOUNT OF \$121,486 COHORT 3**

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: This 21st Century Community Learning Center grant provides comprehensive after school programming at two elementary schools (Gaffney and Lincoln). Students in grades three through five are targeted to attend the after school program from 3:15 to 5:15 p.m. The three major components of the after school program are education, recreation, and cultural arts.

Initial Year of Grant Funding: July 1, 2006.

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

Resolution Purpose: The Parks and Recreation Department is requesting approval of a 21st Century Community Learning Center Grant in the amount of \$121,486 for the fourth year of a five year grant. This is year four of the five year grant, and the Parks and Recreation Department is respectfully requesting that the Finance Department set up expenditures and revenue accounts, and,

WHEREAS, the City, through its Parks and Recreation Department, will be receiving a CT 21st Century Community Learning Centers Grant for elementary after school programs for a five year grant period, this being the fourth year. The total funding over five years is over \$688,000. Funding has been granted for this program that will provide services such as athletic and recreational activities, tutoring, and mentoring to City youth in a youth center environment, and

WHEREAS, the State will match \$50,000 of In-Kind services. Examples of these in-kind services are equipment rental, facility rental and Hepatitis B shots, and

WHEREAS, the CT 21st Century Community Learning Center monies will pay for personnel and administrative cost associated with the proposed programming strategy for the period of July 1, 2009, through September 30, 2010 therefore, be it

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RESOLVED, that the amount of \$121,486 be appropriated in the City's special revenue fund account structure in accordance with the requirements of the grantor agency. The account number is to be established by the Finance Director, then it be further

RESOLVED, that the Finance Department is authorized to enter into agreement with required consultants specified by the State of Connecticut Department of Education for evaluation, computerization, and training purposes, fully funded by the grant money, then it be further

NOW, THEREFORE BE IT RESOLVED, that the Common Council authorizes Mayor Timothy Stewart to sign appropriate documents required for this grant.

		<u>Original</u>
236-0500-0505-023	Revenue – State of CT	\$ 121,486
236-1512-5111-110	Salaries	\$ 50,000
236-1512-5111-113	Part-time Salaries	\$ 55,392
236-1512-5111-120	MERF	\$ 3,600
236-1512-5111-125	Worker's Comp	\$ 128
236-1512-5111-140	Health/Life Insurance	\$ 6,577
236-1512-5111-142	Medicare	\$ 725
236-1512-5111-221	Supplies	\$ 1,600
236-1512-5111-310	Advertising and Printing	\$ 200
236-1512-5111-330	Rental and Leasing of Property	\$ 3,000
236-1512-5111-374	Fees, Memberships, Conferences	\$ <u>264</u>
	Total Expenditures	\$ 121,486

Alderwoman Shirley A. Black  
~~Alderwoman Toni Lynn Collins~~

Ald. Black moved to accept and adopt, seconded by Ald. Salvio. Ald. Bernacki moved to amend by deleting Ald. Collins as a signer of the resolution, seconded by Ald. Trueworthy. So voted. Resolution as amended adopted. Approved October 16, 2009 by Mayor Timothy T. Stewart.

**30772 RE: 21<sup>ST</sup>. CENTURY COMMUNITY LEARNING CENTER GRANT IN THE AMOUNT OF \$200,000 COHORT 7**

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: This 21st Century Community Learning Centers 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 5:45 p.m. The three major components of the after school program are education, recreation, and cultural arts.

Initial Year of Grant Funding: July 1, 2008

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

Resolution Purpose: The Parks and Recreation Department is requesting approval of a 21st Century Community Learning Center Grant in the amount of \$200,000 for the second year of a five year grant. This is year two of the five year grant, and the Parks and Recreation Department is respectfully requesting that the Finance Department set up expenditures and revenue accounts, and,

WHEREAS, the City, through its Parks and Recreation Department, will be receiving a CT 21st Century Community Learning Centers Grant for elementary after school programs for a five year grant

period, this being the second year. The total funding over five years is over \$850,000. Funding has been granted for this program that will provide services such as athletic and recreational activities, tutoring, and mentoring to City youth in a youth center environment, and

WHEREAS, the State will provide \$200,000 for the second year of the grant, and the City will match \$250,000 of In-Kind services. Examples of these in-kind services are equipment rental, facility rental and Hepatitis B shots, and

WHEREAS, the CT 21st Century Community Learning Centers monies will pay for personnel and administrative cost associated with the proposed programming strategy for the period of July 1, 2009, through September 30, 2010, therefore, be it

RESOLVED, that the amount of \$200,000 be appropriated in the City's special revenue fund account structure in accordance with the requirements of the grantor agency. The account number is to be established by the Finance Director, then be it further

RESOLVED, that the Finance Department is authorized to enter into agreement with required consultants specified by the State of Connecticut Department of Education for evaluation, computerization, and training purposes, fully funded by the grant money, now, therefore be it

RESOLVED, that the Common Council authorizes Mayor Timothy T. Stewart to sign appropriate documents required for this grant.

xxx-0500-0505-000	Revenue – State of CT	\$ 200,000
xxx-1512-5111-110	Salaries	\$ 50,000
xxx-1512-5111-113	Part-time Salaries	\$ 84,946
xxx-1512-5111-120	MERF	\$ 3,773
xxx-1512-5111-125	Workmans Comp	\$ 156
xxx-1512-5111-140	Health/Life insurance	\$ 18,827
xxx-1512-5111-142	Medicare	\$ 725
xxx-1512-5111-210	Office Supplies	\$ 1,500
xxx-1512-5111-221	Supplies	\$ 12,842
xxx-1512-5111-310	Advertising and Printing	\$ 1,500
xxx-1512-5111-330	Rental and Leasing of Property	\$ 22,731
xxx-1512-5111-350	Data Processing	\$ 750
xxx-1512-5111-373	Equipment Maintenance	\$ 500
xxx-1512-5111-374	Fees, Memberships, Conferences	\$ 1,750
	Total Expenditures:	\$ 200,000

Ald. Black  
~~Ald. Collins~~

Ald. Black moved to accept and adopt, seconded by Ald. Salvio. Ald. Trueworthy moved to amend by deleting Ald. Collins as the signer of the resolution. So voted. Resolution as amended adopted.

Ald. Collins and Ald. Hermanowski returned to the Chambers.

**30773 RE: RECEIPT OF LOCAL PREVENTION COUNCIL FUNDING OF \$5,675 FROM THE SUBSTANCE ABUSE ACTION 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:

October 14, 2009

Resolution Summary: This resolution allows for receipt of Local Prevention Council funding of \$5,675 from the Substance Abuse Action Council. Funds will be used to support Alcohol, Tobacco, and other Drug Abuse prevention activities, with culmination of the project at the September 13, 2009 "Substance Free Family Day." There is no match obligation on the part of the City for these entitlement funds.

WHEREAS; the City of New Britain is committed to prevention of Alcohol, Tobacco, and Other Drug Abuse by its residents, and particularly its children; and

WHEREAS; there is a Local Prevention Council appointed under jurisdiction of the Commission on Youth & Family Services; and

WHEREAS; prevention funding from the Substance Abuse Action Council has been made available for Local Prevention Councils on an annual basis; and

WHEREAS; such funding has been awarded to New Britain Youth & Family Services, the Local Prevention Council for New Britain; NOW THEREFORE BE IT

RESOLVED; that Mayor Timothy T. Stewart receive full authority to execute all contracts in receipt of Local Prevention Council funding in the amount of \$5,675; AND BE IT FURTHER

RESOLVED; that such funding, upon receipt, be placed in appropriate revenue and expenditure accounts as detailed below, under administrative purview of New Britain Youth & Family Services.

Rev. Account:	296-0500-0505-S60		\$5,675
Exp. Accounts:	296-1000-4208-110	Salaries	\$810
	296-1000-4208-221	Operating Materials/Supplies	\$2,000
	296-1000-4208-310	Advertising/Printing	\$100
	296-1000-4208-349	Fun Day Entertainment Services	\$1,350
	296-1000-4208-390	Other Purchase Services	\$1,415

Alderwoman Silvia J. Cruz

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved October 16, 2009 by Mayor Timothy T. Stewart.

**30774 RE: THE APPOINTMENT OF ROBERT C. SANCHEZ TO THE BOARD OF EDUCATION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF PETER J. KOCHAL**

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

WHEREAS; the Common Council is vested with the authority to fill the vacancy of a member on the Board of Education; NOW, THEREFORE, BE IT

RESOLVED; that the following individual be appointed to fill vacancy on the Board of Education as follows:

NAME	ADDRESS	TERM
<u>Robert C. Sanchez</u> (replacing Peter Kochol (D))	269 Washington St. New Britain, CT 06051	10/14/2009 – 11/15/2011

Alderwoman Suzanne Bielinski  
Mayor Pro Tempore

Ald. Bielinski moved to accept and adopt, seconded by Ald. Sherwood. Ald. Bielinski moved to amend by inserting "Robert C. Sanchez, 269 Washington St.". Motion seconded by Ald. Hermanowski.

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Ald. Trueworthy recused himself due to a possible conflict of interest – his wife is employed by HRA, as is Mr. Sanchez. Amendment carried. Resolution, as amended, carried by voice vote. Approved October 14, 2009 by Mayor Timothy T. Stewart.

Ald. Trueworthy returned to the Chambers.

Mr. Sanchez was administered the oath of office by City Clerk, Peter J. Denuzze.

There being no further business to come before the Council, Ald. Bernacki move to adjourn, seconded by Ald. Bielinski. Meeting adjourned at 8:18 p.m.

ATTEST: Peter J. Denuzze, City Clerk

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