

April 27, 2005

**REGULAR MEETING OF THE COMMON COUNCIL
APRIL 27, 2005**

Mayor Timothy T. Stewart called the Regular Meeting of the Common Council to order on Wednesday, the 27th day of April, 2005 at 9:36 p.m. in the Common Council Chambers, City Hall.

All members were present at roll call: Ald. Trueworthy, Yeziarski, Collins, Ziccardi, Karp, Wyskiewicz, Sullivan, Sapieha-Yanchak, Lopes, Hermanowski, Fisher, Cruz, Catanzaro, Bonola and Bielinski.

City Clerk, Peter J. Denuzze, gave the invocation: O God, our Heavenly Father, tonight we pray for and congratulate the St. Francis Lady Chargers' Varsity Basketball Team and the St. Joseph Boys' Varsity Basketball Team on their winning the New England C.Y.O. Championships. We also pray for our elected representatives and for the City of New Britain that they were elected to serve. Keep them aware of the great responsibility that in theirs by virtue of their Office. We ask this in Thy name. Amen.

The pledge to the flag was led by Gary Robinson.

A moment of silence was observed in memory of former Ald. Joseph Pac who died on April 21, 2005 and in memory of Ronald E. Brooks, former City employee, who died on April 25, 2005.

The Council stood at ease while Mayor Stewart present a plaque to Ald. Audrey Fisher, who will resign after this meeting. Several members of the Council recognized Ald. Fisher for her dedicated service to the City of New Britain.

Ald. Fisher thanked the residents of the City for allowing her to serve and said that she always tried to vote to reflect what was best for the City.

Ald. Trueworthy moved to amend the agenda by adding sub. 28564 (4), and 28567 (8), by moving 28543 (B) to the end of the agenda and by adding 28570 (14). Motion seconded by Ald. Bielinski. Roll call vote – 14 in favor, 1 opposed. In favor: Ald. Trueworthy, Yeziarski, Collins, Ziccardi, Karp, Sullivan, Sapieha-Yanchak, Lopes, Hermanowski, Fisher, Cruz, Catanzaro, Bonola and Bielinski. Opposed: Ald. Wyskiewicz.

PETITIONS

- 28571** Ald. Collins for cutting of tree branches in front of speed limit sign at 252 South Main Street. Referred to the Parks & Recreation Department.
- 28572** Ald. Collins for the repair of the traffic light at the corner of Whiting Street and South Main Street. Referred to the Department of Public Works.
- 28573** Ald. Sullivan for repairing of pot holes on Lexington Street. Referred to the Department of Public Works.

**MAYOR'S VETO MESSAGE
OF RESOLUTION #28448-2**

28448-2

Mr. Peter J. Denuzze
Town and City Clerk
27 West Main Street
New Britain, CT 06051

Dear Mr. Denuzze:

Approximately ten (10) years ago the City of New Britain repealed its prior adoption of Conn. Gen. Stats Sec. 47a-57, which requires Certificates of Apartment Occupancy ("CAO"s) at the inception of every tenancy. Although Sec. 47a-57, on its face, appears to be a good thing for our City, the opposite is, in fact, true.

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Many will argue that adoption of the CAO requirement will somehow be a solution to those living in squalor, especially children. This, however, oversimplifies the issue and ignores the fact that there are many avenues available now that can be used to fight against substandard conditions. Tenants living in poor conditions can notify the Fire Marshall's Office, the Health Department and/or Building Department and request inspections of their apartments at any time during their tenancy when a problem occurs. In comparison, the CAO is a snapshot only of the apartment's condition at the beginning of each tenancy.

The CAO requirement, as passed by the Council in Resolution #28448, imposes a fee on the landlords at the time of application. These costs will most certainly be borne by the tenants themselves. In fact, the CAO requirement will result in increased costs to landlords and tenants alike. Those who least can afford a rental increase would have just such an increase imposed upon them by this Council.

In order for the City to be able to perform inspections in a timely fashion, it has been estimated to cost an additional \$600,000 per year and a significant increase in the number of inspectors on the City payroll. Given that the Council has not appropriated any money in passing Resolution #28448, this is essentially an unfunded mandate. Not only will it have raised the costs to landlords and tenants, but also places an additional burden on all of our taxpayers at a time when this Administration is trying to lighten the taxpayers' burden.

To allow this Resolution to be enacted as an ordinance would be a disservice to all. We should learn from history and not be condemned to repeat it. As a certified licensed inspector myself, I cannot justify adding another layer of bureaucracy on an already overburdened inspection system. The Fire Department is already inspecting all multi-family housing (3 family and above) for compliance with the Connecticut Fire Safety code on an annual basis as required by state statute.

While this resolution was passed with good intentions, the result will be that precious resources are taken away from code enforcement against bad landlords, and instead spend time and effort enforcing an arbitrary requirement against good landlords. In addition, despite the City's best efforts to enforce the proposed ordinance, this resolution may expose the City to liability such as was seen in the Erwin Place fire.

For the foregoing reasons, and with due respect to the members of the Council, I hereby veto Resolution #28448 which was passed on April 13, 2005.

Sincerely,

Timothy T. Stewart
Mayor, City of New Britain

RESOLUTION

28448-2 RE: AMENDMENT TO SEC. 13-76 OF THE ORDINANCES – DWELLINGS AND PREMISES TO BE CLEAN, SANITARY AND FIT BEFORE OCCUPANCY

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:

Inserted text appears in underline; deleted text appears in ~~strike through~~; new sections begin with the word [new]

Sec. 13-76. Dwellings and premises to be clean, sanitary and fit before occupancy.

- a) [New] Definition – For the provisions of Sec. 13-76, the following shall be defined as follows:

CAO – Certificate of Apartment Occupancy – A permit authorized and administered by the city of New Britain ensuring all dwelling units are safe and sanitary.

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Owner Occupied – Where a property is inhabited by the owner of record as the owner's primary residence

- b) [New] The common council hereby adopts the provisions of section ~~47-A-57~~ 47a-57 of the Connecticut General Statutes. Any apartment or dwelling unit in any structure containing three or more housing units shall not be occupied for human habitation, after a vacancy, until a Certificate of Apartment Occupancy has been issued by the director of licenses, permits and inspections.
- c) ~~No owner or other person shall occupy or let rent or lease to another person any dwelling or dwelling unit in any structure containing three (3) or more housing units unless it and the surrounding premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including obtaining a certificate of apartment occupancy from the building department of the city director of licenses, permits and inspections. No such certificate of occupancy shall be issued until the owner has paid an inspection fee of thirty-five [(\$35.00) dollars] per apartment unit. if the owner is a natural person, or one hundred dollars per apartment unit, if the owner is a corporate entity of any kind or is otherwise not a natural person. No provision of this section shall apply to any structure occupied by the owner thereof as said owner's primary residence nor to any structure containing less than 3 (three) units, nor to any structure which has been constructed or substantially reconstructed within the ten-year period immediately before the date such certificate of occupancy would otherwise be required under this section.~~
- d) [New] All funds collected under sub-section (c) of this section shall be retained within the department of license permits and inspections for the exclusive use of administration and enforcement of this ordinance.
- e) ~~[New] No property that contains three or more units and is not owner occupied shall go for a period of more than three years without having obtained a CAO. If an apartment unit has gone for a period of three years without obtaining a Certificate of Apartment Occupancy, the City of New Britain shall notify property owners to schedule an inspection.~~
- f) [New] No provision of the section shall be applicable to Co-operative Housing Associations whereby all units are owner occupied.
- g) [New] The director of Licenses, Permits and Inspections shall ~~establish a plan, to be reviewed and acted upon by report to the Mayor and the Common Council no later than October 1, 2005 of how every impacted property of this ordinance shall be inspected by the December 31, 2008. This plan shall be updated and presented to the Mayor and Common Council annually on or before October 1 of each subsequent year and each subsequent year thereafter the number of inspections performed and certificates issued.~~
- h) ~~[New] Any property owner shall request that a CAO inspection be performed at any time an apartment becomes vacant and the city shall inspect said property within three business days and the property owner shall render payment of \$35.00.~~
- i) [New] Any owner or lessor who recovers rent for the occupation of any apartment or dwelling unit for which a certificate of occupancy has not been obtained, shall be liable for a fine of twenty dollars (\$20.00) per day for not more than two hundred days for such period of unlawful occupation. Failure to pay this fine within sixty days shall constitute a debt in favor of the city. ~~In enforcement of this debt, the city may place a lien upon any real estate owned by the person who has been fined. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this ordinance to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens. In~~

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~~addition to placing a lien against the property for failure to pay such fine, the city may bring a civil action against the debtor in a court of competent jurisdiction to recover such debt.~~

- j) [New] All funds collected under sub-section (i) of this section shall be placed in the city's general fund.
- k) [New] This Ordinance shall become effective January 1, 2006.

Alderman Silvia J. Cruz
Alderman Audrey Fisher
Alderman Michael Trueworthy

Ald. Trueworthy moved to accept and adopt, the Mayor's veto notwithstanding, seconded by Ald. Bielinski. Roll call vote – 9 in favor, 6 opposed. In favor: Ald. Trueworthy, Ziccardi, Wyskiewicz, Sapieha-Yanchak, Lopes, Fisher, Cruz, Catanzaro and Bielinski. Opposed: Yeziarski, Collins, Karp, Sullivan, Hermanowski and Bonola. Mayor's veto sustained. RESOLUTION DEFEATED.

Ald. Trueworthy moved to accept the Consent Agenda seconded by Ald. Yeziarski. Roll call vote. All members voted in favor. Approved April 28, 2005 by Mayor Timothy T. Stewart.

CONSENT AGENDA

CITY CLERK

28542 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

- Klimas, Agnieszka
- Michaud, Pauline
- Rosenthal, Anthony

Peter J. Denuzze

DIRECTOR OF FINANCE

28545 RE: PROJECTED SURPLUS, GENERAL FUND FY 2005

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 Article X, section 10-5 (a)(2) of the City of New Britain Charter, the projected results from operations for the General Fund, fiscal 2005, is submitted to the Common Council. Budgetary projections are based on activity through April 20, 2005. Refer to attachments and on file with the Town & City Clerk

The estimated results from operations shall be adjusted through the reporting period for submission to the Council on May 25th, June 22nd and July 27th.

John Jedrzejczyk
Director of Finance

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PURCHASING DEPARTMENT

28546 RE: TEST AND CALIBRATE WATER METERS, WATER DEPARTMENT

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

Public Bid No. 3161 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for testing and calibration of water meters for the Water Dept. Funding is available from the Water Dept. budget.

Invitations to bid were solicited, and the bid was duly advertised. Bids were submitted are on file in the Town Clerk's Office.

The bids were checked for conformance to specifications by the Board of Water Commissioners and the Acting Purchasing Agent. Therefore, the following is recommended:

Resolved, That the Acting Purchasing Agent be and is hereby authorized to enter into a contract with Toomey Water Services Inc. at the unit prices quoted to provide testing and calibration services for the Water Dept., per the terms and specifications of Public Bid No. 3161.

Joanne Douglas
Finance and Purchasing Administrator

28548 RE: HYDRANTS, WATER DEPARTMENT

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

Public Bid No. 3163 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for purchase of hydrants on an as-needed basis for a one-year period by the Water Dept. Funding is available in the Water Dept. budget.

Invitations to bid were solicited, and the bid was duly advertised. Bids were submitted are on file in the Town Clerk's Office.

The bids were checked for conformance to specifications by the Board of Water Commissioners and the Acting Purchasing Agent. Therefore, the following is recommended:

RESOLVED: That the Acting Purchasing Agent be and is hereby authorized to issue a standing purchase order to Ferguson Water Works EPPCO, at the unit prices quoted, to provide for the Water Dept.'s annual hydrant requirements, per the terms and specifications of Public Bid No. 3163.

Joanne Douglas
Finance and Purchasing Administrator

28550 RE: DUCTILE IRON PIPE, WATER DEPARTMENT

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

Public Bid No. 3165 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for purchase of ductile iron pipe on an as-needed basis by the Water Dept. for a one-year period. Funding is available in the Water Dept. budget.

Invitations to bid were solicited, and the bid was duly advertised. Bids were submitted are on file in the Town Clerk's Office.

The bids were checked for conformance to specifications by the Board of Water Commissioners and the Acting Purchasing Agent. Pricing was compared based upon estimated quantities of the various size pipe to be ordered. Therefore, the following is recommended:

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RESOLVED: That the Acting Purchasing Agent be and is hereby authorized to issue a standing purchase order to EPPCO at the unit prices quoted to provide for the Water Dept.'s annual ductile iron pipe requirements, per the terms and specifications of Public Bid No. 3165.

Joanne Douglas
Finance and Purchasing Administrator

28551 RE: LIQUID PROPANE – STANLEY GOLF COURSE

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. 3166 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for delivery to the Stanley Golf Course of liquid propane and related maintenance/repair services for the period July 1, 2005 through June 30, 2007, contingent upon annual funding appropriation made for this purpose. Funding request has been included in the 05-06 budget from line items 201-1335-2120-384 for fuel purchases and 201-1335-2120-373 for maintenance/repairs.

Invitations to bid were solicited, and the bid was duly advertised. Responses were received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by Golf Course administration and the Acting Purchasing Agent. Comparison of bids was made based on the estimated annual quantity of 10,000 and estimated annual service repair hours (less than 10) Therefore, the following is recommended:

RESOLVED, that the Acting Purchasing Agent be and is hereby authorized to enter into a contract with Superior Energy LLC for the provision of liquid propane fuel and maintenance/repair services at quoted rates for the contract term July 1, 2005 through June 30, 2007 at the City's option, contingent upon annual funding appropriation made for this purpose, per the terms and specifications of Public Bid No. 3166.

Joanne Douglas
Finance and Purchasing Administrator

28554 RE: LIQUID CORROSION INHIBITOR CALCIUM CHLORIDE SOLUTION

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. 3171 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase of Liquid Corrosion Inhibitor Calcium Chloride Solution on an as-needed basis for use by the Public Works Dept. for the period July 1, 2005 through June 30, 2006, with an option to extend the contract through June 30, 2007 at the City's option. The contract is contingent upon annual funding appropriation made for this purpose. Funding is included in the 05-06 budget, line item 001-1330-3116-221.

Invitations to bid were solicited, and the bid was duly advertised. Responses, stated in per gallon unit, were received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by Public Works administration and the Acting Purchasing Agent. Therefore, the following is recommended:

RESOLVED, that the Acting Purchasing Agent be and is hereby authorized to enter into a requirements contract with Gorman Bros. for provision of liquid corrosion inhibitor calcium chloride solution at the quoted per gallon price for the period July 1, 2005 through June 30, 2006, with the option to extend the contract through June 30, 2007, per the terms and specifications of Public Bid No. 3171.

Joanne Douglas
Finance and Purchasing Administrator

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DEPARTMENT OF MUNICIPAL DEVELOPMENT

28557 RE: CONSOLIDATED PLAN FOR HUD PROGRAMS

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

The Director of the Department of Municipal Development on behalf of the Commission on Community & Neighborhood Development reports that the Commission, at its meeting of April 7, 2005, approved resolutions regarding the 2005-2009 Five-Year Consolidated Plan for HUD Programs and the 2005 Action Plan.

Accordingly, the Commission on Community & Neighborhood Development hereby transmits and recommends approval by the Common Council at its meeting of May 11, 2005, of the proposed resolution authorizing the filing of the 2005-2009 Consolidated Plan for HUD Programs and the 2005 Action Plan to serve as applications to the U. S. Department of Housing & Urban Development for Federal Assistance under the Community Development Block Grant Program, the HOME Program and the Emergency Shelter Grants Program.

Kenneth A. Malinowski, Director
Department of Municipal Development

28558 RE: 2005 NEIGHBORHOOD ASSISTANCE ACT PROGRAM

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

The Director of the Department of Municipal Development transmits and recommends approval by the Common Council at its meeting on May 25, 2005, of the proposed resolution authorizing the filing of the 2005 Neighborhood Assistance Act Program.

Kenneth A. Malinowski, Director
Department of Municipal Development

DEPARTMENT OF PUBLIC WORKS

28559 RE: NON-BURNABLE COLLECTION

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

The Department of Public Works has provided a report, "Non-Burnable Municipal Comparison," comparing the non-burnable collection approaches taken by eight (8) of the State's largest municipalities. The report responds to a request by the Common Council for background information to assist in the development of a re-designed non-burnable collection program for New Britain residents.

Of the eight (8) municipalities surveyed, six (6) required call-in by residents, one (1) did not offer a collection program and one (1) allowed weekly collection on the curbside with regular waste. Most of the communities instituted some limit to volume of materials placed on the curb and populations served.

Upon consideration of key program elements including: 1) call-in requirement, 2) set volume limits and 3) limited service population, a preliminary draft program—"Special On-Call Collection Program"—is prepared comparing a proposed special on-call program with the May, 2004 collection. The comparison is on file in the Town Clerk's Office.

The Department of Public Works is committed to designing programming to promote a clean community by offering cost-effective and accessible disposal services and educational materials that prepare residents to properly dispose of household waste. The Department is eager to suggest alternative approaches for future non-burnable waste disposal.

Clarence Corbin, Director

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TAX DEPARTMENT

28560 RE: TAX ABATEMENTS, CORRECTIONS AND REFUND

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.

Fred J. Menditto
Tax Collector

LICENSE COMMITTEE

28443-1 RE: HOLY CROSS CHURCH BAZAAR / CARNIVAL 6/14/05 to 6/18/05

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

The License Committee recommended on Wednesday evening, April 13, 2005 the adoption of the following:

RESOLVED; by the Common Council of the City of New Britain that the Mayor be and he is hereby authorized to issue to the Holy Cross Church, said license as may be issued under Chapter 5, Section 5-15 through 5-22 of the Ordinances for the period of June 14, 2005 through June 18, 2005 for the purpose of conducting a bazaar/carnival on the Holy Cross school grounds, bordering Eddy Glover Boulevard and Worthington Street.

Alderman Daniel N. Karp
Chair, License Committee

REPORTS OF BOARDS, COMMISSIONS, DEPARTMENTS AND LEGISLATIVE COMMITTEES

DIRECTOR OF FINANCE

28544 RE: LINE ITEM TRANSFERS WITHIN A DEPARTMENT'S BUDGET – 4/5/05 THRU 4/19/05

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) states: “the mayor shall be authorized to transfer monies within a departmental budget upon written request of the petitioning department” and within the transfer guidelines specified in the ordinance provision. Intra-departmental transfers must specify the source of surplus monies proposed to offset the increase in a budget line item citing the necessity of the transfer.

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 ordinance listed above for the period ending April 19, 2005.

34. Department: Common Council
From: 001-1111-1110-110 (Full Time Salaries)

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To: 001-1111-1110-310 (Advertising & Printing)
Amount: \$2,000.00
Brief Explanation: Monies needed to advertise Internal Auditor Position

35. Department: Parks & Recreation (Exercise the Right Choice)
From: 238-1512-5111-113 (Part Time Salaries)
To: 238-1512-5111-221 \$20,000.00 (Operating Materials & Supplies)
238-1512-5111-330 \$20,000.00 (Rental/Leases of Property/Equip)
Amount: \$40,000.00
Brief Explanation: Contractual agreements for various services for After School Program.

John Jedrzejczyk
Director of Finance

Ald. Wyskiewicz moved to accept and adopt, seconded by Ald. Collins. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

PURCHASING DEPARTMENT

28547 RE: COLD WATER METERS, WATER DEPARTMENT

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

Public Bid No. 3162 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for purchase of cold water meters on an as-needed basis by the Water Dept. Funding is available from the Water Dept. budget.

Invitations to bid were solicited, and the bid was duly advertised. Bid was submitted are on file in the Town Clerk's Office.

The bid was checked for conformance to specifications by the Board of Water Commissioners and the Acting Purchasing Agent. The required product is available through a limited market, as the meters must be compatible with existing Water Dept. reader units and software. Therefore, the following is recommended:

RESOLVED: That the Acting Purchasing Agent be and is hereby authorized to issue a standing purchase order to Ti Sales at the unit prices quoted to provide for the Water Dept.'s annual cold water meter requirements, per the terms and specifications of Public Bid No. 3162.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Karp moved to accept and adopt, seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28549 RE: VARIOUS SIZE VALVES, WATER DEPARTMENT

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

Public Bid No. 3164 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for purchase of various size valves on an as-needed basis for a one-year period by the Water Dept. Funding is available in the Water Dept. budget.

Invitations to bid were solicited, and the bid was duly advertised. The bid submitted are on file in the Town Clerk's Office.

The bid was checked for conformance to specifications by the Board of Water Commissioners and the Acting Purchasing Agent. Therefore, the following is recommended:

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RESOLVED: That the Acting Purchasing Agent be and is hereby authorized to issue a standing purchase order to EPPCO at the unit prices quoted to provide for the Water Dept.'s annual valve requirements, per the terms and specifications of Public Bid No. 3164.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Lopes moved to accept and adopt, seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28552 RE: OSGOOD PARK ADA PLAYSCAPE

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. 3168 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for the purchase and installation of an ADA-accessible playscape at Osgood Park. Funding for the project is available from LOCIP line item 213-1800-1859-V21.

Invitations to bid were solicited, and the bid was duly advertised. Responses were received are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by Parks Dept. administration and the Acting Purchasing Agent. Therefore, the following is recommended:

Resolved, the Acting Purchasing Agent be and is hereby authorized to enter into a contract with Mountain View Landscapes and Lawncare Inc. in the amount of \$70,160 (base + alternate 2 + unit A (qty. 2) + unit B (qty. 2)) for purchase and installation of an ADA-accessible playscape at Osgood Park, in accordance with the terms and conditions of Public Bid No. 3168.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Wyskiewicz moved to accept and refer to the Committee on Education, Human Services and Parks & Recreation. Motion seconded by Ald. Bielinski. Motion lost by show of hands – 4 in favor, 11 opposed. Ald. Bielinski moved to accept and adopt, seconded by Ald. Yeziarski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28553 RE: NEW BRITAIN STADIUM UPGRADES

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. 3169 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for New Britain Stadium upgrades. This solicitation is a re-bid of Public Bid No. 3146. Funding for the project is available from LOCIP line item 213-1800-1859-G05. The scope of work general includes:

- Provide gutter along roof edge over ticket booths
- Explore and repair miscellaneous roof flashings
- Replace carpeting in office and club house
- Restripe the parking lot
- Replace netting behind home plate
- Paint the interior concourse and adjacent wall assemblies
- Provide a new continuous concrete stain on the main concourse floor
- Provide new elevator cab finishes
- Repoint and caulk concrete steps
- Provide new batting cage
- Provide new tactile surfaces at stair nosings
- Provide additional HC accessible hardware in the toilet rooms

Invitations to bid were solicited, and the bid was duly advertised. Responses were received are on file in the Town Clerk's Office.

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The bids were reviewed for conformance to specifications by Parks Dept. administration and the Acting Purchasing Agent. Therefore, the following is recommended:

Resolved, the Acting Purchasing Agent be and is hereby authorized to enter into a contract with DiPietro and Son Contracting, LLC in the amount of \$177,200 (base + alternates 1, 2, 3, 4, 5, 7, 8 and 9) for maintenance upgrades and improvements at New Britain Stadium, in accordance with the terms and conditions of Public Bid No. 3169.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Wyskiewicz moved to accept and adopt, seconded by Ald. Bielinski. So voted. Ald. Lopes and Ald. Karp opposed. Approved on April 28, 2005 by Mayor Timothy T. Stewart.

28555 RE: REFRIGERANT/CAPACITOR REMOVAL DISPOSAL

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. 3172 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for removal and disposal of refrigerant and capacitors from units accumulated as the result of direct delivery to the landfill and of projected non-burnable trash collection. This contract is on an as-needed basis and will be in effect for a period of one year. A two-percent (2%) differential in favor of City-based bidders applied to this solicitation. Funding for the project is available from the Sanitation Div. line item 001-1338-3240-389 and has been included in FY 05-06 budget request.

Invitations to bid were solicited, and the bid was duly advertised. Pricing submitted by bidders are on file in the Town Clerk's Office.

The bids were reviewed for conformance to specifications by Public Works administration and the Acting Purchasing Agent. The apparent low bidder, Interstate Refrigerant Recovery, submitted two bids. One of the bids met specifications, which included request for pricing for capacitor removal. The alternate bid proposed eliminating the capacitor removal task and only providing verification that no PCB's exist in the units. While newer appliance units are made with non-PCB capacitors, many units that are discarded are older units manufactured prior to EPA mandates eliminating PCB's. It is Public Works policy that it is not practical to analyze and test every unit and, therefore, all capacitors are removed and disposed. Therefore, the following is recommended:

RESOLVED, that the Acting Purchasing Agent be and is hereby authorized to enter into a contract with Interstate Refrigerant Recovery for removal and disposal of refrigerant/capacitors as specified by bid documents at the unit pricing submitted, in accordance with the terms and conditions of Public Bid No. 3172.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Karp moved to accept and adopt, seconded by Ald. Wyskiewicz. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28556 RE: SUMMER BUS TRANSPORTATION

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. 3177 was solicited and received in accordance with the Purchasing Ordinances of the City of New Britain for provision of summer bus service in connection with Camp TotalRec and other Parks and Recreation activities. Funding request is included in the FY 05-06 budget in various Parks Dept. line items.

Invitations to bid were solicited, and the bid was duly advertised. Response was received are on file in the Town Clerk's Office.

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The bid was checked for conformance to specifications by Parks and Recreation administration and the Acting Purchasing Agent. Therefore, the following is recommended:

RESOLVED: That the Acting Purchasing Agent be and is hereby authorized to enter into a contract with New Britain Transportation to provide for summer transportation requirements at the above rates, contingent upon FY 05-06 funding, per the terms and specifications of Public Bid No. 3177.

Joanne Douglas
Finance and Purchasing Administrator

Ald. Karp moved to accept and adopt, seconded by Ald. Yeziarski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

DEPARTMENT OF PUBLIC WORKS

28336-1 RE: LEAF COLLECTION

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

Attached is cost information related to various leaf collection approaches as requested by the Common Council, Resolution 28336 approved November 15, 2004.

The options for leaf collection approaches include:

- curbside bagged leaf collection
- a combination of leaf bag and loose leaf vacuuming
- loose leaf collection vacuum/heavy equipment, private contractor

In response to Resolution 28336, four (4) reports are provided that offer a financial analysis of various options for consideration by Mayor Stewart and the Common Council Subcommittee on Public Works and Infrastructure.

Attachment A*: Existing leaf bag collection system: In 1992, New Britain Public Works ended the curbside collection of loose leaves and established a program of curbside collection of leaves bagged by homeowners.

Attachment B*: Rent/purchase leaf collection machines for use by Public Works employees: The attached proposal for a "Combination Vacuum Machine and Leaf Bag Collection" assumes City purchase of vacuum equipment and offers both loose leaf and paper bag collection. It should be noted that rental of vacuum units is costly and not recommended. A unit rental will cost \$12,000 for a pull-behind unit when the same piece of equipment may be purchased or \$28,000.

Attachment C*: City of Bristol Study. Collection Comparison: Raking vs. Bagging, BioCycle Magazine, 1989.

Attachment D*: Municipal Leaf Collection Comparison report, December, 2003.

*All attachments are on file in the Town Clerk's Office.

Clarence Corbin, Director

Ald. Bonola moved to accept and refer to the Committee on Public Works and Infrastructure, seconded by Ald. Collins. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

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COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURE

28170-1 RE: PROPOSED AMENDMENT TO SEC. 11-16 OF THE ORDINANCES – COLLECTION AND REMOVAL OF INCOMUSTIBLE RUBBISH: PROCEDURE FOR REMOVAL OF INCOMBUSTIBLE RUBBISH; PENALTY; LIEN

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 Public Works and Infrastructure at a regular meeting held on Monday evening, April 18, 2005 at 6:30 p.m. in the Council Chambers to which was referred the matter of Item #28170 – Amend Section 11-16 of the Code of Ordinances – Collection and removal of incombustible rubbish; procedure for removal of incombustible rubbish; penalty; lien voted to accept and adopt and recommend that the following resolution be referred back to the Common Council for final adoption.

Alderman Salvatore Bonola
Chair

Ald. Bonola moved to accept, seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

RESOLUTION

28170-2 RE: AMENDMENT TO SEC. 11-16 OF THE ORDINANCES – COLLECTION AND REMOVAL OF INCOMBUSTIBLE RUBBISH, PROCEDURE FOR REMOVAL OF INCOMBUSTIBLE RUBBISH; PENALTY; LIEN

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 amend Section 11-16 of the Code of Ordinances.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Section 11-16 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word {new}):

Sec. 11-16. Collection and removal of incombustible rubbish; procedure for removal of incombustible rubbish; penalty; lien.

- a) The city shall provide for the collection of incombustible rubbish, as defined in section 11-1 of this chapter. There shall be a minimum of ~~two (2)~~ one (1) such collections no later than June 1st of each calendar year. The dates for such collections shall be scheduled by the department of public works which shall be responsible to provide notice to the public of the dates for such collections.
- b) No person shall place or deposit any incombustible rubbish at the curb at any time other than twelve (12) hours prior to a scheduled pick-up of incombustible rubbish.
- c) Any person who places or deposits any incombustible rubbish at the curb in violation of the provisions of paragraphs (a) and/or (b) of this section shall be immediately notified by the department of public works to remove said rubbish within ~~seven (7)~~ five (5) days. If the rubbish is not removed in accordance with the order of the department of public works, said department shall remove, or cause to be removed, any incombustible rubbish which has been placed at the curb. The owner of the property on which incombustible rubbish has been placed shall be obligated to reimburse the City of New Britain for the total costs incurred by the city in removing the rubbish including, but not limited to, costs of collection, costs of hauling and tipping fees.

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- d) In the event the full amount due the city is not paid by such owner within thirty (30) days after receipt of a bill from the city, the department of public works shall cause a lien to be filed against the property and recorded in the New Britain Land Records. Such recordation shall constitute a lien on the property, and shall remain in effect for the amount due, including principal, interest and court costs, if any, until final payment has been made. Such amount due shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a penalty of six (6) per cent in the event the charge is not paid in full on or before the date of the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with, that the work has been done properly and satisfactorily, and shall be notice to all concerned that the amount of the statement, plus interest, constitutes a charge against the property designated in the statement and that such charge is due and collectible as provided by law.
- e) Any person who violates the provisions of paragraph (b) of this section shall be guilty of a violation, as defined in section 53a-27 of the Connecticut General Statutes, and subject to a fine not to exceed ninety-nine dollars (\$99.00).

(Ord. Of 10-88; Ord. Of 4-92; No. 26824-1, 2-27-02)

Alderman Salvatore Bonola
Alderman Francis Ziccardi

Ald. Bonola moved to accept and adopt, seconded by Ald. Hermanowski. So voted. Ald. Fisher opposed. Returned May 3, 2005 without the approval or disapproval of Mayor Stewart.

NEW BUSINESS RESOLUTIONS

28561 RE: BUDGET TRANSFER, PARK DEPARTMENT 21ST CENTURY COMMUNITY LEARNING CENTER GRANT PROGRAM

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

Resolution Summary

Program Objective: This 21st Century Community Learning Center grant provides comprehensive after school programming at five elementary schools (Lincoln, Northend, Gaffney, Holmes, and Vance). Students in grades three through five are targeted to attend the after school program from 3:15 to 6:00 p.m. The three major components of the after school program are education, recreation, and cultural arts.

Initial Year of Grant Funding: September 1, 2002.

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

Resolution Purpose: On September 14, 2002, Resolution #27179 in the amount of \$381,000 was approved for the first year of a five-year grant. The department is currently operating in year three of the five-year grant cycle. The Parks and Recreation Department respectfully requests a transfer within the program of \$110,000 to provide monies for operational and programmatic expenses from under-expended part-time wages.

WHEREAS, the Parks and Recreation Department staff wrote the 21st Century grant proposal well in advance of the award, budgeting accordingly for the safety of children, and

WHEREAS, receipt of formal approval from the grantor agency was delayed and approximately one third of the program passed, and

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

WHEREAS, additional monies are needed in the supplies account (arts and crafts, sports equipment, etc), the contractual services account (used to bring in other New Britain youth serving agencies to work with students) and the data processing account (laptops, printers, workstations, etc), and,

WHEREAS, an accepted grant practice is to carry over money from the previous years but a change in policy from the State of Connecticut Office of Policy and Management did not allow this practice to occur this year, Therefore, be it

RESOLVED, that the sum of \$110,000 be transferred within the grant program accounts of the 21st Century Community Learning Center as outlined below:

From:		
251-1511-5111-113	Part time salaries	\$110,000
To:		
251-1511-5111-221	Operating Supplies	\$ 45,000
251-1511-5111-330	Rental of Property/Equipment	45,000
251-1511-5111-350	Data Processing	<u>20,000</u>
	Total	\$110,000

Alderwoman A. Fisher
Alderwoman T. Sapieha-Yanchak

Ald. Fisher moved to accept and adopt, seconded by Ald. Sapieha-Yanchak. So voted.
Approved April 28, 2005 by Mayor Timothy T. Stewart.

28562 RE: APPOINTMENT OF SCULLY & WOLF LLP CITY OF NEW BRITAIN INDEPENDENT FINANCIAL AUDITOR – FISCAL YEAR ENDING JUNE 30, 2005

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

The Common Council Committee on Administration, Finance & Law, through its audit subcommittee, held a special meeting on April 19, 2005 to discuss the appointment of an independent auditor for the fiscal year ending June 30, 2005. It is the recommendation of the committee that the City will be best served with the re-appointment of Scully & Wolf, LLP, and Certified Public Accountants. The firm has agreed to retain its engagement fee at the pricing of the past financial audit, \$112,000; split between the General Fund and other funds and activities including CCND, Sewer and BOE State & Federal grant programs.

Whereas: The Common Council is the appointing authority for the independent auditor; and,

Whereas: The City must notify the State of Connecticut, Office of Policy and Management, of the Appointment by June 1 annually; and,

Whereas: It is the recommendation of the Audit Committee of the Common Council that the City will be best served with the re-appointment of Scully & Wolf, Certified Public Accountants for the examination of City financial records for the fiscal year ending June 30, 2005, therefore, be it

Resolved, the firm of Scully & Wolf LLP, Certified Public Accountants, is appointed City of New Britain independent financial auditor, fiscal year ending June 30, 2005 and be it further

Resolved, Mayor Timothy T. Stewart is authorized to execute an agreement with Scully and Wolf, LLP on behalf of the City for the FY 2005 independent financial audit engagement.

Alderman James Sullivan
Chairman, Committee on Administration, Finance & Law

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Ald. Sullivan moved to accept and adopt, seconded by Ald. Bielinski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

**28563 RE: GENERAL GOVERNMENT – EMPLOYEE MEDICAL BENEFIT FUND
AMENDMENT – CHANGE IN STOP LOSS COVERAGE**

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

Anthem Blue Cross and Blue Shield provides the City and Board of Education third party administrative services for the City's Traditional and Century Preferred medical self-funded employee medical benefit program. Included within their overall engagement fee is a premium charge for "Individual Stop-Loss" insurance coverage, whereby, annual claims per individual life exceeding \$100,000 is fully indemnified. Specifically, the City is liable for all medical claim utilization up to \$100,000 per life, per year. If such individual's claims breach this amount, Anthem pays 100% of the benefits above \$100,000.

The projected annual premium for this coverage in fiscal year 2005-2006, is \$1,126,875 or a 16% increase over the previous year of \$966,201 in 2004-2005 and a 16% increase over the previous year of \$837,399 in 2003-2004 as the attached (on file in the Town Clerk's Office) summarizes. Although our claims experience show that a decrease in premiums may be warranted, individual stop loss premiums are rated on a "pooled" basis and are not specific to New Britain's claim experience. The ever-increasing premium is disturbing with its double-digit annual escalation and is not reflective of the City's claim utilization.

In 2003, initial discussions between the Board of Education and City regarding increasing the "individual stop loss" coverage from \$100,000 to \$150,000 level was initiated but not mutually agreed upon. City and BOE health consultants could only agree upon the other supplemental insured risk component by increasing the "aggregate" stop loss coverage from a limit of 120% to 125%. Therefore, the \$100,000 individual stop loss was unchanged.

For fiscal year 2005-2006, the City believes the increase in premiums for a \$100,000 stop loss level is cost prohibitive as compared to our claims experience once again. Raising the stop loss to the \$150,000 level will increase the City's exposure to claims but will simultaneously drop the annual individual stop loss premium from \$1,126,875 to \$704,402 for an approximate savings of \$422,473 or 45%. It will necessitate eight to nine lives reaching the \$150,000 threshold to lose any premium savings by increasing the stop loss coverage in 2005-2006.

The Board of Education has already agreed to increase the "Individual Stop Loss" to \$150,000.

Therefore, Be It Resolved; the General Government component in the Employee Medical Benefit Fund is to be amended specific to increasing risk retention particular to the "Individual Stop Loss" policy underwritten by Anthem Blue Cross Blue Shield from \$100,000 to \$150,000 with an approximate premium savings in 2005-2006 of \$420,000.

Alderman Barbara Yeziarski
Council Liaison, Finance

Ald. Yeziarski moved to accept and adopt, seconded by Ald. Collins. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28564 RE: AUTHORIZATION OF SCHOOL CONSTRUCTION – THREE PROJECTS

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

WHEREAS, the New Britain Board of Education has identified and documented conditions and educational needs at the High School as well as needs for an alternative behavior center for students at the high school and middle school levels; and

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WHEREAS, the Board of Education and the Common Council are committed to taking action to relieve overcrowded conditions at the high school that impede the quality of learning for New Britain's students through the immediate use of portable classrooms (eight modular classrooms for a total of 10,000 square feet) and the construction of a freshman academy comprised of approximately sixteen classrooms, a lecture hall, special education space, and site improvements; and

WHEREAS, Students in middle school and high school dealing with disciplinary and other behavioral issues would benefit from a learning environment separate from the general student population and the Board of Education is supporting the construction of a 10,000 square foot pre-engineered (Butler) building containing eight classrooms to be used as an Alternative Behavior Center; and

WHEREAS, the State Department of Education is willing to participate in school construction projects through State Grant-In-Aid at the reimbursable rate of 79.29%; now therefore be it

RESOLVED, that the Common Council of the City of New Britain authorizes the New Britain Board of Education to make application for school construction grants for eight modular classrooms with projected costs of \$2,430,000; addition of a freshman academy (16 classrooms) and other designated improvements at the High School with projected costs of \$11,271,000; and the construction of a pre-engineered building to house eight classrooms for an Alternative Behavior Center for middle and high schools students with a projected cost of \$2,130,000; and be it

RESOLVED, that the Common Council authorizes the designated School Building Committee to negotiate contracts with design professionals and consultants to prepare schematic designs, outline specifications, design documents, contract documents for bidding, and with contractors and suppliers who have been determined to be the lowest possible bidders to complete these three projects.

Alderman Michael Trueworthy
Alderwoman Suzanne Bielinski

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. So voted. Ald. Yeziarski, Bonola, Wyskiewicz and Catanzaro opposed.

28309-1 RE: AMENDMENT TO CONTRACT WITH CAMP, DRESSER & MCKEE, INC. IN AN AMOUNT NOT TO EXCEED \$115,800

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, Camp, Dresser & McKee, Inc. (CDM) was the on-call consultant for the City that performed the environmental self audit of City facilities and operations as required by the federal Environmental Protection Agency (EPA), and provided design, construction administration, engineering, and inspection services for the various improvements and facilities that were identified in the self audit as necessary for the City to construct in order to come into compliance with applicable environmental regulations; the cumulative amount of tasks assigned to CDM under the on call contract to date totals \$479,450; and,

Whereas, On October 27, 2004, the Common Council of the City of New Britain through Resolution #28309 authorized the Acting Purchasing Agent to enter into a contract with CDM in an amount not to exceed \$140,000 for construction administration, engineering, and partial inspection services for the construction project entitled "Environmental Compliance Improvements at the City Vehicle Maintenance Facilities", Bid No. 3124, in conjunction with the self audit; and,

Whereas, EPA has informed the City of their intent to enter into a consent order with the City related to the violations identified in the self audit and addressed by the measures taken as a result of the self audit; and,

Whereas, the consent order will include various requirements that the City must meet, including preparing a comprehensive status report and project completion certification; and,

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Whereas, it has been determined by Public Works that independent materials testing services are appropriate for certain aspects of construction associated with Bid No. 3124; and,

Whereas, a number of unforeseen factors, including project delays, harsh winter weather, unsuitable subsurface soil conditions, and an extremely high number of project submittals and requests for information from the contractor, have resulted in the time necessary for CDM to contribute to the services contracted for through Resolution #28309 in order to properly serve the project and the City to increase significantly over what was anticipated; and,

Whereas, CDM has submitted a proposal to the City in the amount of \$115,800 to amend the contract authorized by Resolution #28309 to, 1) expand the number of hours of inspection (resident engineering) and professional engineering services as deemed necessary to see the construction project through to completion, 2) retain Independent Materials Testing Services as a subcontractor to perform the independent materials testing for the project, and 3) provide response services for the EPA consent order, including preparation of the comprehensive status report and project completion certification; and,

Whereas the source of funding for the City of New Britain will be the Capital Projects Fund, Environmental Remediation Program, approved by the Common Council of the City of New Britain on May 24, 2003, through Resolution #27491; therefore be it,

Resolved, that the Acting Purchasing Agent be authorized to amend said contract with Camp, Dresser & McKee, Inc. as stated above in an amount not to exceed \$115,800.

Ald. Salvatore Bonola
Ald. Francis Ziccardi

Ald. Bonola moved to accept and adopt, seconded by Ald. Ziccardi. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28565 RE: BUDGET TRANSFER – PARK DEPARTMENT - \$57,035.00

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:

With the arrival of spring, every effort is made to ensure that City parks are properly maintained. It is necessary at this time to hire additional seasonal employees to assist department staff with normal maintenance and up-keep tasks. Also, due in part to the large number of snow storms occurring this winter, budget overruns currently exist in several overtime accounts such as Forestry, Horticulture, Park Maintenance, and Special Projects accounts as well as several supply and maintenance accounts. Vacancies within the various Park department full-time salary accounts allow for monies to be available for transfer and to defray the cost of the seasonal employees as well as the overtime costs previously incurred.

WHEREAS, the Park Department requests a transfer of funds for the purpose of hiring additional seasonal employees to assist in the preparation and maintenance of the City's various parks and recreation areas, and

WHEREAS, additional funds are requested to fund overtime and additional supply and maintenance costs within the Park Department, THEREFORE, BE IT

RESOLVED, that the sum of \$57,035 be transferred within the Park department budget for the purposes stated as follows:

From:		
001-1511-5125-110	Park Maintenance – FT Salaries	47,900
001-1511-5121-110	Forestry – FT Salaries	\$7,000
001-1511-5123-110	Horticulture – FT Salaries	<u>\$2,135</u>
	Total	\$57,035

To:

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001-1511-5121-111	Forestry – OT	\$9,000
001-1511-5123-111	Horticulture – OT	\$3,000
001-1511-5125-111	Park Maintenance – OT	\$23,000
001-1511-5125-113	Park Maintenance – PT Salaries	\$19,425
001-1511-5126-111	Special Projects – OT	\$2,000
001-1511-5300-372	Willow Brook Sports Complex – Bldg Repairs	<u>\$610</u>
	Total	\$57,035

Alderwoman Audrey Fisher
Alderwoman Teresa Sapieha-Yanchak
Council Liaisons – Park Department

Ald. Fisher moved to accept and adopt, seconded by Ald. Sapieha-Yanchak. So voted.
Approved April 28, 2005 by Mayor Timothy T. Stewart.

28566 RE: THE CONVEYANCE OF 160 MAIN STREET (THE RAO BUILDING) TO CRISCARR REALTY LLC AT A SALE PRICE OF NOT LESS THAN \$10,000.00

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

WHEREAS, The City of New Britain is committed to the revitalization of its downtown area and the preservation of historical buildings where at all possible; and

WHEREAS, The City of New Britain owns an historic building located at the heart of the downtown district known as the Sovereigns Trading Company (STC) building located at 160 Main Street (commonly known as the Rao Building) which has been vacant for many years; and

WHEREAS, a previous offer to enter into a purchase and sale agreement on this property has been withdrawn by the purchaser; and

WHEREAS, CrisCarr Realty LLC, a real estate development firm with experience in multi-story residential and commercial projects in central Connecticut, desires to purchase this property at 160 Main Street for renovation into commercial on the ground floor with office/professional or residential on the upper floors; and

WHEREAS, The City of New Britain has received a request for transfer of this property from CrisCarr Realty LLC for a total of Ten Thousand Dollars (\$10,000.00) and other valuable consideration; and

RESOLVED, That Timothy T. Stewart, Mayor, be and is hereby authorized to execute on behalf of the City of New Britain a purchase and sales agreement with CrisCarr Realty LLC for the property known as 160 Main Street and to execute any and all documents necessary for the conveyance of said property in accordance with the terms of said agreement at a sale price of not less than \$10,000.00.

Alderman James A. Wyskiewicz

Ald. Wyskiewicz moved to accept and refer to the Committee on Planning, Zoning and Housing, seconded by Ald. Collins. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28567 RE: BUDGET TRANSFER PUBLIC WORKS SANITATION DIVISION - \$18,000

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

Whereas, the Common Council Committee on Public Works and Infrastructure has voted to amend New Britain City ordinance Sec. 11-16 (a) regarding number of non-burnable collections; and,

Whereas, Bid #3094, Rubbish Contract, establishes a bid price for non-burnable collection of \$46,500 per week; and,

Whereas, the existing municipal hauling contract provides for modifications to current contract services based on a "time and materials" basis; and,

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Whereas, it may be necessary to address the collection of burnable materials that are improperly packaged and exceed routine set out tonnage levels as a contract change order that is not a current year budgeted expense; and,

Whereas, the added cost of collection of burnable materials in excess of the norm shall not exceed \$12,000; and,

Whereas, the Public Works Department also did not budget additional costs in the amount of \$4,000 related to freon removal associated with the non-burnable collection of freon-containing appliances such as refrigerators, air conditioners, dehumidifiers and freezers and \$2,000 for vehicles repairs; and,

Whereas, the Department of Public Works has provided a budget of projected costs (See attached Program Budget) for the implementation of a non-burnable collection program that delineates the total program costs, identifies existing budget resources available for utilization and details additional funds required for successful implementation; and,

Whereas, the Department of Public Works will require an additional appropriation of \$18,000 to cover expenses related to freon removal disposal fees (\$4,000) change order to hauler contract for added burnables (\$12,000) and fleet vehicle repairs (\$2,000); Therefore,

Resolved, the sum of \$18,000 be transferred from General Fund Contingency to Public Works Sanitation budget accounts for the purpose of providing additional monies necessary to supplement a Capital Nonrecurring appropriation of \$50,000 in order to conduct a non-burnable trash collection prior to the conclusion of the fiscal year as follows:

From:		
001-1910-9001-073	Contingency	\$ 18,000
To: (Public Works Sanitation)		
001-1338-3240-389	Freon Removal	\$ 4,000
001-1338-3240-381	Collection Contract	\$ 12,000
001-1338-3240-222	Vehicle Repairs	<u>\$ 2,000</u>
Total		\$ 18,000

And **Resolved**, the Mayor is authorized to amend the existing municipal hauling contract with Trash-Away, Inc. by adding Contract A: Option 1, Non-burnable Collection, Bid # 3094, for an annual non-burnable collection, in the amount of \$46,500 and utilizing Capital Non-Recurring Funds set aside by the Common Council in Account 219-1300-0517-737; amend the Trash-Away, Inc. municipal hauling contract in an amount not to exceed \$12,000, based on a "time and materials" provision, to provide for the collection of burnable items set out during non-burnable collection that exceed routine rubbish tonnage of 450 tons and do not comply with current contract stated packaging requirements.

Alderman Francis Ziccardi
Alderman Salvatore Bonola
Council Liaisons, Public Works

Ald. Ziccardi moved to accept and adopt, seconded by Ald. Bonola. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28557-1 RE: CONSOLIDATED PLAN FOR HUD PROGRAMS 2005 ACTION PLAN

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 scheduled to receive funds from the U. S. Department of Housing & Urban Development for Fiscal Year 2005 under the following programs: \$2,140,918 for the Community Development Block Grant (CDBG) Program, \$82,876 for the Emergency Shelter Grant (ESG) Program and \$762,911 for the HOME Program, and

WHEREAS, during the Fiscal Year 2005 it is anticipated that an additional \$150,000 will be received as program income from the CDBG Revolving Loan Funds and that an additional \$844,000 will be received as program income from the HOME Program activities, and

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WHEREAS, in order to receive these funds, the City is required to prepare an Action Plan for Fiscal Year 2005 that is consistent with the 2005-2009 Consolidated Plan which is scheduled to be adopted by the Common Council on May 11, 2005, and

WHEREAS, the Common Council has reviewed requests for funding consideration under the CDBG, HOME and ESG Programs, and

WHEREAS, a Public Hearing of the Common Council was held on April 20, 2005, in order to obtain the views of citizens on housing and community development needs and priorities, and to provide citizens an opportunity to comment on the Proposed 2005-2009 Consolidated Plan and the FY 2005 Action Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby adopts the 2005 Action Plan for the City of New Britain's CDBG, ESG and HOME Programs, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to submit to the U. S. Department of Housing & Urban Development the 2005 Action Plan for the Consolidated Plan for HUD Programs, including certifications and descriptions as required by HUD, said submission to serve as the City's application for CDBG Program funds, ESG Program funds and HOME Program funds, and to execute, any agreements, revisions, rescissions or amendments thereto, as necessary for the City's receipt of CDBG, ESG and HOME funds.

Alderman James A. Wyskiewicz
Alderman Larry Hermanowski
Alderman Daniel Karp
Alderman James Sullivan

Ald. Wyskiewicz moved to accept and refer to the Committee on Planning, Zoning and Housing; seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28558-1 RE: 2005 NEIGHBORHOOD ASSISTANCE ACT PROGRAM

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

WHEREAS, under authorization of Chapter 228a of the Connecticut Statutes, the Neighborhood Assistance Act provides tax credits for business firms that contribute financially to community programs that have received both municipal and State of Connecticut Department of Revenue Services approval, and

WHEREAS, any municipality wanting to obtain benefits under the provisions of this Act must hold a Public Hearing and submit to the State of Connecticut Department of Revenue Services a list of community programs, approved by the local legislative body, which are eligible for investment by business firms, and

WHEREAS, a Public Hearing of the Common Council of the City of New Britain was scheduled to be held on May 25, 2005, on the subject of the Neighborhood Assistance Act Program;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby approves the Neighborhood Assistance Act Program 2005 Proposal List, and

BE IT FURTHER RESOLVED, that the Common Council authorizes the Mayor to submit the approved program proposals to the State of Connecticut Department of Revenue Services and the Department of Municipal Development to administer the Neighborhood Assistance Act Program in accordance with the statutory requirements.

Alderman James A. Wyskiewicz
Alderman Larry Hermanowski
Alderman Daniel Karp
Alderman James Sullivan

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Ald. Wyskiewicz moved to accept and refer to the Committee on Planning, Zoning and Housing; seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28557-2 RE: CONSOLIDATED PLAN FOR HUD PROGRAMS 2005-2009 FIVE-YEAR PLAN

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 Consolidated Plan is the principal planning and application document for the Community Development Block Grant Program as well as for other formula grant programs, including HOME and the Emergency Shelter Grant, and

WHEREAS, the U. S. Department of Housing & Urban Development requires that the Consolidated Plan be prepared every five years and contain a needs assessment and strategic plan to pursue the goals of developing viable communities, providing decent housing and suitable living environments, and to expand economic opportunities principally for low- and moderate-income persons, and

WHEREAS, a Public Hearing of the Common Council was held on April 20, 2005, in order to obtain the views of citizens on housing and community development needs and priorities, and to provide citizens an opportunity to comment on the Proposed 2005-2009 Consolidated Plan and the FY 2005 Action Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of New Britain hereby adopts the 2005-2009 Consolidated Plan for HUD Programs, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to submit the 2005-2009 Consolidated Plan to the U. S. Department of Housing & Urban Development, and to execute any revisions, recessions or amendments thereto, in accordance with HUD regulations and the City of New Britain's Citizen Participation Plan.

Alderman James A. Wyskiewicz
Alderman Larry Hermanowski
Alderman Daniel Karp
Alderman James Sullivan

Ald. Wyskiewicz moved to accept and refer to the Committee on Planning, Zoning and Housing; seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28568 RE: BUDGET AMENDMENT – SUBWAY FUND (LOCAL COMPONENT) - \$250,000

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

RESOLUTION SUMMARY

The underground public utility system located in selected areas of the City is referred to as the "Subway System". It consists of two distinct portions and occupants: "High Potential" (electricity) and "Low Potential" (telephone, cable etc). The High Potential system was sold to the regional electrical utility in May of 2003. Up to his point, both occupants paid an annual assessment to the City for repairs, maintenance and improvements to the underground conduit system.

Negotiations with the principal occupant of the "Low Potential" underground conduit system {SBC} , resolving long-standing assessment {past and future} issues, have progressed to the point that an agreement is nearly complete. Common Council consideration approving the agreement will be forthcoming.

A stipulation presented by SBC prior to their concurrence of an agreement requires the City make certain improvements to a selected number of utility manholes. SBC, at their expense, evaluated the conduit system and determined specified deficiencies that must be addressed prior any

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transfer of future maintenance responsibilities. A listing of locations and the nature of the repairs have been presented to the Director of Public Works who in-turn developed a cost estimate. Funding is available in the Subway fund to defray project costs.

Resolved, the local component budget of the Subway Fund be amended in the amount of \$250,000 to provide the necessary monies to complete identified repairs as a condition of a proposed agreement between the City and SBC as follows:

	Increase Revenue	
#501-0500-0530-077	Fund Balance	\$ 250,000
	Increase Expenditure Budget	
#501-0015-1427-221	Operating Material	\$ 20,000
#501-0015-1427-111	Overtime	30,000
#501-0015-1427- 322	Construction Contracts	<u>200,000</u>
	Total	\$ 250,000

Alderman Salvatore Bonola
Alderman Francis Ziccardi
Council Liaisons, Public Works

Ald. Bonola moved to accept and adopt, seconded by Ald. Ziccardi. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

28569 RE: HANDLING OF SMARK PARK I PROPERTY

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

WHEREAS, the Common Council is charged with overseeing the disposition of City of New Britain property;

WHEREAS, the City has been offering "shovel ready" industrial sites in the form of SMART Park I (Shared Manufacturing Area for Regional Technology), a municipally owned 14+ acre industrial parcel dedicated to high technology located in the heart of the City's Enterprise Zone.

WHEREAS, the second parcel of SMART Park I has sat vacant for years and does not appear to be a priority;

WHEREAS, SMART Park property is one of the very few in our City that can accommodate a business that would contribute to our Grand List and create jobs.

WHEREAS, the Common Council needs to be informed as to the status of the handling of the SMART Park property, in particular, what if any marketing has been completed, and what if any proposals or qualifications have been requested from commercial developers and/or brokers to develop this dormant property.

RESOLVED, that, within the next ninety days, that a public hearing be held by the common counsel at which the Municipal Economic Development Agency and any other appropriate representatives from the administration or Department of Economic and Community Development will apprise the Common Counsel of status of the handling of the SMART Park I property.

Alderman James F. Sullivan

Ald. Sullivan moved to accept and adopt, seconded by Ald. Wyskiewicz. So voted. Returned May 3, 2005 without the approval or disapproval of Mayor Stewart.

28570 RE: BUDGET AMENDMENT – BOARD OF EDUCATION - \$91,490

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

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The Consolidated School District of New Britain by agreement with the City of New York, Administration for Children Services, has been engaged to provide education and related services to an in-residence student. The annual school year cost for these services is estimated to be \$130,070. The Board of Education will invoice the City of New York for the actual cost of providing the agreed upon services on a monthly basis.

The Board of Education requests an amendment to its fiscal 2005 General Fund appropriation for the purpose reflecting the additional expenses in providing the contracted services. The reimbursement for the services from the City of New York will be recorded as General Fund Revenue. The amendment of the education expenditure budget and General Fund Estimated Revenue is proposed for Common Council consideration through the period ending April 11, 2005 by the amount of monies received to date, \$91,490. Future budget amendments in completion of the educational service agreement will be presented as monies are received through the remainder of the school year.

RESOLVED, the General Fund Board of Education appropriation be amended (increased) for the purpose of complying with the terms and conditions (expenses) of its educational services contract with the City of New York and to record all monies received with the billable engagement as follows:

	Increase Expenditure Budget	
#001-1960-0527-491	Consolidated School District	\$91,490
	Increased Estimated Revenue	
#001-0500-0527-548	Education Tuition	\$91,490

Alderman James A. Wyskiewicz
Alderwoman Teresa Sapieha-Yanchak
Council Liaison –Board of Education

Ald. Wyskiewicz moved to accept and adopt, seconded by Ald. Sapieha-Yanchak. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

Ald. Trueworthy moved the Council enter into Executive Session accompanied by the Corporation Counsel to discuss report of the Corporation Counsel #28543, seconded by Ald. Bielinski. Roll call vote – all members voted in favor. Executive Session began at 11:13 p.m.

The Council voted to return to order at 11:18 p.m. on motion of Ald. Trueworthy, seconded by Ald. Collins.

RESOLUTION

28543 RE: HELEN PIENKOS VS. CITY OF NEW BRITAIN

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

A report on the status of the above-referenced lawsuit will be presented to the Common Council at its meeting on Wednesday, April 27, 2005.

Irena J. Urbaniak
City Attorney

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Hermanowski. So voted. Approved April 28, 2005 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Trueworthy moved to adjourn, seconded by Ald. Collins. So voted. Meeting adjourned at 11:19 p.m.

ATTEST: Peter J. Denuzze, City Clerk