

December 10, 2008

REGULAR MEETING OF THE COMMON COUNCIL

DECEMBER 10, 2008

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 10th day of December 2008 at 8:46 p.m. in the Common Council Chamber, 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.

The invocation was given by Peter J. Denuzze, City Clerk: O God, our Heavenly Father whose love is so fully expressed in the life of Thy son, our Lord, whose birth we celebrate this season. We pray that our hearts may be so open to Him that the kind of life He brought into this world may be expressed even through us. We wish a joyous, peaceful and loving Christmas, Hanukkah, St. Lucia Day and Kwanza to all. Amen

Kyle Hedstrom led the pledge to the flag

A moment of silence was observed remembering the 67th anniversary of the attack on Pearl Harbor on December 7, 1941 and honoring all the veterans of World War II – the Greatest Generation.

Ald. Trueworthy moved to accept the minutes of the Regular Meetings of September 10, September 24, October 8, and October 22, 2008, and the Special and Regular Meetings of November 12, 2008. Motion seconded by Ald. Bielinski. So voted.

MAYOR'S VETO OF RESOLUTION 30383

#30383

OFFICE OF THE MAYOR

November 19, 2008

To the members of the Common Council:

Our forefathers had some lofty and admirable goals when drafting the Constitution of the United States. They envisioned a government where checks and balances among the three branches of government protected our citizens from abuses of power. They tried to build a system of government where legislators would debate critical issues with civility and respect and those whose views were in the minority could still speak freely and be heard.

If those framers of the Constitution were somehow magically transported here to 2008 New Britain, I believe they would recoil at how far we have strayed from their vision and how petty, bitter and partisan our local government has become. While our City has always had a reputation for hard fought political battles, I believe last week's Common Council actions hit a new low in political gamesmanship at the expense of good government.

The debate in filling a Board of Education vacancy should be about the needs of New Britain's school children. But instead of a debate about children, we had a debate where the participants acted like children.

Council Democrats gave no clear reasons for rejecting a father of two young children with a long history of service to New Britain's youth. Jamie Giantonio, a young professional who stepped up to take time away from his career and family to serve on the Board of Education, certainly deserved a better explanation than the poor excuse from Alderman Sherwood – that he picked the person who called him on the phone rather than Mr. Giantonio who only sent him a letter. This absurdity would be laughable if it were not being carried out at the expense of the education of our City's children.

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No member of the Council majority has denied that filling the vacancy with Leslie Jacobs is retaliation for a previous vacancy appointment and again, no qualifications other than her once having served on the Board of Education were given. During public participation, ten residents spoke on behalf of Mr. Giantonio – none spoke in favor of Miss Jacobs. In fact, several speakers mentioned reasons why her past service on the Board should be reason NOT to appoint her to fill this vacancy.

In answering questions at Wednesday's Council meeting, Miss Jacobs did nothing to hide the arrogant, flippant attitude that earned her a reputation as an ineffective member during her earlier time on the Board. I cannot stand by and let this appointment go through without giving the Council the opportunity to rethink this action and put aside partisanship in favor of doing what is right for this community's children.

State statutes specifically delineate minority representation on school boards in an attempt to achieve that balance of power as envisioned in the Constitution. It is hoped that an almost even split creates a spirit of bipartisanship that allows Board members to concentrate on educational rather than political issues. With the appointment of Miss Jacobs, the Democratic majority has not only violated that spirit of bipartisanship, they have thrown a live partisan grenade into the New Britain Board at a time when resources are low and needs and tensions are high.

I therefore veto Resolution # 30383 in the hopes that you reconsider the chilling message you are sending to people in our community: that political power is more important than sound public policy. Consider this appointment as if your own children or grandchildren's education depended on it – the citizens of New Britain deserve nothing less.

Sincerely,

Timothy T. Stewart
Mayor, City of New Britain

RESOLUTION

30383 RE: THE APPOINTMENT OF LESLIE F. JACOBS TO THE BOARD OF EDUCATION TO FILL THE VACACY CREATED BY THE RESIGNATION OF MARILYN C. KRACZKOWSKY

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; there is a vacancy on the Board of Education due to the resignation of Marilyn Kraczkowsky; NOW, THEREFORE, BE IT

RESOLVED; that Leslie F. Jacobs (Republican) of 45 Park Place, New Britain, Conn. 06052 be appointed to fill the vacancy on the Board of Education; and BE IT FURTHER

RESOLVED; that Leslie F. Jacobs be appointed to the Board of Education to fill the unexpired term of Marilyn Kraczkowsky ending November 10, 2009.

Alderman Michael W. Trueworthy
Majority Leader

Ald. Trueworthy moved to accept and adopt, the Mayor's Veto notwithstanding, seconded by Ald. Bielinski. Roll call vote – 13 in favor, 2 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Catanzaro, Hermanowski and Bielinski. Opposed: Ald. Salvio and Ald. Bernacki. Resolution adopted.

Ald. Trueworthy moved to amend the agenda by adding 30399(K1) and 30417(17) and by moving 30412(12) to the end of the agenda. Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor.

PETITIONS

- 30386** **Ald. Sherwood for installation of a “Stop” sign at the corner of Eddy Glover Blvd. And Tunxis Street. Referred to the Board of Police Commissioners.**
- 30419** **Ald. Sherwood and Hermanowski for looking into the possibility of using portable speed bumps for traffic control on an as needed basis. Referred to the Dept. of Public Works.**
- 30420** **Ald. Sherwood for installation of a streetlight on telephone pole #3109 located at 155 Barbour Road. Referred to the Dept. of Public Works and Connecticut Light & Power.**

Ald. Trueworthy moved to reconsider Report of the Purchasing Dept. 30361 defeated at the Nov. 12, 2008 meeting of the Common Council. Motion seconded by Ald. Bielinski. So voted.

PURCHASING DEPARTMENT

30361 RE: LEASING OF THE RESTAURANT OPERATIONS AT THE STANLEY GOLF COURSE AND ALCOHOL CONCESSIONS AT VETERANS MEMORIAL STADIUM AND WALNUT HILL PARK

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. 3446 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the Leasing of the Restaurant Operations at the Stanley Golf Course and Alcohol Concessions at the Veterans Memorial Stadium and Walnut Hill Park for the Parks and Recreation Department.

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-two (22) local Restaurants and Catering Companies. The Purchasing Agent did not receive any letters from the local Restaurants or Catering Companies who were on the mailing list indicating they could not provide a response to the bid request. Responses received are on file in Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Parks and Recreation Department Administration and the Purchasing Agent. The following Restaurants and Catering Companies, Jorden Caterers, Allegiance Partners LLC, Jennifer Johnson and Z&D Restaurant Group were interviewed by the Parks and Recreation Department Administration and the Parks Commission. The interview was to obtain additional information regarding the company, the proposal that was submitted, and their experience in the restaurant and catering business. Therefore the Parks and Recreation Director and the Parks Commission is recommending that the Lease of the Restaurant Operations at the Stanley Golf Course and Alcohol Concessions at the Veterans Memorial Stadium and Walnut Hill Park be awarded to Jorden Caterers of Cheshire, CT. Even though Jorden Caterers did not submit the highest bid for the monthly lease rate for the Restaurant Operations at the Stanley Golf Course they did submit the high bid for the improvements that they are going to make to the Restaurant during the first two (2) years of the lease. Jorden Caterers has many accounts within the State of Connecticut that they provide restaurant and catering services to. One of their accounts is the Museum of Art in New Britain.

RESOLVED: That the Mayor is hereby authorized to enter into a lease agreement with Jorden Caterers of Cheshire, Ct for the lease of the Restaurant Operations at the Stanley Golf Course for a five (5) year period beginning January 1, 2009 and ending December 31, 2014 with an option to renew up to an additional five (5) years upon mutual agreement with the Parks and Recreation Department along with

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the Alcohol Concessions at the Veterans Memorial Stadium and Walnut Hill Park on a year to year basis per the terms, pricing and conditions of Public Bid No. 3446.

Jack Pieper
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. Report accepted and adopted with Ald. Catanzaro and Ald. Hermanowski opposed. Approved December 12, 2008 by Mayor Timothy T. Stewart.

Ald. Trueworthy moved to adopt the Consent Agenda, seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Approved December 12, 2008 by Timothy T. Stewart, Mayor.

CONSENT AGENDA

CITY CLERK

30388 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

- Palmisano, Donna M.
- Rodriguez, Frankie by A'Lyse Thomas
- Seger, Lee C.

Peter J. Denuzze
City Clerk

OFFICE OF THE CORPORATION COUNSEL

30389 RE: CECELIA LEBBY V. NEW BRITAIN CORPORATION COUNSEL, 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 Office of Corporation Counsel has been successful at the Appellate Court level in the above-captioned matter. The plaintiff filed her complaint in the New Britain Superior Court on June 18, 2007. On November 29, 2007, the defendants were successful in obtaining judgment of nonsuit. Plaintiff appealed the judgment. Briefs were filed by the parties. The Appellate Court has affirmed the Superior Court's judgment.

Irena J. Urbaniak
City Attorney

30390 RE: MELVIN C. WASHINGTON V. NEW BRITAIN POLICE OFFICER BLACKMORE 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 on November 10, 2008, the Honorable Judge Domnarski issued a twenty-six page decision granting summary judgment in favor of the defendants. The complaint containing nine counts alleged false imprisonment, intentional infliction of emotional distress, negligent infliction of

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emotional distress, equal protection violation under the Fourteenth Amendment; Fourth Amendment right against unreasonable seizure violation, due process violation under the Fourteenth Amendment, malicious prosecution, municipal liability and statutory costs, fees and double or treble damages.

The Court concluded that, as a matter of law, the police officers had probable cause to arrest the plaintiff. In addition, the Court determined the plaintiff had failed to establish a valid claim for an equal protection violation based upon the evidence and, furthermore, it found that the defendants were entitled to qualified immunity.

Irena J. Urbaniak
City Attorney

FINANCE DEPARTMENT

30391 RE: LINE ITEM TRANSFERS WITHIN A DEPARTMENT'S BUDGET – 10/24/08 THRU 12/02/2008

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 December 2, 2008

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|-----------------------|--|
| 7. Department: | Town Clerk |
| From: | 001-1154-1540-211 (Election Supplies) |
| To: | 001-1154-1540-373 (Equip, Furn, Maint & Repairs) |
| Amount: | \$400.00 |
| Brief Description: | Funds needed for office equipment repairs |

Robert Curry
Finance Director

PURCHASING DEPARTMENT

30392 RE: PROFESSIONAL MEDICAL SERVICES 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. 3450 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Professional Medical Services for the New Britain Fire Department. Funding available for the Professional Medical Services is in Account Number, 001-1221-2210-370.

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 eleven (11) local Medical Centers. The Purchasing Agent did not receive any letters from the Medical Centers on the mailing list who indicated that they could not respond to the bid request. 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 Alliance Occupational Health of Plainville, CT who submitted the most lowest responsible bid for the Professional Medical Services for the Fire Department. Alliance Occupational Health has been conducting these Professional Medical Services for the Fire Department since 2000. Alliance Occupational Health is also wholly owned by the Hospital of Central Connecticut.

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RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a standing purchase order with Alliance Occupational Health of Plainville, CT for Professional Medical Services for the Fire Department per the attached pricing for a period of three (3) years with the option to extend the agreement for another one (1) two (2) year period contingent upon recommendations of the Fire Department and negotiation of pricing as well as the terms and specifications of Public Bid No. 3450.

Jack Pieper
Purchasing Agent

30394 RE: EMERGENCY PURCHASE ORDER – TESTING AND REPAIRS OF SCBA EQUIPMENT FOR THE FIRE DEPARTMENT

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

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division V, Section 2-606a, an emergency purchase order was authorized by the Mayor and issued to the below listed vendor for the purpose specified on November 19, 2008:

Shipman Fire Equipment Co., Inc Waterford, CT.	\$3,603.95	Testing and Repairs of SCBA Equipment for the Fire Department
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The Purchasing Agent reports that no formal bid solicitation and advertisement as outlined in the Purchasing Ordinances was made for this item. In accordance with Section 2-606b of the City Code of Ordinances, the Purchasing Agent reports:

An emergency purchase order was requested by the New Britain Fire Department. The Fire Department's self contained breathing apparatus (SCBA) in completing OSHA required testing certifications resulted in air set cylinder failures and replacement parts being necessary for the safe operations of the SCBA sets. The SCBA sets are needed for Firefighters to work within incidents having dangerous air environments. Because of this, the testing and repairs needed to be conducted quickly to maintain the operational capability of the Fire Department. Funding for these emergency tests and repairs was available from Account 001-1221-2210-221.

Jack Pieper
Purchasing Agent

30395 RE: COOPERATIVE PURCHASING – ANNUAL FIRE ALARM AND SPRINKLER MAINTENANCE AND TESTING FOR THE WATER DEPARTMENT

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

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

<u>Supplier</u>	<u>Description</u>	<u>Price</u>
SimplexGrinnell East Berlin, CT.	Annual Fire Alarm and Sprinkler Maintenance and Testing	\$5,099.72

The Water Department requested a purchase order for the yearly maintenance and testing of the Fire Alarm and Sprinkler System for the Treatment Plant at 50 Caretaker Road. SimplexGrinnell is the manufacturer of the Fire Alarm and Sprinkler System that is presently in the Treatment Plant.

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SimplexGrinnell has one hundred and eighty-five (185) offices that make up one of the largest service networks in the Fire Alarm and Sprinkler System Industry. SimplexGrinnell has no dealers and to go out to bid for this service would not be beneficial to the City. SimplexGrinnell has been providing maintenance on this system for the Water Department in the past. SimplexGrinnell also has a State of Connecticut Contract, 98PSX0023, for these services. SimplexGrinnell has agreed to charge the Water Department the State of Connecticut Contract pricing for these services. The State of Connecticut Contract Pricing is at a fixed rate from July 2008 to August 2010. This fixed State of Connecticut Contract Pricing is at a discounted rate of 6% below SimplexGrinnell's normal 2008 pricing for this service. This expense has been presented to the Water Commission at their December 9, 2008 meeting. Funding is available for this purchase in Account Number, 930-1000-9056-XD6.

RESOLVED: That the Purchasing Agent is hereby authorized to issue a purchase order for \$5,099.72 to SimplexGrinnell of East Berlin, Ct for the annual maintenance and testing of the Fire Alarm and Sprinkler System at the Treatment Plant at 50 Caretaker Road for the Water Department utilizing the State of Connecticut's Cooperative Purchasing Plan, Contract Award #98PSX0023.

Jack Pieper
Purchasing Agent

**30396 RE: SALE OF SAW TIMBER AND CORDWOOD ON THE SHUTTLE MEADOW
PROPERTY OF THE NEW BRITAIN WATER DEPARTMENT**

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

A Public Bid was solicited by Connwood Foresters, Inc. and received in accordance with the Purchasing Ordinances of the City of New Britain for the sale of Saw Timber and Cordwood on the Property of the New Britain Water Department at their Shuttle Meadow location in Berlin, CT. Connwood Foresters, Inc. has a contract with the Water Department to provide professional forestry services, which includes the marketing and sale of timber. Connwood Foresters, Inc. through their forest inventory and management planning services determined that 615 trees on the Water Department's property at Shuttle Meadow needed to be harvested.

Invitations to bid were solicited by Connwood Foresters, Inc. The bids when received by Connwood Foresters, Inc. were reviewed, and checked for conformance. The responses were received and are on file in the Town Clerk's Office. The responses were also presented to the Water Commission at their December 9, 2008 meeting. The Water Commission at this meeting voted and approved that the sale of the Saw Timber and Cordwood be awarded to Carl Clavette, of Burlington, CT, the highest bidder for the wood at the Water Department's Shuttle Meadow location.

Jack Pieper
Purchasing Agent

**30397 RE: SALE OF SAW TIMER AND CORDWOOD ON THE BURLINGTON PROPERTY OF
THE NEW BRITAIN WATER DEPARTMENT**

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

A Public Bid was solicited by Connwood Foresters, Inc. and received in accordance with the Purchasing Ordinances of the City of New Britain for the sale of Saw Timber and Cordwood on the Property of the New Britain Water Department located in Burlington, CT. Connwood Foresters, Inc. has a contract with the City to provide professional forestry services, which includes the marketing and sale of timber. Connwood Foresters, Inc through their forest inventory and management planning services determined that 1053 trees on the Water Department's property in Burlington, CT needed to be harvested.

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Invitations to bid were solicited by Connwood Foresters, Inc. The bids when received by Connwood Foresters, Inc. were reviewed, and checked for conformance. The responses were received and are on file in the Town Clerk's Office. The responses were also presented to the Water Commission at their December 9, 2008 meeting. The Water Commission at this meeting voted and approved that the sale of the Saw Timber and Cordwood be awarded to Bill Seitz of New Hartford, CT the highest bidder for the wood at the Water Department's Burlington, CT location.

Jack Pieper
Purchasing Agent

30398 RE: NETTING REPLACEMENT AT STANLEY GOLF COURSE DRIVING RANGE – PARKS AND RECREATION 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. 3460 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for Netting Replacement at the Stanley Golf Course Driving Range for the Parks and Recreation Department. Funding is available for this purchase within a LoCip account number, 213-1800-1864-753 and additional funding is scheduled to be transferred after approval of a resolution tonight into account number 201-2675-1335-C52.

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 eleven (11) Netting or Golf Course Construction Companies. The Purchasing Agent did not receive any letters from the Netting or Golf Course Construction Companies on the mailing who indicated that they could not provide a response to the bid request. Responses are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by the Superintendent of Operations of Stanley Golf Course and the Purchasing Agent. The lowest bidder, West Coast Netting Inc, did not submit a bid for Netting that met all bid specifications. Therefore the Director of Parks and Recreation is recommending that the bid be awarded to Golf Range Netting, Inc of Tarpon Springs, FL who was the next lowest bidder and met all of the bid specifications for the Netting Replacement at the Stanley Golf Course Driving Range.

RESOLVED: That the Purchasing Agent is hereby authorized to enter into a contract and issue a Purchase Order for \$98,000. 00 to Golf Range Netting of Tarpon Springs, FL for the Netting Replacement at the Stanley Golf Course Driving Range for the Parks and Recreation Department per the terms and conditions of Public Bid No. 3460.

Jack Pieper
Purchasing Agent

DEPARTMENT OF PUBLIC WORKS

30386-1 RE: "NO LITTERING" SIGN INSTALLED AT CABOT ST. AND CONCORD COURT

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

A "No Littering" sign was installed on the corner of Cabot Street and Concord Court by Public Works staff on November 24, 2008.

Mark E. Moriarty
Director Public Works

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TAX COLLECTOR

30400 RE: TAX ABATEMENTS, CORRECTIONS AND REFUNDS

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

The Collector of Taxes has referred a list of tax abatements, corrections and refunds. Acceptance and adoption is respectfully recommended.

Cheryl S. Blogoslawski
Tax Collector

CLAIMS COMMITTEE

30401 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, December 3, 2008 at 6:30 p.m. in Room 201, City Hall having held public hearings and made investigations of said claims, respectfully begs leave to recommend the following:

A. RESOLVED; that the sum of \$7,074.37 be paid to Lisette Ramos of 300 Slater Road, New Britain, Conn. in full settlement of her claim for property damage sustained in an accident on October 8, 2008; conditioned upon the claimant providing a letter from her homeowners insurance company; and be it further

B. RESOLVED; that Louise Ann Patterson of 40 Walnut Street, Apt. 14, New Britain, Conn. be given leave to withdraw her claim for personal injuries sustained in an accident on February 18, 2007; and be it further

C. RESOLVED; that the sum of \$199.47 be paid to Adria Schneir of 216 Bassett Street, New Britain, Conn. in full settlement of her claim for property damage sustained in an accident in July, 2008.

Alderman Phil Sherwood
Acting Chair

COMMITTEE ON ADMINISTRATION, FINANCE AND LAW

30282-3 RE: PROPOSED AMENDMENT TO SEC. 2-10 (1) OF THE ORDINANCES REGARDING ACCESS TO PUBLIC RECORDS - COPIES

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, December 3, 2008 at 7:00 p.m. in the Council Chambers to which was referred the matter of Item #30282-2 Code of Ordinances – Section 2-10 – Freedom of Information be amended to exempt the New Britain Police Department to waive fees for access to public records voted to accept as amended and recommend that the following resolution be referred back to the Common Council with a favorable recommendation.

Alderman Michael Trueworthy
Acting Chairman

REPORTS OF LEGISLATIVE COMMITTEES, BOARDS, COMMISSIONS AND DEPARTMENTS

PURCHASING DEPARTMENT

30393 RE: EMERGENCY PURCHASE ORDER SEWER MAIN REPLACEMENT EAST STREET – 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:

In accordance with City Code of Ordinances, Chapter 2, Article VIII, Division V, Section 2-606a, an emergency purchase order was authorized by the Mayor and issued to the below listed vendor for the purpose specified on November 18, 2008:

B&J Construction Company, Inc. New Britain, CT.	\$31,076.00	Sewer Main Replacement East Street
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The Purchasing Agent reports that no formal bid solicitation and advertisement as outlined in the Purchasing Ordinances was made for this item. In accordance with Section 2-606b of the City Code of Ordinances, the Purchasing Agent reports:

An emergency purchase order was requested by the Public Works Department. There was a sinkhole in the roadway on East Street. The roadway was unsafe for traffic. An evaluation of the site was made and a test on the piping in the street was conducted. It was determined that there was a problem with the sewer main in the street that caused this sinkhole. When the street was dug up it was found that the sewer main had collapsed and was the cause of this sinkhole. The sewer main was replaced and the street was made safe again for traffic. Funding for these emergency repairs was available from Account 208-0003-1515-320.

Jack Pieper
Purchasing Agent

Ald. Hermanowski moved to accept and adopt, seconded by Ald. Salvio. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30399 RE: NEW STORAGE BUILDING AT WALNUT HILL PARK – PARKS AND RECREATION DEPARTMENT

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

Public Bid No. 3457 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for a New Storage Building at the Walnut Hill Park for the Parks and Recreation Department. Funding available for this purchase is within Account Number 213-1800-1863-H64.

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-eight (38) building contractors. The Purchasing Agent did not receive any letters from the building contractors on the mailing who indicated that they could not provide a response to the bid request. Responses received are on file in Town Clerk's Office.

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The bids were reviewed for conformance to specifications by 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 Connecticut Carpentry Corporation of Rocky Hill, CT who was the lowest responsible bidder and met all of the bid specifications for the new storage building at the Walnut Hill Park.

RESOLVED: that the Purchasing Agent is hereby authorized to enter into a contract and issue a purchase order for \$233,500.00 for a new storage building at the Walnut Hill Park for the Parks and Recreation Department to be installed by Connecticut Carpentry Corporation of Rocky Hill, CT per the terms and conditions of Public Bid No. 3457.

Jack Pieper
Purchasing Agent

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

PARKS AND RECREATION DEPARTMENT

30357-1 RE: FREE WOOD PLAN

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 the City Council's petition #30357, the following has been prepared by the parks and recreation administration:

Normally all petitions are forwarded to the Parks and Recreation Commission with information to review for action. The voted policy is then forwarded as a form of a report to the Council. Since the Council is requesting a report by December 10th, this report has been prepared. It still needs the Commission's review and vote.

For the purpose of information as to the current policy the Parks and Recreation Department has a tree crew consisting of one arborist and two tree trimmers. There are over 1,000 tree complaints in the computer system. In addition there are hundreds of trees that need the tree crew's attention at both the cemetery and the park system besides the existing problems on the streets. Every time the city experiences a wind storm or snow storm more trees are added to the list. The Arborist prioritizes emergency tree work and sets work orders accordingly.

When a tree is cut down in the city, currently the tree crew will chip branches that are less than 17 inches in diameter. This is the quickest and most efficient way to handle limbs that have small branches attached to them. If there is a butt that is larger than 17 inches in diameter and is suitable for firewood and can be left safely, it is cut into small lengths and left on the side of the road. This wood is left for city residents to take if they wish. To date the wood has always been taken and is the most efficient way to handle this size wood. The staff does not have to transport it to another location.

Currently, the chips are hauled away by GreenCycle Landscape Products free of charge to us. Once a year GreenCycle Landscape Products brings a tub grinder that we rent for about \$2,800 per day and they grind the logs that cannot be left for residents due to their size. Some of this product is double ground and turned into mulch. We use this mulch in our flower and shrub beds throughout the city.

The petition asked the Parks and Recreation Department to come up with a "free plan". The administration struggles with this request. Everything has a cost assigned to it. There are labor costs, equipment costs, gas costs, maintenance costs, potential workmen's compensation costs, potential liability costs and administrative costs. In addition, the Council should be advised that the DEP "Department of Environmental Protection" will be starting three state wide wood burning plants. The city will be able to sell their wood to the state for revenue. The Council and Commission may want to analyze the state's plan before committing the wood to anyone.

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The administration will be happy to refer this petition to the Parks and Recreation Commission at their December 11, 2008 meeting for further review if the Council so desires.

William A. DeMaio,
Director of Parks and Recreation

Ald. Hermanowski moved to accept and refer back to the Park and Recreation Commission along with the petition. Motion seconded by Ald. Bielinski. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

RESOLUTIONS RETURNED FROM COMMITTEE

30282-4 RE: AMENDMENT TO SEC. 2-20 (V)(a)(1) OF THE ORDINANCES REGARDING COPIES OF PUBLIC RECORDS

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 grant members of the public access to public information in accordance with Sections 1-200 through 1-242 of the Connecticut General Statutes.

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 adding Section 2-10 to read as follows (inserted text appears in underline; deleted text appears in strikethrough; new sections begin with the word [new]):

Sec. 2-10. Freedom of Information. [NEW]

(I) **Definitions.** As used in this section, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(1) "Public agency" or "agency" means:

(A) Any department, board, commission, or official of the City of New Britain, including any committee of, or created by, any such department, board, commission, or official;

(B) The Common Council or any of its committees; or

(C) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law.

(2) "Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

(3) "Caucus" means (A) a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision, or (B) the members of a multimember public agency, which members constitute a majority of the membership of the agency, or the other members of the agency who constitute a minority of the membership of the agency,

who register their intention to be considered a majority caucus or minority caucus, as the case may be, for the purposes of the Freedom of Information Act, provided (i) the registration is made with the office of the Town and City Clerk, (ii) no member is registered in more than one caucus at any one time, (iii) no such member's registration is rescinded during the member's remaining term of office, and (iv) a member may remain a registered member of the majority caucus or minority caucus regardless of whether the member changes his or her party affiliation.

(4) "Person" means natural person, partnership, corporation, limited liability company, association or society.

(5) "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by a the city when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection IV(b) herein.

(7) "Personnel search committee" means a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "personnel search committee" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

(8) "Pending claim" means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) "Pending litigation" means (A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency's consideration of action to enforce or implement legal relief or a legal right.

(10) "Governmental function" means the administration or management of a program of a public agency, which program has been authorized by law to be administered or managed by a person, where (A) the person receives funding from the public agency for administering or managing the program, (B) the public agency is involved in or regulates to a significant extent such person's administration or management of the program, whether or not such involvement or regulation is direct, pervasive, continuous or day-to-day, and (C) the person participates in the formulation of governmental policies or decisions in connection with the administration or management of the program and such policies or decisions bind the public agency. "Governmental function" shall not include the mere provision of goods or services to a public agency without the delegated responsibility to administer or manage a program of a public agency.

(II) **General.** (a) It is hereby declared that it is the policy of the City of New Britain:

(1) to fully comply with the requirements of the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes, and

(2) that the public and each member of the public shall have the right to access to public records, documents, meetings and public notice of meetings in accordance with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes.

(b) Every public agency of the City of New Britain, including every department, board, commission, or official of the City of New Britain and the Common Council and all of its committees shall faithfully comply with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes.

(c) To the extent that any provision of this article conflicts with sections 1-200 through 1-242 of the Connecticut General Statutes, the Connecticut General Statutes shall prevail. However, to the extent that any provision of this article provides greater access but does not conflict with the Connecticut General Statutes, this ordinance shall prevail.

(III) Access to Meetings.

(a) The meetings of all public agencies, except executive sessions as defined herein, shall be open to the public. The votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight (48) hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven (7) days of the session to which they refer.

(b) The chairperson or secretary of any such public agency shall file, not later than January thirty-first of each year, with the Town and City Clerk the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty days after such schedule has been filed.

(c) The agenda of the regular meetings of every public agency shall be available to the public and shall be filed, not less than forty-eight hours before the meetings to which they refer, in such agency's regular office or place of business, if there is such an office or place of business, and in the office of the Town and City Clerk. Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

(d) Notice of each special meeting of every public agency shall be given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Town and City Clerk. The Clerk shall cause any notice received under this section to be posted in such Clerk's office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting; provided in the case of emergency, any special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk not later than seventy-two hours following the holding of said meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meetings.

(e) No member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance. However, any member of the public wishing to speak during public participation shall provide his/her name and address.

(f) A public agency may hold an executive session, as defined in (l)(3) of this section, only upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in (l)(3) of this section.

(g) In determining the time within which or by when a notice, agenda, record of votes or minutes of a special meeting or an emergency special meeting are required to be filed under this section, Saturdays, Sundays, legal holidays and any day on which the office of the agency or the Town and City Clerk, as the case may be, is closed, shall be excluded.

(IV) Access to public records. Exempt records.

(a) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records, or (3) receive a copy of such records. Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the Town and City Clerk. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(b) Nothing in this section shall be construed to require disclosure of:

(1) Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;

(2) Personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy;

(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) signed statements of witnesses, (C) information to be used in a prospective law enforcement action if prejudicial to such action, (D) investigatory techniques not otherwise known to the general public, (E) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (F) the name and address of the victim of a sexual assault under sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes, or injury or risk of injury, or impairing of morals under section 53-21 of the Connecticut General Statutes, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216 of the Connecticut General Statutes;

(4) Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled;

(5) (A) Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and

(B) Commercial or financial information given in confidence, not required by statute;

(6) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations;

(7) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision;

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(8) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for;

(9) Records, reports and statements of strategy or negotiations with respect to collective bargaining;

(10) Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship;

(11) Names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen years of age or older and a parent or guardian of each such student who is younger than eighteen years of age, provided this subdivision shall not be construed as prohibiting the disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school;

(12) Any information obtained by the use of illegal means;

(13) Records of an investigation or the name of an employee providing information under the provisions of section 4-61dd of the Connecticut General Statutes;

(14) Adoption records and information provided for in sections 45a-746, 45a-750 and 45a-751 of the Connecticut General Statutes;

(15) Any page of a primary petition, nominating petition, referendum petition or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required;

(16) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e of the Connecticut General Statutes or a district department of health pursuant to chapter 368f of the Connecticut General Statutes, until such time as the investigation is concluded or thirty days from the date of receipt of the complaint, whichever occurs first;

(17) Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g;

(18) Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system;

(19) The residential, work or school address of any participant in the address confidentiality program established pursuant to sections 54-240 to 54-240o of the Connecticut General Statutes, inclusive;

(20) The name or address of any minor enrolled in any parks and recreation program administered or sponsored by any public agency;

(21) Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

(c) Notwithstanding the provisions of subdivisions (1) and (16) of subsection (b) of this section, disclosure shall be required of:

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(1) Interagency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency;

(2) All records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in section 19a-355 of the Connecticut General Statutes, or any nursing home, residential care home or rest home, as defined in section 19a-490 of the Connecticut General Statutes, by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings; and

(3) The names of firms obtaining bid documents from any state agency.

(V) Copying and scanning of public records. Fees.

(a) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The public agency providing any such public record may charge a fee in accordance with Section 1-212 of the Connecticut General Statutes, provided that the following exceptions shall apply:

(1) Except as otherwise provided by federal or state law, any member of the public shall not be required to pay a fee for copies of any public records or files up to twenty dollars (\$20.00) at a rate of fifty cents (.50) per page. Said member of the public shall be required to pay any fee over twenty dollars (\$20.00). For the purposes of this subdivision "request" shall be the copies of public records or files requested in a single day.

Notwithstanding this section, if a particular type of public record is requested and copies provided by a city department to the public at a volume which exceeds a total of 400 pages within any thirty (30) day calendar period, then, that particular type of public record shall be deemed exempt and the following exemption procedure shall apply: Copies of The first 400 pages copies of said type of public record produced within the month shall be provided to the public free of charge. the city department shall then charge the rate of fifty cents (.50) per page for the production of any more copies of said type of public record at any time thereafter. In the event the above exemption procedure is implemented, the department head shall file a report at the next regular council meeting identifying the type of public record and a statement as to the volume of pages provided which invoked the exemption.

(2) No person shall be charged a fee for receiving a single copy of the agenda of meeting of any public agency.

Alderman Phil Sherwood

Ald. Sherwood moved to accept and adopt, seconded by Ald. Bielinski. Resolution adopted with Ald. Salvio opposed. Approved December 12, 2008 by Mayor Timothy T. Stewart.

NEW BUSINESS

RESOLUTIONS

30402 RE: SEASONS GREETINGS – 2008

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; we rejoice with our families during the holiday season and this is the time of year when we reflect on traditional values and what is truly worthwhile in our lives; and

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WHEREAS; families and friends gather to reflect on the past year and look forward with hope to the New Year; NOW, THEREFORE, BE IT

RESOLVED; by the Common Council of the City of New Britain that the Common Council expresses its sincere wish for a Holiday of Peace, Love, Hope, Joy and Happiness and a Happy, Healthy, Prosperous New Year to all the citizens of New Britain.

Alderman Michael W. Trueworthy
Majority Leader

Alderwoman Suzanne Bielinski
Mayor Pro Tempore

Alderwoman Tonilynn Collins
Majority Whip

Alderman Paul D. Catanzaro
Assistant Majority Leader

Alderman Mark H. Bernacki
Assistant Minority Leader

Alderwoman Eva Magnuszewski

Alderman Adam Platosz
Assistant Majority Leader

Alderwoman Lori A. Rocha

Alderman Gregory J. Gerratana

Alderwoman Silvia J. Cruz

Alderman Roy Centeno

Alderman Phil Sherwood

Alderman Lawrence J. Hermanowski

Alderwoman Shirley A. Black

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30403 RE: BUDGET TRANSFER – CCCCEDS - \$13,675.00

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

WHEREAS, The Central Connecticut Corridor Comprehensive Economic Development Strategy (CCCCEDS) is a multi-town, regional planning process, organized and administered under the auspices of the Central Connecticut Regional Planning Agency, and set-up under the guidelines of the Economic Development Agency of the US Department of Commerce for the purposes of preparing and updating a regional economic development strategy that is comprehensive and forward-looking in nature, as well as cognizant of the inter-related nature of economic conditions and opportunities within the region;

WHEREAS, the City of New Britain has been a participating member since the CCCCEDS process was first initiated in the fall of 2002, and, as a result of our participation in the CCCCEDS, the City has been deemed eligible for EDA funding for various qualifying economic development activities,

WHEREAS, the City of New Britain's proportional share for funding of the CCCCEDS is \$13,675,

WHEREAS, the funding for CCCCEDS was inadvertently omitted from the City budget for this fiscal year,

WHEREAS, the FY 2008-2009 budget includes monies within a Contingency Account, THEREFORE, BE IT,

RESOLVED, that monies be transferred within the FY 2008-2009 General Fund budget for this purpose as follows:

FROM:		
001-1910-9001-073	Contingency	\$13,675
TO:		
001-1143-1433-380	Grants and Contributions	\$13,675

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Alderman Paul Catanzaro
Alderman Roy Centeno

Ald. Catanzaro moved to accept and adopt, seconded by Ald. Centeno. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30404 RE: BUDGET TRANSFER - \$348.00 – RENTAL OF PROBATE COURT OFFICES

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

WHEREAS, the City of New Britain and the Town of Berlin allocate the costs of the rental of the probate court offices based on a ten-year lease agreement that was effective 10/15/01. This lease agreement is set to expire 10/15/11.

WHEREAS, Section 45a-8 of the Connecticut General Statutes requires expenses to be allocated between the City of New Britain and the Town of Berlin on the basis "in proportion to their grand lists last perfected." Every October due to the new grand list, the cost allocation share percentage changes between the City of New Britain and the Town of Berlin. Based on the current revaluation that became effective as of the October 1, 2006 grand list, the City of New Britain's cost share increased from 55% to 57%, while the Town of Berlin's cost share decreased from 45% to 43%.

WHEREAS, the 2% increase in the cost share allocation for the City of New Britain totals \$348 for FY 2008-2009,

WHEREAS, the FY 2008-2009 budget includes monies within a Contingency Account, THEREFORE, BE IT,

RESOLVED, that monies be transferred within the FY 2008-2009 General Fund budget for this purpose as follows:

FROM:		
001-1910-9001-073	Contingency	\$348
TO:		
001-1121-1210-330	Rental/Leases of Property/Equipment	\$348

Alderman Louis Salvio
Alderman Adam Platosz
Alderman Mark Bernacki
Alderman Gregory Gerratana

Ald. Salvio moved to accept and adopt, seconded by Ald. Gerratana. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30405 RE: BUDGET TRANSFER – OFFICE OF EMERGENCY MANAGEMENT FULL TIME SALARIES \$75,022.00

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

WHEREAS, the Office of Emergency Management Full Time Salaries account is used for 30% of the Fire Chief's salary and 100% of the Hazardous Materials/Health and Safety Officer's salary. This department is responsible for leading local reaction to all types of natural, man-made, and attack

disasters. They advise and help implement the planning and coordination of mitigation, preparedness for, response to, and recovery from all disasters.

WHEREAS, the Office of Emergency Management works closely with and makes certain that other city agencies know the threats to the community, plan for emergencies, and operate effectively in an emergency. This department also directs and conducts recovery operations after a disaster. This office must maintain emergency equipment and is called upon by other departments and members of the community for their resources.

WHEREAS, the Office of Emergency Management Full Time Salaries account was inadvertently requested as \$18,779 during the FY 2008-2009 budgeting process.

WHEREAS, in the prior fiscal year of 2007-2008, actual expenditures were \$93,720.

WHEREAS, the Office of Emergency Management Full Time Salaries account must be increased by \$75,022,

WHEREAS, the FY 2008-2009 budget includes monies within a Contingency Account, THEREFORE, BE IT,

RESOLVED, that monies be transferred within the FY 2008-2009 General Fund budget for this purpose as follows:

FROM:		
001-1910-9001-073	Contingency	\$75,022
TO:		
001-1230-2500-110	Full Time Salaries	\$75,022

Alderman Suzanne Bielinski, Liaison
Alderman Tonilynn Collins, Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30406 RE: BUDGET AMENDMENT – EMERGENCY MANAGEMENT PERFORMANCE GRANT REVENUE \$228,000.00

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

WHEREAS, the City of New Britain receives approximately \$22,000 from the State of Connecticut Department of Emergency Management and Homeland Security (DEMHS) on an annual basis. The revenue is calculated by the quarterly reimbursements that the City of New Britain submits to the State of CT DEMHS in accordance with the Emergency Management Performance Grant. This funding helps support the operations of the Office of Emergency Management, which is responsible for preparing the City of New Britain to be ready for any and all types of natural, man-made, and attack disasters.

WHEREAS, the Emergency Management Performance Grant/Civil Defense Grant revenue within the General Fund was inadvertently budgeted at \$250,000 during the FY 2008-2009 budgeting process.

WHEREAS, in the prior fiscal year of 2007-2008, the actual Emergency Management Performance Grant Award was \$22,221.

WHEREAS, the Civil Defense revenue account must be decreased by \$228,000,

WHEREAS, the FY 2008-2009 budget includes monies within a Contingency Account, THEREFORE, BE IT,

RESOLVED, that the FY 2008-2009 General Fund budget be amended for this purpose as follows:

DECREASE:		
001-1910-9001-073	Contingency	\$228,000

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DECREASE:

001-0500-0503-534 Civil Defense \$228,000

Alderman Suzanne Bielinski, Liaison
Alderman Tonilynn Collins, Liaison

Ald. Bielinski moved to accept and adopt, seconded by Ald. Collins. Resolution adopted with Ald. Trueworthy opposed. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30407 RE: APPROVAL OF GRANT FUNDING FROM THE STATE OF CONNECTICUT TO THE HEALTH DEPT. – BIOTERRORISM ET AL

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 upgrade New Britain’s preparedness for response to Bioterrorism (BT), other outbreaks of infectious disease and other public health emergencies. To have the infrastructure in place to perform mass vaccinations for the entire population of the city. To prevent or minimize the effects of a (BT) event on the people of the City of New Britain.

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 8/10/08 through 08/09/09.

WHEREAS, since the events of September 11th, it has become increasingly clear that Bioterrorism is a serious threat to public health in the United States. Also, over the past few years, the pandemic flu has become a threat as well,

WHEREAS; the State Department of Public Health has notified the City that funding has been awarded in the amount of \$65,882 for the period 8/31/08 through 08/09/09. Of this amount, \$2,600 is to be used specifically for pandemic flu preparedness, 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

RESOLVED, that the amount of \$65,882 be appropriated into Special Revenue Fund #245, Bioterrorism Planning Program as follows:

Public Health Preparedness

Revenue:

245-0505-0505-023 State of CT – BT \$63,282

Expenditures:

245-1429-4110-113	Salaries	\$41,028
245-1429-4110-119	Fringe	\$ 596
245-1429-4110-129	Administration	\$ 6,000
245-1429-4110-208	Education Supplies	\$ 200
245-1429-4110-210	Office Supplies	\$ 1,000
245-1429-4110-288	Training & Education	\$ 3,500
245-1429-4110-286	Telephone	\$ 1,000
245-1429-4110-301	Miscellaneous	\$ 2,450
245-1429-4110-373	Repair and Maintenance	\$ 500
245-1429-4110-407	Internet Fees	\$ 1,500
245-1429-4110-221	Equipment/Medical Materials	\$ 5,508
	Total BT Expenditures	\$63,282

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Pandemic Flu Preparedness

Revenue:

245-0500-0505-023	State of CT	\$ 2,600
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Expenditures:

245-1429-4109-208	Education Supplies	\$ 300
245-1429-4109-288	Training & Education	\$ 800
245-1429-4109-310	Advertising & Printing	\$ 800
245-1429-4109-379	Travel	\$ 400
245-1429-4109-370	Employee Physicals	\$ 300
	Total Flu Expenditures	\$ 2,600

Alderman Adam Platosz

Ald. Platosz moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30408 RE: BUDGET TRANSFER – YOUTH AND FAMILY SERVICES - \$125,000.00

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

Resolution Summary:

New Britain Youth and Family Services, the City's Youth Service Bureau and designated municipal agent for youth, has received an award for grant funds totaling \$125,000 from the Connecticut Health Foundation. These funds are for the specific purpose of developing a children's mental health plan in New Britain utilizing a Community Planning Team, and cannot be used to supplant any other funds or activities. The funds are also for an eighteen-month period, which began on 1/01/08 and will end on 6/30/09. Acceptance of funds had been authorized by Common Council with signature by Mayor Timothy T. Stewart. Because of specific requests by the Connecticut Health Foundation, the budget originally approved by Council needed to be changed to meet their requirements.

Resolution Purpose:

This resolution authorizes the changes in the budget to meet the specific requests of the Connecticut Health Foundation.

WHEREAS, New Britain Youth and Family Services has received a funding award in the amount of \$125,000 from the Connecticut Health Foundation and is developing a children's mental health plan; and

WHEREAS, the Common Council approved and the Mayor signed the original revenue and expenditure accounts; and

WHEREAS, the City requires signature of the Mayor to approve changes in the budget; and

WHEREAS, the changes in the budget were requested and approved by the Funding agent, now therefore be it

RESOLVED, that Mayor Timothy T. Stewart is hereby authorized to sign the aforementioned budget revisions; and further,

RESOLVED, that said funds are redistributed from original budget and placed into the established revenue and expenditure accounts as follows:

December 10, 2008

**Children's Mental Health Plan
Original Budget**

Revenues:		
279-0500-0505-CTH	Connecticut Health Foundation	\$125,000
Expenditures:		
279-1000-4165-113	PT Salaries	\$30,420
-119	Fringe Benefits	\$ 2,586
-320	Consulting and Contractual	\$36,000
-207	Stipends	\$12,000
-442	Equipment	\$ 3,500
-310	Advertising and Printing	\$15,000
-221	Operating Materials	\$ 6,864
-374	Travel	\$ 2,080
-343	Advertising	\$ 1,800
-129	Indirect Costs (fiscal admin)	\$14,750
	Total Expenditures	\$125,000

**Children's Mental Health Plan
Intra-Department Budget Modification**

Revenues:		
279-0500-0505-CTH	Connecticut Health Foundation	\$125,000
Expenditures:		
279-1000-4165-113	PT Salaries	\$79,673
-207	Stipends	\$ 3,800
-442	Equipment	\$ 8,500
-310	Advertising and Printing	\$ 2,000
-221	Operating Materials	\$13,857
-374	Travel	\$ 4,140
-129	Indirect Costs (fiscal admin)	\$ 3,500
-301	Miscellaneous	\$ 4,530
-301	Community Kickoff Event	\$ 5,000
	Total Expenditures	\$125,000

Alderwoman Silvia J. Cruz

Ald. Cruz moved to accept and adopt, seconded by Ald. Black. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

**30409 RE: APPROVAL OF THE MAYOR'S APPOINTMENT OF DONALD A. COURTEMANCHE
TO THE COMMISSION ON COMMUNITY AND NEIGHBORHOOD DEVELOPMENT**

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:

December 10, 2008

WHEREAS, the Walnut Hill storage garage is desperately needed to protect the City's investment in new equipment from vandalism and theft, NOW THEREFORE BE IT

RESOLVED, that a LOCIP transfer be made as follows in order to complete the Walnut Hill Park Equipment Storage/Garage project :

From:		
213-1800-1863-H65	Walnut Hill WWI Memorial Fountain	\$55,510.00
213-1800-1863-H66	Walnut Hill WWI Monument Restoration	\$60,005.00
	Total:	\$115,515.00
To:		
213-1800-1863-H64	Walnut Hill Equipment Storage	\$115,515.00

Alderwoman Shirley Black
Alderwoman Tonilynn Collins

Ald. Black moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30411 RE: 21ST. CENTURY COMMUNITY LEARNING CENTERS – COHORT 7, PARKS AND RECREATION

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 first year of a five year grant. This is year one 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 first 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 first 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 entire five years beginning July 1, 2008, through June 30, 2013, 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

December 10, 2008

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-1511-5111-110	Salaries	\$ 47,000
xxx-1511-5111-113	Part-time Salaries	\$ 83,850
xxx-1511-5111-120	MERF	\$ 3,115
xxx-1511-5111-125	Workman's Comp	\$ 156
xxx-1511-5111-140	Health/Life insurance	\$ 13,957
xxx-1511-5111-142	Medicare	\$ 682
xxx-1511-5111-210	Office Supplies	\$ 2,000
xxx-1511-5111-221	Supplies	\$ 13,500
xxx-1511-5111-310	Advertising and Printing	\$ 1,000
xxx-1511-5111-330	Rental and Leasing of Property	\$ 31,490
xxx-1511-5111-350	Data Processing	\$ 1,000
xxx-1511-5111-373	Equipment Maintenance	\$ 500
xxx-1511-5111-374	Fees, Memberships, Conferences	\$ 1,750
	Total Expenditures:	\$ 200,000

Alderman Shirley Black
Alderman Tonilynn Collins

Ald. Rocha recused herself due to a possible conflict of interest – her son is employed by the after school program.

Ald. Black moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Timothy T. Stewart, Mayor.

Ald. Rocha returned to the chambers.

30413 RE: PROPOSED AMENDMENT TO THE ORDINANCES ADDING SEC. 2-453-ETHICS DISCLOSURE OF FINANCIAL INTERESTS – REQUIRING ELECTIVE OFFICIALS, MEMBERS OF BOARDS AND COMMISSIONS, AND DEPARTMENT HEADS TO FILE ON AN ANNUAL BASIS

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 elective officials, members of board and commissions and department heads to file a disclosure of financial interest on an annual basis.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Article VI. Code of Ethics of the Code of Ordinances, City of New Britain, be amended by adding a new section to be numbered Section 2-453 to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

Sec. 2-453. Disclosure of financial interests; filing requirements. [NEW]

(a) All elected officials of the City of New Britain, members of boards or commissions and department heads shall file, under penalty of false statement, a statement of financial interests for the preceding calendar year with the ethics commission, town clerk, and office of corporation counsel on or before July 1st of each year.

Any such individual who leaves said elective office, appointed office, or position shall file a statement of financial interests covering that portion of the year during which the individual held the office or position. In addition, any individual who is appointed to such an office or position shall file a statement of financial interest for the calendar year preceding the year of appointment to the office or position. The board of ethics shall notify all such individuals of the requirements of this subsection within thirty (30) days after their departure from, or appointment to, such office or position. Such Individuals shall file such statement within sixty (60) days after receipt of the notification.

(b) The statement shall include the following information for the preceding calendar year in regard to the individual required to file the statement and the individual's immediate family:

- (1) The names of all businesses with which associated;
- (2) The names of all individuals with which associated;
- (3) The names of all employers;
- (4) The existence of any known blind trust and the names of the trustees

(5) All real property located within the city, and its location, owned or leased for a term of five (5) years or more by such Individual or the individual's immediate family, and all such real property owned or so leased held in the name of a corporation, partnership or trust for the benefit of such Individual or the individual's immediate family; and

6) Any leases or contracts with the city held or entered into by the individual or a business with which the individual was associated.

(c) The statement filed pursuant to this section shall be a matter of public information.

(d) Any Individual who is unable to provide information required under the provisions of subsection (B) of this section by reason of impossibility may petition the board of ethics for a waiver of the requirements.

(e) Any Individual who fails to file the statement of financial interests or other information as required by this section and is found by the board of ethics to be in violation of this section, may be fined up to ten dollars (\$10.00) per day, by the board, for each violation. Each violation of this section shall be a separate offense and in the case of a continued violation, each day thereof shall be deemed a separate offense. In no event shall the aggregate penalty imposed for failing to file the statement or other information exceed two thousand dollars (\$2,000.00).

(f) To facilitate compliance with this provision, the corporation counsel shall to the extent possible advise any member of the common council of any potential conflict of interest of which it may have knowledge.

(g) This section shall take effect on _____, 200_.

Sec. 2-4532-454. Enforcement.

The board shall have the power to investigate any reported allegations, to hold hearings and to provide specific recommendations of disciplinary action in accordance with city procedures and policies. The board of ethics shall report its findings to the common council as to whether or not a violation of this article has occurred, together with recommended sanctions to be imposed by the common council, unless city procedures and policies require that the matter be addressed elsewhere. Such report shall be filed with the city clerk with copies to the mayor's office and common council no later than one hundred eighty (180) days from the date on which the board of ethics is notified of the matter in question. Sanctions may include but are not limited to fines, termination of employment, suspension without pay, censure and/or reprimand. If the board believes an activity to be illegal, it shall report its findings to the appropriate authority for investigation.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06).

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Alderman Phil Sherwood
Alderman Eva Magnuszewski
Alderman Roy Centeno
Alderman Gregory Gerratana

Ald. Sherwood moved to accept and refer to the Committee on Administration, Finance and Law, seconded by Ald. Gerratana. Resolution referred with Ald. Bernacki opposed. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30414 RE: AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH THE STATE OF CONNECTICUT DEPT. OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY AND THE DEPT. OF PUBLIC SAFETY

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

WHEREAS, the City of New Britain is in the process of acquiring a new radio system for its public safety and public service workers; and

WHEREAS, the State of Connecticut's Department of Emergency Management and Homeland Security is retaining local funds from State Homeland Security Grant Number 2007-GE-T7-0025 in the amount of \$2,541,251 on behalf of local units of government and \$10,400,000 under the federal Public Safety Interoperability Communications (PSIC) program, Grant Number 2007-GS-H70033; and

WHEREAS, part of those funds will be used to acquire an interoperable switch system which will be made available to local municipalities for use in their radio and data sharing systems; and

WHEREAS, preliminary authorization from the State of Connecticut Department of Public Safety has been received by the Director, Public Safety Telecommunications Center for use of the switch in the City's new radio system.; and

WHEREAS, use of this switch represents a substantial cost offset to the City of New Britain.

Now, therefore be it

RESOLVED, that the City of New Britain may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems necessary and appropriate; and be it further

RESOLVED, that the Mayor is authorized and directed to execute and deliver on behalf of the City of New Britain and to do and perform all acts and things which are deemed necessary or appropriate to carry out the terms of such documents , including but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Alderwoman Suzanne Bielinski

Ald. Bielinski moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30415 RE: BUDGET AMENDMENT – DRIVING RANGE – STANLEY GOLF FUND \$8,000.00

Resolution Summary

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 driving range nets are in need of replacement; and

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Whereas, The bids were opened and the lowest responsible bid is \$98,000; and

Whereas, There is \$90,000 in LoCip money earmarked for range net replacement (Acct # 213-1800-1864-753); and

Whereas, In FY 2008, \$14,500 was budgeted for this expenditure in a Capital Reserve account (A/C # 201-2675-1335-C52); and

Whereas, The money was closed out to the golf course fund balance at end of fiscal year; and

Whereas, The driving range budget for 09 needs to be amended to include the portion of the \$14,500 (only \$8,000 is needed) from FY 2008 Fund Balance, NOW, THEREFORE, BE IT

Resolved, that the Stanley Operating Fund budget for 2008-09 be amended as follows:

	Increase Revenue Estimates	
#201-0500-0505-077	Miscellaneous	\$ 8,000

	Increase Expenditure Budget	
#201-2675-1335-C52	Rental and Lease	\$8,000

Alderman Louis G. Salvio
Alderwoman Shirley Black
Alderwoman Tonilynn Collins
Council Liaisons, Park Department

Ald. Salvio moved to accept and adopt, seconded by Ald. Collins. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30416 RE: PROPOSED AMENDMENT TO SEC. 2-567 OF THE ORDINANCES – NOTICE INVITING BIDS

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. This ordinance change is being enacted to address the requirement of publishing bid invitations in the newspaper.

Whereas, Section 2-567 of the Code of Ordinances requires that the bid invitations be advertised in one official newspaper in the city,

Whereas, this requirement is very costly with questionable monetary benefits to the citizens of New Britain,

Whereas, the State of CT does not publish their bid invitations,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that that Section 2-567 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]):

Sec. 2-567 Notice inviting bids.

~~(a) Newspapers. Notice inviting bids shall be published once in at least one official newspaper in the city and at least (5) days preceding the last day set for the receipt of proposals.~~

(b) City of New Britain website and State of CT Administrative Services (DAS)/Procurement website. Notice inviting bids shall be posted on the City of New Britain and State of CT Administrative Services (DAS)/Procurement websites at least (5) days preceding the last day set for the receipt of proposals.

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Alderman Louis Salvio

Ald. Salvio moved to accept and refer to Committee on Administration, Finance and Law, seconded by Ald. Bielinski. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30417 RE: AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AND THE BOARD OF WATER COMMISSIONERS AN AGREEMENT WITH CONNECTICUT LIGHT AND POWER COMPANY, INC. – DEMAND RESPONSE PROGRAM (DRP)

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, ISO New England is funded through the federal regulatory system as a non-profit organization responsible for the reliable operation of New England's bulk power generation and transmission system; and

Whereas, ISO New England is concerned about planning for limited electrical power capacity in the New England Region; and

Whereas, this could lead to supply shortages which may result in a disruption in electrical service; and

Whereas, ISO New England is responsible for management of a comprehensive regional bulk power system planning process and has proposed a contingency plan which includes a new Demand Response Program "DRP" and

Whereas, DRP is a reliability-based demand response program for the period of January 1 through December 31 of each year the contract is in effect (through May 31, 2011); and

Whereas, ISO New England has retained Connecticut Light and Power Company, Inc. to manage the DRP and locate customers to participate in the program; and

Whereas, Participants in this program will receive monthly payments for agreeing to reduce electricity consumption during system emergencies, regardless of whether they are ever called to respond; and

Whereas, if called to respond the participant agrees to be taken off the bulk power grid and use its own generator to supply power during the period of the emergency; and

Whereas, the payments for participation in DRP are based on the amount of electrical consumption the customer is capable of producing; and

Whereas, Connecticut Light and Power Company, Inc. has indicated that the City of New Britain Board of Water Commissioners will be entitled to receive approximately \$1,200.00 per month from January 1, 2009 through May 31, 2011., if it enrolls as a participant in DRP; and

Whereas, it is expected that the program participants will also receive payments during an actual emergency which will essentially reimburse the customer for the costs of activation and usage of its generator; and

Whereas, the Connecticut Light and Power Company literature about DRP and the proposed agreement are attached hereto for reference; now, therefore, be it

Resolved, that Timothy T. Stewart, Mayor, be and is hereby authorized to execute on behalf of the City of New Britain and Board of Water Commissioners an agreement with Connecticut Light and Power Company, Inc.

Alderman Lawrence J. Hermanowski
Liaison to Water Department

Ald. Hermanowski moved to accept and adopt, seconded by Ald. Bernacki. So voted. Approved December 12, 2008 by Mayor Timothy T. Stewart.

30412 RE: VERBAL UPDATE FROM THE MAYOR OR HIS DESIGNEE ON THE STATUS OF THE WILLOW STREET PARK PROJECT

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

WHEREAS; the construction related to Willow Street Park project is ongoing and reports indicate that significant process has been made in the efforts to remediate the containments identified at the site; and

WHEREAS; Federal, State and Local Funds have been allocated and the city increased the bond authorization for the environmental cleanup; and

WHEREAS; neighbors in the North Oak neighborhood have expressed concerns over the health and public safety issues associated with the identified contaminants that were once, or are still at the site; and

WHEREAS; the Common Council would like to congratulate the North Oak area residents for their continued advocacy for the Willow Park Street Project and their surrounding community; and

WHEREAS; the Common Council would like to receive an update on the status of the Willow Street Park project, and see any updated reports held or comprised by CMG, DEP, Health Department, HUD or other relevant entities; NOW, THEREFORE, BE IT

RESOLVED; that the Common Council receive a verbal update from the Mayor or his designee on the status of the project, expected completion date, current environmental status, descriptions of project changes, level of past and current public health concerns, and receive copies of reports related to the status of the project or levels of containments.

Alderwoman Shirley Black
Alderwoman Silvia J. Cruz
Alderman Phil Sherwood

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Cruz. Ald. Trueworthy moved the Council enter into Executive Session to discuss pending litigation, and they be accompanied by the Mayor, the Corporation Counsel, the Director of Community and Neighborhood Development and the director of the Park and Recreation Department. Motion seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Executive Session began at 11:04 p.m.

The Council voted to return to order at 11:34 p.m. on motion of Ald. Salvio, seconded by Ald. Trueworthy.

Motion to accept and adopt carried by voice vote. Approved December 12, 2008 by Timothy T. Stewart, Mayor.

UNFINISHED BUSINESS

Ald. Trueworthy moved to take from the table Resolution 30353, seconded by Ald. Bielinski. So voted.

RESOLUTION

30353 RE: THE APPOINTMENT OF JAMIE A. GIANTONIO TO THE BOARD OF EDUCATION TO FILL THE VACANCY CREATED BY THE RESIGNATION OF MARILYN C. KRACZKOWSKY

December 10, 2008

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, there is a vacancy on the Board of Education due to the resignation of Marilyn Krackowsky; and

WHEREAS, Jamie A. Giantonio of 185 Birchwood Drive, New Britain is a lifelong New Britain resident who has ably served the New Britain community in many capacities, including a member of the Board of Education of St. Francis School and most recently as a member of the City's Board of Parks and Recreation; and

WHEREAS, Mr. Giantonio is the father of a daughter who is a first grade student at Lincoln School and the father of a three year old son who is interested in working to enhance future educational opportunities for all of New Britain's children; and

WHEREAS, In accordance with the City's Charter, Section 3-2 (f) (b), Mr. Giantonio is a registered Republican, the same political party affiliation as Mrs. Krackowsky, and he received the unanimous recommendation of the New Britain Republican Town Committee at its meeting on October 7, 2008 meeting; NOW, THEREFORE BE IT

RESOLVED, that Jamie A. Giantonio be appointed to the Board of Education to fill the unexpired term of Marilyn Krackowsky ending November 10, 2009.

Alderman Mark Bernacki
Assistant Minority Leader

Alderman Louis G. Salvio
Minority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. Resolution defeated by voice vote.

There being no further business to come before the Council, Ald. Bernacki moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 11:37 p.m.

ATTEST: Peter J. Denuzze, City Clerk

December 10, 2008