

**City of New Haven**  
**Journal of the Board of Aldermen**  
**Board of Aldermen**

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Monday, April 6, 2009

7:00 PM

Aldermanic Chambers

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The regular meeting of the Board of Aldermen, duly warned, was held on April 6, 2009 in the Bart Guida Aldermanic Chambers of the Biagio DiLieto Government Center, 165 Church Street.

City Clerk Ron Smith called the meeting to order at 7:00 p.m.

**ATTENDANCE**

The members present were Alderpersons Plattus, Calder, James-Evans, Jackson-Brooks, Perez, Colon, Clark, Smart, Lemar, Brison, Lee, Antunes, Rhodeen, Sturgis-Pascale, J. Rodriguez, Castro, Paolillo, DePino, Edwards, Blango, Jones, Morehead, Shah, McCormack, Silverman, S. Rodriguez, Lehtonen, Sandman, Goldfield and Edmonds-Sepulveda - 30.

**DIVINE GUIDANCE**

Divine Guidance was invoked by Alderman Morehead: "Before I begin, I just want to ask everyone if they can just remember Alderwoman James-Evans' father who just went into the hospital into intensive care. So if we can just remember him in prayer.

I give honor to God first of all, for without him I wouldn't be here tonight standing before you. I was trying to think of something that I should write and talk about for this meeting's Divine Guidance. I would like to challenge all of us tonight to get us to really think about how we have been leading up to this point.

When I looked back to this past Saturday, marking the 41st Anniversary of Dr. King's assassination, I began to think about what Dr. Martin Luther King did and what he stood for. One of the points that he dealt with and I would like to focus on tonight is compassion. We, as elected officials, must have compassion to begin with. The reason I hope that we come into office is so that we can help and serve the people we love. But if we come into politics because we think that we can gain more wealth through the power that we possess, people in our communities don't stand a chance.

I base everything that I do and what I know by the Bible. In Philippians 2:4 it says, 'Do not merely look out for your own personal interests, but also for the interests of others.' If I would break it down a little more, it says, 'Don't be obsessed with getting your own advantage. Forget yourselves long enough to lend a helping hand.' Can we really say it's all about my community and not me? Let me reiterate, I didn't want to take this time to state the usual for this divine guidance, but I wrote this so we all can stop and think about how we have been leading up until now. I will end on the words of Dr Martin Luther King:

'I look forward confidently to the day when all who work for a living will be one with no thought to their separateness as Negroes, Jews, Italians or any other distinctions. This will be the day when we bring into full realization the American dream - a dream yet unfulfilled. A dream of equality of opportunity, of privilege and property widely distributed; a dream of a land where men will not take necessities from the many to give luxuries to the few; a dream of a land where men will not argue that the color of a man's skin determines the content of his character; a dream of a nation where all our gifts and resources are held not for ourselves alone, but as instruments of service for the rest of humanity; the dream of a country where every man will respect the dignity and worth of the human personality.'

I would dare say that this dream still isn't a reality, but can be if we lead with a heart of compassion and not with the power that we possess. As an elected official, I leave this question up to you to ponder and re-evaluate. What side of this dream do you find yourself on tonight? Are you leading with a heart of compassion or with a heart of, it's all about me?' Thank You."

#### APPROVAL OF JOURNAL

The Journal of the Regular Meeting held on March 16, 2009 was approved.

#### IMMEDIATE CONSIDERATION

The following were read for the first time and unanimous consent for immediate action thereon having been granted, it was voted, viva voce, on motion of Alderwoman Jones, duly seconded, that they be accepted and the matter to which they refer be approved, and it was so declared by the Chair:

From Alderman Brison submitting a resolution calling on the Connecticut Department of Transportation to install an urgently needed sound barrier along the State Street entrance to highway I-91 South and Warren Place.  
(RESOLUTION ADOPTED)

March 23, 2009

Honorable Carl Goldfield  
President, New Haven Board of Aldermen

Dear President Goldfield:

I would like to respectfully submit to the Board of Aldermen, for approval by unanimous consent, the attached resolution calling on the state Department of Transportation to install an urgently-needed sound barrier along the State St. entrance to I-91 Southbound. That highway entrance ramp parallels Warren Place, a residential street with several homes on it, at the edge of the densely populated Cedar Hill neighborhood.

As the state performs improvements on the I-91 highway corridor, residents of Warren Place, and indeed the entire Cedar Hill neighborhood, point out the urgent

need for installation of a sound barrier between that entrance ramp and Warren Place. Though the State St. entrance is a relatively short ramp, it sees a tremendous amount of traffic, which uses the ramp to hop onto the highway, either for a short-cut loop around New Haven or for quick access to the nearby interchange of I-91 and I-95.

A sound barrier would give the residents some protection from the roaring sound of the cars entering the highway. In addition to the disruptive noise problem, the polluting fumes discharged by the traffic, as well as the great quantity of trash discarded by passing motorists inflict a terrible burden on the residents of Warren Place, many of whom are families with children. The Cedar Hill neighborhood suffers from a high rate of asthma and pulmonary diseases. It is hoped that a high, solid, sound barrier between the on-ramp and Warren Place could at least lessen the terrible noise pollution problems that the highway entrance now imposes on Warren Place residents, and the entire Cedar Hill area.

I ask that the Board please approve this measure and send a strong message to the commissioner of the state DOT that there is an urgent need to install a sound barrier along the State Street entrance to Highway I-91 South and Warren Place to remediate very serious public safety, health and quality of life problems now imposed on the nearby Cedar Hill area. Thank you for your consideration of this proposal of significant concern to the well-being of the residents on Warren Place, as well as throughout this entire neighborhood.

Respectfully submitted,

**ALLAN BRISON**  
Alderman, Ward 10

**RESOLUTION OF THE NEW HAVEN BOARD OF ALDERMEN CALLING ON THE STATE DOT TO INSTALL AN URGENTLY NEEDED SOUND BARRIER ALONG THE STATE STREET ENTRANCE TO HIGHWAY I-91 SOUTH AND WARREN PLACE.**

**WHEREAS:** For many years residents of the Cedar Hill neighborhood have raised serious health, safety and quality of life concerns in expressing the urgent need for installation of a sound barrier along the State St. entrance to I-91 Southbound where it parallels Warren Place; and

**WHEREAS:** that highway entrance ramp parallels Warren Place, a residential street with several homes on it, at the edge of the densely populated Cedar Hill neighborhood; and

**WHEREAS:** though the State St. entrance is a relatively short ramp, it sees a tremendous amount of traffic as a very high volume of cars and trucks uses the ramp to jump on the highway, either for a short-cut loop around New Haven or for quick access to the nearby interchange of I-91 and I-95; and

**WHEREAS:** the residents on Warren Place, many of whom are families with young children, and others in the surrounding Cedar Hill neighborhood have been unfairly burdened for years by the constant roar of vehicles entering the highway, as the noise has been increasingly disruptive as traffic volume soars; and

**WHEREAS:** in addition to the hardship posed by the noise problem, a

neighborhood which already suffers from a high rate of asthma and pulmonary diseases also must put up with polluting fumes discharged by the traffic, as well as the great quantity of trash discarded by passing motorists that blows into the Cedar Hill area; and

WHEREAS: state installation of a high, solid, sound barrier between the on-ramp and Warren Place would lessen the terrible noise pollution problem that the highway entrance now imposes on Warren Place residents, and the entire Cedar Hill community, which suffers greatly from some of the worst traffic congestion, noise and air pollution in the City of New Haven.

NOW, THEREFORE, BE IT RESOLVED that the New Haven Board of Aldermen strongly urges the Connecticut Department of Transportation to access funds in the Statewide Retrofit Noise Abatement Program or other appropriate resources to install an urgently-needed sound barrier along the State Street entrance to Highway I-91 South and Warren Place in order to remediate serious public safety, health and quality of life issues.

BE IT FURTHER RESOLVED Haven Board of AHaHa that a copy of this resolution duly passed by the Board of Aldermen of the City of New Haven, be forwarded to Governor Jodi Rell, State Department of Transportation Commissioner Joseph F. Marie, New Haven's delegation to the Connecticut General Assembly, U.S. Rep. Rosa DeLauro and U.S. Secretary of Transportation Ray LaHood.

Alderman Brison: "This resolution asks the Connecticut Department of Transportation to install a sound barrier along the on-ramp to I-91, which is near the intersection of Warren Place and State Street in the Cedar Hill section of the East Rock community. The sound barrier is particularly needed because of the proximity of the residential properties on Warren Place and the on-ramp itself, which was literally carved out of the second lane of what was once a two-lane residential street, leaving only the remaining lane and a limited setback between the houses and the busy on-ramp traffic.

I urge your support of this matter. Thank you."

Note: Alderpersons Calder, James-Evans and Smart were absent from the Chamber at the time of the vote.

From the Tax Collector, Order de Tax Refunds (April 6, 2009).  
(ORDER PASSED)

ORDERED by the New Haven Board of Aldermen that the tax refund applications specified hereinafter by taxpayer's name, account number, and refund amount be and hereby are approved pursuant to the Connecticut General Statutes and the certification of the Tax Collector. The Tax Collector shall draw orders upon the City Treasurer for each payee specified and, pursuant to Section 2-37 of the City Ordinances, the Controller or his designee shall surrender each payment to the payee named thereon after obtaining satisfaction of any and all debts owed to the City of New Haven by the Payee.

NAME	ACCOUNT #	AMOUNT
A&A REAL ESTATE LLC	26890	\$595.37
BLAKESLEE,ARPAIA,CHAPMAN, INC	653662	\$23,036.94
CARMON, CHAZ	614472	\$129.63
CICARELLI, JANICE	710808	\$168.16
DELVECCHIO, ALFRED	616213	\$108.06
FIRSTAMERICAN	4251	\$1,824.53
FIRSTAMERICAN	23704	\$2,118.82
GELCO CORP	539128	\$456.57
HONDA LEASE TRUST	581667	\$365.41
HONDA LEASE TRUST	581700	\$41.03
HONDA LEASE TRUST	619827	\$61.54
HONDA LEASE TRUST	619832	\$42.42
HONDA LEASE TRUST	619856	\$287.45
HONDA LEASE TRUST	619880	\$153.65
HONDA LEASE TRUST	697300	\$520.32
HONDA LEASE TRUST	545323	\$407.33
IVY, LAWRENCE R JR	620224	\$195.06
LUNDGREN, MARTIN	723399	\$672.15
MONTEIRO, ANTONIA MONTEIRO	700461	\$268.46
MUHAMMAD, SALEEM	665043	\$142.67
MUHAMMAD, SALEEM	700749	\$935.37
MURPHY, JONATHAN D	665102	\$513.26
OUELLETTE, LISA	723283	\$2,189.44
OSHOMAH-OSHOADO BESIRU A	718326	\$27.86
PITCHER, SALLY	684550	\$148.07
SURPRENONT, WARREN	609393	\$175.18
WALTON, SHEDRIA	671111	\$124.14
WRIGHT KAY & COPELAND EUGENE	723066	\$74.34
TOTALS		\$35,783.23

Note: Alderpersons Calder, James-Evans and Smart were absent from the Chamber at the time of the vote.

From the Chief of Police submitting a resolution authorizing the application to and acceptance of a continuation grant of up to \$10,000 from the Connecticut Office of Policy and Management, Juvenile Justice Advisory Committee, to promote positive police interaction with youth.  
(RESOLUTION ADOPTED)

March 23, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board Members:

In accordance with the Order of the Board of Aldermen authorizing the Mayor to apply for and accept all grants on behalf of the City of New Haven, passed October 17, 1994, I am respectfully writing to advise the Honorable Board of an

application by the City of New Haven's Department of Police Service to the State of Connecticut, Office of Policy and Management, Juvenile Justice Advisory Committee for a grant in the amount of \$10,000.00 to promote positive police interaction with youth. The Department is applying for these funds to once again to run a Saturday Youth Police Academy.

The program has been implemented successfully in prior years. This year funds will be used again for a series of Saturday morning workshops for middle and high school age youth co-taught by members of the newly established police explorer's program and New Haven police officers. Classes will include subjects such as police in the community, crime prevention, safety, and drug and violence prevention. The purpose of these activities is to create trust and understanding among police and youth, impart knowledge and create youth leadership opportunities.

I am requesting submission of this matter under Unanimous Consent as this is a grant program that has been approved by the Board of Aldermen in past years. Thank you for your consideration in this matter. Please contact me at (203) 946-6333 with any questions.

Sincerely,

James M. Lewis  
CHIEF OF POLICE

**RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN AUTHORIZING THE MAYOR OF THE CITY OF NEW HAVEN TO SUBMIT AN APPLICATION TO THE STATE OF CONNECTICUT, OFFICE OF POLICY AND MANAGEMENT, JUVENILE JUSTICE ADVISORY COMMITTEE IN AN AMOUNT NOT TO EXCEED \$10,000.00 TO SUPPORT A YOUTH POLICE ACADEMY TO FURTHER POSITIVE POLICE INTERACTION WITH YOUTH AND TO ACCEPT SUCH FUNDS IF OFFERED AND TO EXECUTE ALL DOCUMENTS AS NECESSARY.**

**WHEREAS, the New Haven Department of Police Service recognizes the public safety risk associated with youth violence and seeks to reduce that risk; and**

**WHEREAS, the City of New Haven supports programs that provide assistance to at-risk youth to prevent youth violence and involvement in behaviors leading to criminal activity; and**

**WHEREAS, the State of Connecticut, Office of Policy and Management has made funds available to local law enforcement agencies to provide opportunities for youth and police to interact positively in non-traditional settings; and**

**WHEREAS, the New Haven Department of Police Service seeks opportunities to engage youth in positive activities to improve relationships with youth as a means to reduce youth violence.**

**NOW, THEREFORE, BE IT RESOLVED THAT the Board of Aldermen of the City of New Haven supports efforts to improve relationships between police and youth in New Haven.**

**BE IT FURTHER RESOLVED THAT the Board of Aldermen of the City of New**

Haven authorizes the Mayor of the City of New Haven to apply for funds offered by the State of Connecticut, Office of Policy and Management in an amount not to exceed \$10,000.00 and to accept such funds, if offered, and to execute all documents and contracts as necessary.

Note: Alderpersons Calder and James-Evans were absent from the Chamber at the time of the vote.

From the Chief of Police submitting a resolution authorizing the application to and acceptance of funds to hire additional police officers from the U. S. Department of Justice, Office of Community Oriented Policing Services (COPS), through the 2009 COPS Hiring Recovery Program.  
(RESOLUTION ADOPTED)

March 18, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board Members:

I am respectfully writing to advise the Honorable Board of an application by the City of New Haven's Department of Police Service to the U.S. Department of Justice, office of Community Oriented Policing Services for funds to hire additional police officers. This funding opportunity is part of the American Recovery and Reinvestment Act of 2009, P.L.111-5 and provides funds directly to law enforcement agencies in an effort to create and preserve jobs and to increase community policing capacity. As you know, the city has a commitment to increase the sworn strength of the police department to address public safety needs in our neighborhoods. The COPS Hiring Recovery Program will fund the full entry level salary and benefits for new officers above budgeted strength for a period of three years. The city must agree to retain these positions without lowering budgeted strength for a twelve month period after the termination of the grant.

Due to the mandate of the recovery program to release funds into the community as quickly as possible, the Department of Justice is expediting the application and award processes. The Mayor must sign application forms at the time of submission in mid April. I am therefore requesting approval of the Board of Aldermen under Unanimous Consent for the Mayor to apply for these funds. Thereafter the Board of Aldermen will have an opportunity to fully review the application and approve acceptance of the funds, should they be awarded. This is a highly competitive grant open to law enforcement agencies throughout the country, most of which are understaffed as well.

I would appreciate your consideration of the unusual circumstances surrounding the availability of these funds and the necessity to act rapidly for authorization so that we may meet the application deadline.

Please do not hesitate to contact me at (203) 946-6333 with any questions.

Sincerely,

James M. Lewis  
CHIEF OF POLICE

**RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN AUTHORIZING THE MAYOR OF THE CITY OF NEW HAVEN TO SUBMIT AN APPLICATION TO THE U S DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, 2009 COPS HIRING RECOVERY PROGRAM FOR THE PURPOSE OF PROVIDING FUNDS TO HIRE ADDITIONAL POLICE OFFICERS AS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT AND TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THIS APPLICATION.**

**WHEREAS, the City of New Haven through its Department of Police Service is authorized statutorily to enforce state and local laws and preserve public safety in the City New Haven; and**

**WHEREAS, the Mayor of the City of New Haven seeks to increase its capability to provide adequate public safety and law enforcement through increases in sworn staffing levels; and**

**WHEREAS, the Board of Aldermen of the City of New Haven acknowledges the need for additional sworn police to prevent crime and enforce laws in New Haven neighborhoods; and**

**WHEREAS, the Board of Aldermen of the City of New Haven acknowledges the fiscal constraints of the City of New Haven that impede the local funding of additional sworn police officers; and**

**WHEREAS, the Congress of the United States passed into law the American Recovery and Reinvestment Act of 2009 making funds available to create and preserve jobs that address the personnel needs of local law enforcement agencies; and**

**WHEREAS, the New Haven Department of Police Service is eligible to receive funds for hiring additional police officers from the U S Department of Justice, COPS Hiring Recovery Program; and**

**WHEREAS, the U S Department of Justice is expediting the application process in order to create jobs as rapidly as possible; and**

**WHEREAS, the Board of Aldermen of the City of New Haven supports increasing the sworn strength of the New Haven Department of Police Service through the acquisition of federal funds from the U S Department of Justice; and**

**WHEREAS, the Board of Aldermen of the City of New Haven recognizes the urgency of submitting this application within the deadlines required by the U S Department of Justice, and that approval to apply for funds is separate from approval to accept funds.**

**NOW THEREFORE BE IT RESOLVED THAT the Board of Aldermen of the City of New Haven authorizes the Mayor of the City of New Haven to apply for these**

funds and sign all documents for the purposes of the application.

**BE IT FURTHER RESOLVED THAT** the Board of Aldermen of the City of New Haven requires that the application is submitted to the Board of Aldermen for approval prior to the Mayor accepting the funds, should they be awarded.

**Note:** Alderpersons Calder and James-Evans were absent from the Chamber at the time of the vote.

From the Community Services Administrator submitting a resolution authorizing the application to and acceptance of grant funds not to exceed \$500,000 from the U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Programs, to support a local youth mentoring initiative for at-risk youth.

**(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (RESOLUTION ADOPTED)**

April 6, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board Members:

In accordance with the Order of the Board of Aldermen authorizing the Mayor to apply for and accept all grants on behalf of the City of New Haven, passed October 17, 1994, I am respectfully writing to advise the Honorable Board of an application by the City of New Haven's Youth Services Department to the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention for a grant in the amount of \$500,000.00 to support at-risk youth through positive mentoring.

The program aims to increase positive reinforcements for at-risk youth through mentoring sessions, seminars and activities throughout the community. The purpose of the program is to use the positive reinforcements to reduce juvenile delinquency, violence, and dropout rates among those being served. We will monitor grades, attendance and behavior in order to measure the progress of the program participants and highlight personal achievements in their lives. The purpose of this program is to develop positive relationships with at-risk in order to alter their behavior and divert them from criminal activity. This program will be a community effort as we will partner with organizations in New Haven.

I am requesting submission of this matter under Unanimous Consent and inform you that this grant does not require local matching funds. This grant is provided by the Recovery Act and due to tight timelines required by the act we submit today. Thank you for your consideration in this matter. Please contact me at (203) 946-7607 with any questions.

Sincerely,

Kica Matos  
Community Services Administration

RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN AUTHORIZING THE MAYOR OF THE CITY OF NEW HAVEN TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION IN AN AMOUNT NOT TO EXCEED \$500,000.00 TO SUPPORT A LOCAL YOUTH MENTORING INITIATIVE TO INCREASE SUPPORT FOR AT-RISK YOUTH AND TO ACCEPT SUCH FUNDS IF OFFERED AND TO EXECUTE ALL DOCUMENTS AS NECESSARY.

WHEREAS, the City of New Haven's Youth Services Department recognizes the need to support at-risk youth in our community; and

WHEREAS, the City of New Haven supports programs that provide assistance to at-risk youth to prevent youth violence and involvement in behaviors leading to criminal activity; and

WHEREAS, the Board of Aldermen has made youth issues a priority for New Haven; and

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention has made funds available to local government agencies to provide opportunities to reduce juvenile delinquency, violence, and dropout rates through mentoring programs for at-risk youth; and

WHEREAS, the City of New Haven's Youth Services Department seeks opportunities to engage youth in positive activities with mentors in order to reduce behaviors leading to criminal activity.

NOW THEREFORE BE IT RESOLVED THAT the Board of Aldermen of the City of New Haven supports efforts to reduce juvenile delinquency, violence, and dropout rates through mentoring programs for at-risk youth in New Haven.

BE IT FURTHER RESOLVED THAT the Board of Aldermen of the City of New Haven authorizes the Mayor of the City of New Haven to apply for funds offered by U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention in an amount not to exceed \$500,000.00 and to accept such funds, if offered, and to execute all documents and contracts as necessary.

Note: Alderpersons Calder and James-Evans were absent from the Chamber at the time of the vote.

**BLANGO MOTION TO AMEND.**

Alderman Blango made a motion to amend the suspension agenda by moving the following resolution to Unanimous Consent, which motion was duly seconded.

Human Services. Favorable. Resolution from Community Services authorizing the application to and acceptance of \$10,000 from the Connecticut Department of Social Services to purchase ten computers for the Department of Elderly Services to be used at its six senior centers.

(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (RESOLUTION ADOPTED)

WHEREAS, the City of New Haven (hereinafter called "City") will apply for a grant from The Connecticut Department of Social Services which will provide funding to the City of New Haven for implementation of a computerized system for the Department of elderly Services at its six senior centers.

WHEREAS, The City of New Haven is expected to receive \$10,000 to aid in the implementation of the computerized system to improve communication throughout the Department.

WHEREAS, pursuant to the terms of the grant, the City must allocate and distribute these funds expeditiously.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Aldermen approves the entering into a contract in the amount of \$10,000, with the Connecticut Department of Social Services, and
2. The Board of Aldermen authorizes the Mayor to sign and submit the grant Agreement and contract in the amount of \$ 10,000 for the funding period effective April 9, 2009.

Alderman Blango: "The reason why we want to move this Human Services favorable resolution for the Department of Elderly Services to receive computers is for the simple fact that it's time-sensitive. The deadline for the contract is April 9, 2009, and after that they would not be eligible for the particular contract. It was denied unanimous consent last month and then went through a hearing where it came out favorable. So that is why we're moving it to unanimous consent today."

Alderman Lee: "One of the problems I have with this, Mr. President, is that we got rid of some of these centers. So why are we getting ten computers when we don't even have six centers on board? I think it's great that they're doing it. I support it. But just the numbers are a little bit confusing."

President Goldfield: "Do you want to ask the question through me to the Chairman?"

Alderman Lee: "Yes, Mr. President. If we're not going to have six centers anymore, what are we going to do with the extra computers? And we're spending \$10,000 for computers. Will you communicate my concern to the maker of this?"

President Goldfield: "I'm going to ask Alderman Blango to respond to your question."

Alderman Blango: "Alderman Lee, they will be laptops and not computers that would be assigned to a particular center. I know that the laptops will be shipped from center to center. They will not be the desktops. They will be laptops."

Aldermen Lee: "That's not my question - laptops, computers or whatever. We're getting rid of some of the centers. We're only going to have three of them."

President Goldfield: "Alderman Lee, I would suggest that if this gets moved to Unanimous Consent, then we will vote on this as a matter and your questions would be more appropriate to discuss in the substance of this. So you'll have an opportunity to ask these questions again."

**MOTION TO MOVE ITEM TO UNANIMOUS CONSENT DENIED.**

Alderwoman Jones: "Mr. President, point of order. I wanted to ask a question about one of the votes on unanimous consent. My colleague was not sure what he was denying. He didn't have clarity on the unanimous consent amendment and that the deadline is April 9th and it cannot go back. He said that he would not have denied it if he had the information. Is it a done deal?"

President Goldfield: "No, what we can do is if somebody wants to make a motion to suspend the rules, to move it to unanimous consent, and then if no one denies unanimous consent it will go on as unanimous consent and we decide what we want to do at that moment."

**JONES MOTION TO SUSPEND SECTION 24-1 OF THE RULES OF THE BOARD OF ALDERMEN.**

Alderwoman Jones made a motion to suspend Section 24-1 of the Rules of the Board of Aldermen, which motion was duly seconded.

Alderman Shah: "With all due and proper respect to you, Mr. President, and to the rest of my colleagues, this is what happens when we accept something at the last minute and we're not doing things by protocol in the way we're supposed to be doing things.

If this issue comes up with respect to something being moved, the proper thing is to let people know prior to us getting here. We have the Democratic Caucus, we have all different types of processes that we should be abiding by. We really need to begin to look at these items, have these items looked at thoroughly, so that the people of the City of New Haven know exactly what we're doing and why we're doing it. And, most importantly, that the aldermen who are making these important decisions know exactly what they're doing. Thank you very much."

Alderwoman Castro: "This item that is being considered was discussed thoroughly the first time it was unanimous consent and it was denied and sent to committee where we heard it loud and clear. We asked questions and everybody was welcome. I just happened to visit that meeting that day. All the questions that were presented today were asked there. With respect to the caucus and with respect to the committee, if you have questions about something, it really would have been good to have asked the questions in the caucus. You could have asked the questions there. Now that we are on the floor, I hope we can get to the point where we discuss the item."

Alderman Lee: "If anyone is insinuating that I wasn't informed, it wasn't about

being informed. It was about my feelings about what I believe about computers and the senior citizens and things in my ward being closed and computers that are being given out. It's not about being informed, because at one time or another, all of us can't be everywhere at one time. So when one of our colleagues make these kinds of insults, it's insulting to me and our whole board, because sometimes all of us have places to be and we can't in caucus all the time. So if I can't be there, I apologize to the whole board that I can't be there all of the time. Thank you, Mr. President."

**MOTION TO SUSPEND THE RULES PASSED UNANIMOUSLY.**

Upon motion made and duly seconded, said motion to suspend the rules to reopen the suspension agenda passed by a viva voce vote, and it was so declared by the Chair.

Alderman Perez: "Not to prolong this, but I want to tell people the only reason this was not on the agenda under Unanimous Consent is because of a staff error as this passed unanimously in committee. The committee requested it be put in Unanimous Consent. The chairman requested it. All people have to do is listen to the tape. So this was not at the last second for anybody. The only reason I know this is because I normally don't sit on that committee, but the committee needed a quorum that day and I was asked to help reach a quorum. So this was strictly a staff error. All the records clearly indicate that this was the intent and it didn't happen."

**MOTION TO MOVE ITEM TO UNANIMOUS CONSENT PASSED.**

Upon motion made and duly seconded, said motion to move the above-entitled resolution to unanimous consent passed by a unanimous viva voce vote, and it was so declared by the Chair.

**REPORT ACCEPTED. RESOLUTION ADOPTED.**

Upon motion made and duly seconded, said resolution passed by a unanimous viva voce vote, and it was so declared by the Chair.

Alderwoman Castro: "I rise in support of this item. We have an opportunity to have computers for our seniors. Computers have been wanted and needed for so long. If you go to the senior centers around the City of New Haven, you will still see things hand written. So let's move forward. Let's get the computers and the rest we can figure out later. Thank you."

Alderwoman Clark: "Well, I was under the impression that the question had been dealt with and I myself have this question that this particular thing mentions six senior centers when there are no longer six. There are now three. But when somebody explained that these weren't computers that were going to be installed in these buildings - that they were actually portable computers, that they are laptops - then I assumed that they would be spread around through the three remaining senior centers. So that's the way I saw it."

Alderman Perez: "Mr. President, through you, this was a question that was asked in committee. In fact, if I remember correctly, I was the one who asked it. Even though there are no longer going to be six centers, they actually needed

more than ten computers because part of the purpose of those computers was to train the seniors. At any given time there would be more than ten seniors and there would be six at those centers who would want to be trained. So, in reality, they would have to share computers because there would not be enough to train everybody. So what would happen is if senior center A wants to do a training session at the central office, like the deputy resource person, they would check whatever computers they have available at that particular center and a training session would be held. There would be no more than five or six computers there. The session would also be held in Spanish. Whoever accesses all the computers, except for the one that the director uses, would ship them back to the central office for the next center who would like to have a training session.”

Note: Alderwoman James-Evans was absent from the Chamber at the time of the vote.

#### REFERRED TO COMMITTEE

The following were read for the first time, ordered printed in the Journal, and referred to the Committee as indicated for public hearing and report:

#### CITY SERVICES AND ENVIRONMENTAL POLICY:

From Alderpersons Sturgis-Pascale, Calder, James-Evans, Colon, Clark, Lemar, Brison, Rhodeen, Jones, Shah and Silverman submitting a resolution strongly supporting camera-based red light enforcement to improve traffic safety and urging the General Assembly to enact SB149 which would allow municipalities to install much-needed red light cameras.

(REFERRED CONCURRENTLY TO TRANSPORTATION, TRAFFIC AND PARKING)

March 30, 2009

Honorable Carl Goldfield  
President, New Haven Board of Aldermen

Dear President Goldfield:

We, the undersigned Alderpeople, would like to respectfully submit to the Board of Aldermen the attached resolution strongly supporting camera-based red light enforcement to improve traffic safety, and urging the General Assembly to enact SB 149 which would allow municipalities to install much-needed red light cameras.

The Connecticut State Legislature is considering SB 149 and other bills which would enable municipalities to use cameras to enforce red light traffic controls at signalized intersections. Traffic safety and red light running are serious concerns of the citizens of New Haven as this unlawful behavior represents a disproportionate danger to urban dwellers due to our space constricted roadways that are shared by a wide variety of users. In 2006 alone, the city reported over 3,400 accidents with injuries and/or major property damage, as nine people died that year in traffic-related fatalities.

To address the traffic situation in New Haven, the city has aggressively implemented the Street Smarts outreach program, traffic enforcement campaigns and traffic calming solutions -- meaningful steps forward which are supported by the community and which have reduced incidences of drag racing and speeding across the city. In 2008, with strong support from the New Haven Safe Streets Coalition, the Board passed historic Complete Streets legislation, firmly establishing city policy that New Haven streets are community spaces for use by cyclists, motorists and pedestrians, especially children and members of the disabilities and elderly communities.

All of these users must safely pass through intersections, where many tragic accidents occur due to the combination of turning movements and aggressive driving habits. Traditional methods of traffic enforcement are challenging at intersections, due to manpower, interpretation of signal phase, the logistical problem of red light enforcement at congested urban intersections and other factors.

Red light camera enforcement is used in more than 400 communities nationwide and has proven to be a time-tested, technical solution at high-crash intersections, and protocols for such a system can and have been implemented to ensure that such systems are used in a manner consistent with law and local ordinance while protecting citizens from unreasonable infringement of their privacy.

Various community groups have appeared before the General Assembly in Hartford to testify in support of red light camera legislation. We feel that it's important at this key moment that the Board goes on record as strongly supporting the use of camera-based red light enforcement to restore traffic control, safety and civility on our streets, and urging the passage of SB 149 so that New Haven and other municipalities can install red light camera systems.

Thank you for your consideration of this matter, which we believe can be of great benefit to the health, safety and welfare of New Haven's citizenry.

Respectfully submitted,

ERIN STURGIS-PASCALE, Alderwoman, 14th Ward  
GINA L. CALDER, Alderwoman, 2nd Ward  
JACQUELINE JAMES-EVANS, Alderwoman, 3rd Ward  
DOLORES COLON, Alderwoman, 6th Ward  
FRANCES T. CLARK, Alderwoman, 7th Ward  
ROLAND LEMAR, Alderman, 9th Ward  
ALLAN BRISON, Alderman, 10th Ward  
ALEXANDER RHODEEN, Alderman, 13th Ward  
KATRINA D. JONES, Alderwoman, 21st Ward  
YUSUF I. SHAH, Alderman, 23rd Ward  
INA L. SILVERMAN, Alderwoman, 25th Ward

From the Executive Director, City Plan Department, submitting an order providing authority for certain matters concerning the development of the Farmington Canal Greenway.

(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION, PUBLIC WORKS,

**AND TRANSPORTATION, TRAFFIC AND PARKING)**

March 27, 2009

Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

**Re: ORDER OF THE BOARD OF ALDERMEN OF THE CITY OF NEW HAVEN  
PROVIDING AUTHORITY FOR CERTAIN MATTERS CONCERNING THE  
DEVELOPMENT OF THE FARMINGTON CANAL GREENWAY**

Honorable Ladies and Gentlemen:

I am submitting for your approval an Order that authorizes the Mayor to enter into agreements concerning the development of the Farmington Canal Greenway.

The Order anticipates that the City may grant license agreements that will allow the temporary use of portions of the Greenway, to adjacent property owners that are not essential to the functioning of the trail. The Order also anticipates that various opportunities may arise as the Farmington Canal Greenway in New Haven nears completion, to accept grants of funds and donations of land or other interests in real estate. Such grants and donations would only be acceptable under this Order where there were no obligations imposed on the City, other than related to maintenance of the Greenway.

Very truly yours,

Karyn M. Gilvarg, AIA  
Executive Director

From the Executive Director, City Plan Department, submitting a resolution authorizing the application to and acceptance of funding in the amount of \$380,256 from the Connecticut Department of Environmental Protection for the construction of a twenty-space electrified truck stop in the New Haven Port District.

**(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION, PUBLIC WORKS,  
AND TRANSPORTATION, TRAFFIC AND PARKING)**

March 31, 2009

The Honorable Carl Goldfield, President  
Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

**Re: Resolution of the Board of Aldermen Authorizing the Application For and  
Acceptance Of Funding from the Connecticut Department of Environmental  
Protection for the Construction of a Twenty-space Electrified Truck Stop in the  
New Haven Port District.**

Dear President Goldfield:

I am pleased to submit the above referenced resolution for your consideration and action.

As part of the 2009 Diesel Emissions Reduction Act, the Connecticut Department of Environmental Protection is funding projects that reduce diesel truck emissions, including idling reduction measures. The City of New Haven proposes an electrified truck stop for the Port District to reduce the number of trucks idling in the port area while awaiting entry into the port terminals. The electrified truck stop provides electricity, heating, and cooling to the waiting trucks, allowing them to turn off their engines.

The grant will cover 100% of the costs, for a total amount of \$380,256. The truck stop will have spaces for twenty trucks. The New Haven Port Authority will assume all responsibility for operation and maintenance of the facility after construction.

The electrified truck stop provides an important amenity for the Port District and enhances the port's position as an economic driver for New Haven. The reduction of idling trucks will lead to healthier air for New Haven residents, and continue the City's leadership in addressing environmental concerns.

I urge your favorable action on the Resolution.

Very truly yours,

Karyn Gilvarg  
Executive Director, City Plan Department

**COMMUNITY DEVELOPMENT:**

From the Executive Director, Livable City Initiative, submitting an amendment to the land disposition guidelines originally passed on May 20, 1996 and first revised on September 5, 2006 to expedite the approval process for land disposition agreements and to amend the pricing guidelines for sliver lots.  
(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

March 10, 2009

The Honorable Carl Goldfield, President  
Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Re: Motion to amend a matter previously adopted:  
Amendment to the Land Disposition Guidelines

Dear Alderman Goldfield:

In accordance with the Board of Aldermen's Land Disposition Guidelines revision dated September 5th, 2006, as well as the Board of Aldermen's May 20th, 1996 order establishing the Livable City Initiative and requiring the Livable City Initiative to seek Board of Aldermen approval for an additional amendment to said guidelines.

Given the declining real estate market and the loss of value to property in the City of New Haven I am writing to respectfully request that the Honorable Board amend the current Land Disposition Guidelines. A copy of the proposed changes is attached hereunto.

Please include this motion on the next scheduled meeting of the Board of Aldermen. Thank you for your cooperation with regard to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Andrew J. Rizzo Jr.  
Executive Director/Building Official

**FINANCE:**

From the Mayor submitting the required budgetary and financial reports for the month of February 2009 in compliance with Section #62 of the Charter.

March 28, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board:

In compliance with Section #62 of the Charter of the City of New Haven, please find attached the required budgetary and financial reports for the month of February, 2009.

As required by City Charter, the report shall be filed in the Office of the City Clerk, where it shall be available for public inspection. Copies will also be made available to members of the Financial Review and Audit Commission.

Very truly yours,

Mayor John DeStefano, Jr.

From the Controller submitting an ordinance amendment to Section 29-31 (F) of the Code of Ordinances regarding the reduction from \$200 to \$100 of the cumulative delinquency amount for vehicle impoundment (wheel immobilization).

April 6, 2009

The Honorable Carl Goldfield, President  
New Haven Board of Aldermen  
165 Church Street  
New Haven, CT 06510

Re: Request approval to lower cumulative amount of parking tag delinquency from \$200 to \$100 for vehicle impoundment (wheel immobilize).

Dear Honorable Carl Goldfield:

I respectfully submit for your approval an ordinance change to Sec. 29-31 (f) of the Code of General Ordinances to lower the cumulative amount for parking tag delinquencies for a motor vehicle to be impounded (wheel immobilized) from \$200 to \$100.

The lowering of the threshold will enable the City to broaden its most effective collection tools to a larger pool of scofflaws and to further enhance the City's ability to collect on its delinquent parking ticket receivables to about \$11.4 million. With the City's threshold at \$200, 95% of those vehicles with delinquent tickets will not be affected by the current program of wheel immobilizing/towing. Of the 136,091 plates on the City's accounts receivable list, the current ordinance limits our ability to use the towing/wheel immobilizer program for the collecting of delinquent revenue to about 6,365 plates. By lowering the threshold to \$100, there will be an additional 39,547 plates, or \$6.9 million of additional revenue, to be incorporated into the City's wheel immobilizing/ towing program.

As part of the lowering of the threshold, the City will be incorporating a distinct set of new procedures which will provide additional time for scofflaws who fall into the \$100-\$199 range to meet their obligation to the City. We will be instituting a six month past due window, where the most recent ticket that brings the scofflaw's aggregate total to over \$100 for parking violations is six months past due before the vehicle is identified to be booted. The City will also notify the scofflaw of such action and the time frame to make such payment to avoid being booted.

In addition, we have completed a new link from the City's website where any scofflaw can (at any time) determine if their vehicle is on the "boot/tow" list. This link also includes those vehicles with delinquent taxes.

Your favorable response is requested.

Very Truly Yours,

Mark Pietrosimone  
Controller

LEGISLATION:

From Alderpersons Lemar, Sturgis-Pascale, J. Rodriguez, Castro and Silverman

submitting a zoning ordinance text amendment pertaining to proposed section 34, the keeping of hens within New Haven's boundaries.  
(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 6, 2009

Hon. Carl Goldfield,  
President  
Board of Aldermen  
City of New Haven

Dear President Goldfield,

We would like to respectfully submit for the consideration of the Board of Aldermen the attached communication entitled "Zoning Ordinance Text Amendment Pertaining to Proposed Section 34 - The Keeping of Hens within the Boundaries of the City of New Hew Haven."

Thank you very much for your concern in this very important matter of great interest to our constituents.

Cordially,

ROLAND LEMAR  
Alderman 9th Ward

ERIN STURGIS-PASCALE  
Alderwoman 14th Ward

JOSEPH E. RODRIGUEZ  
Alderman 15th Ward

MIGDALIA CASTRO  
Alderwoman 16th Ward

INA L. SILVERMAN  
Alderwoman 25th Ward

**JOINT COMMUNITY DEVELOPMENT/HUMAN SERVICES:**

From the Mayor submitting an order approving an amendment to the Annual 2008-09 Consolidated Action Plan for the purpose of accepting an additional allocation of Community Development Block Grant Recovery funds in the amount of \$990,070 from the U. S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (REFERRED CONCURRENTLY TO CITY PLAN COMMISSION, PUBLIC WORKS, AND TRANSPORTATION, TRAFFIC AND PARKING)

April 6, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board:

We are pleased to submit for your approval a package under the American Recovery and Reinvestment Act of 2009. We have received notification that the City has been allocated \$990,070 in Community Development Block Grant Recovery (CDBG-R) funds from the U.S. Department of Housing and Urban Development. This will be a Substantial Amendment to the FY 2008/2009 Consolidated Plan.

This package required a limited time period for program development and allocation. The City will use its additional allocation of CDBG funds to make infrastructure improvements such as sidewalks, curbs, bike lanes, and street re-pavement in low income areas. These infrastructure improvements will be directly linked to the provision of Section 3 employment wherein low and very low income residents of the City will be trained and hired to work on construction sites where these improvements will be made.

This recommendation will provide both employment opportunities for our residents and permanent physical improvements for the community as a result of the federal stimulus package. This unique programming will not only benefit the City of New Haven but will help to stimulate our regional economy during these difficult economic times.

As we proceed with the FY 2008/2009 CDBG Substantial Amendment to the Annual Action Plan and continue implementation of the Five Year Strategic Plan, we greatly appreciate your continued involvement in this process.

Very truly yours,

John DeStefano, Jr.  
Mayor

From the Mayor submitting an order approving an amendment to the annual 2008-09 Consolidated Action Plan, Statement of Activities and Use of Funds, by adding \$1,525,272 in Homeless Prevention and Rapid Re-Housing Program funds from the U. S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 6, 2009

The Honorable Board of Aldermen  
City of New Haven  
165 Church Street  
New Haven, CT 06510

Dear Honorable Board

We are pleased to submit for your approval a package under the American Recovery and Reinvestment Act of 2009. We have received notification that the

City has been allocated \$1,525,272 in Homeless Prevention and Rapid Re-Housing Program (HPRP) funds from the U.S. Department of Housing and Urban Development.

This package required a short time period for program development and allocation. Under the Homeless Prevention and Rapid Re-Housing Program, the City worked closely with its Continuum of Care network of providers to develop a framework for expending the funds. To accomplish this goal, the City established a competitive RFP process for the allocation of resources and the development of a system to address the prevention of homelessness.

The goal of this program is to provide homeless prevention assistance to households who would otherwise become homeless and to rapidly re-house individuals who have recently become homeless as a result of the economic crisis. The program will also provide for stabilization services and the tracking of individuals and families placed in housing to ensure success.

As we proceed with the FY 2008/2009 Substantial Amendment to the Annual Action Plan and continue implementation of the Five Year Strategic Plan, we greatly appreciate your ongoing support and continued involvement in this process.

Very truly yours,

John DeStefano, Jr.  
Mayor

**READ, PRINT, AND FILE**

The following were read for the first time, ordered printed in the Journal and filed in the Office of the City Clerk:

Order to read and file the following reports from the Executive Director, City Plan Department: No. 1426-13, re: 1481 Quinnipiac Avenue (utility easement at Bishop Woods School); No. 1426-14, re: cooperation agreements and new construction at Brookside and Rockview; No. 1426-15, re: ordinance text amendments regarding streets, sidewalks and public ways; No. 1426-16, re: 295 Blatchley Avenue, emergency procurement for fire damage to police substation; No. 1426-17, re: East Rock Road Bridge at Mill River; No. 1426-18, re: 243 Legion Avenue, brownfield remediation, parcel G; No. 1426-19, re: 243 Legion Avenue, brownfield remediation, parcel F; No. 1426-20, re: brownfield remediation grant funds; No. 1426-21, re: imposition of public access restrictions to Pitkin Tunnel; No. 1426-22, re: ordinance amendment regarding permit, license and user fees; and Nos 1426-23 through 1426-30, re: the Mayor's FY2009-2010 general, capital and special budgets.

March 20, 2009

Board of Aldermen  
165 Church Street  
New Haven, CT 06510

Honorable Board:

In accordance with our customary procedure, the attached reports on matters referred by your Honorable Board, adopted at the City Plan Commission's meeting of March 18, 2009, are forwarded for your consideration:

**RE: 1481 QUINNIPIAC AVENUE, Utility Easement at the Bishop Woods School to the South Central Connecticut Regional Water Authority by the City of New Haven in behalf of the Board of Education (Superintendent of Schools).**

**REPORT: 1426-13**

**ADVICE: Approval**

**RE: BROOKSIDE and ROCKVIEW, Cooperation Agreement between the City of New Haven, Housing Authority of New Haven and Michaels Development Company 1, LP pertaining to New Construction of West Rock Redevelopment Project including a Tax Abatement (Director Livable City Initiative).**

**REPORT: 1426-14**

**ADVICE: Approval with minor language changes and additions (See below)**

**RE: CODE OF GENERAL ORDINANCE TEXT AMENDMENTS**

**Ordinance Amendment to Chapter 78 of the Code of Ordinances Regarding Streets, Sidewalks and Public Ways. (John Prokop, Director of Public Works)**

**REPORT: 1426-15**

**ADVICE: Approval**

**RE: 295 BLATCHLEY AVENUE, Emergency Procurement for Fire Damages at the Police Sub-Station (Purchasing Department).**

**REPORT: 1426-16**

**ADVICE: Approval**

**RE: EAST ROCK ROAD BRIDGE AT MILL RIVER, Agreements with State of Connecticut for Design and Construction under the Federal Local Bridge Program (City Engineer).**

**REPORT: 1426-17**

**ADVICE: Approval**

**RE: 243 LEGION AVENUE (Route 34 Parcel "G"), Application for Grant and Acceptance of Brownfield Remediation Funds (Economic Development Administrator).**

**REPORT: 1426-18**

**ADVICE: Approval**

**RE: 243 LEGION AVENUE (Route 34 Parcel "F"), Application for Grant and Acceptance of Brownfield Remediation Funds (Economic Development Administrator).**

**REPORT: 1426-19**

**ADVICE: Approval**

**RE: BROWNFIELD REMEDIATION FUNDS, Application for and Acceptance of up to \$1,000,000 of U.S. Environmental Protection Agency Grant Funds for Brownfield**

Remediation (Economic Development Administrator).

REPORT: 1426-20

ADVICE: Approval

RE: PITKIN TUNNEL, Authorization for Imposition of Public Access Restrictions to Improve Public Safety (Chief Administrative Officer).

REPORT: 1426-21

ADVICE: Approval

RE: ORDINANCE AMENDMENT, Amend Section 17-20 of the Code of Ordinances regarding permit, license and user fees (Mayor DeStefano).

REPORT: 1426-22

ADVICE: Approval

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Appropriating Ordinance #1, making appropriations for operating departments of the City for the FY July 1, 2009 through June 30, 2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Tax levy and revenue appropriating ordinance for FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Appropriating Ordinance #3, authorizing issuance of General Obligation Bonds, FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS: Appropriating Ordinance #4, making Appropriations for certain School Projects in the Five-year Capital Plan and authorizing Issuance of General Obligation Bonds, FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Alling Memorial Golf Course Enterprise Fund Budget, FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Lighthouse Park Carousel Enterprise Fund Budget, FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, Walker Skating Rink Enterprise Fund Budget, FY 2009-2010 (Mayor).

RE: FY2009-2010 GENERAL, CAPITAL, AND SPECIAL BUDGETS, East Rock Park Communications Tower Enterprise Fund Budget, FY 2009-2010 (Mayor).

REPORT: 1426-23 through 1426-30

ADVICE: Approval

Respectfully submitted,

Karyn M. Gilvarg AIA  
Executive Director

**FIRST READINGS**

City Services and Environmental Policy. Favorable. Order from the Economic Development Administrator authorizing the application to and acceptance of a grant of up to \$1,000,000 from the US Environmental Protection Agency to support brownfields projects throughout the city.

WHEREAS, the City of New Haven (“the City”) has an interest to spur economic

development of environmentally contaminated land in its jurisdiction; and

**WHEREAS, the City has formed an eligible Brownfields Coalition with the New Haven Redevelopment Agency and the Housing Authority of New Haven, specifically for this grant opportunity; and**

**WHEREAS, the City is the lead applicant for this grant; and**

**WHEREAS, upon award of this grant, the City and coalition members will craft an agreement acceptable to the Environmental Protection Agency ("EPA") for the implementation of this grant; and**

**WHEREAS, the Environmental Protection Agency has available brownfields grant funding through its Fiscal Year 2009 Brownfields Assessment Grants Program; and**

**WHEREAS, it is desirable and in the public interest that the City make an application to the EPA FY 2009 Brownfields Assessment Grants Program for a grant in an amount not to exceed one million dollars (\$1,000,000.00) in order to support brownfields projects throughout the City of New Haven;**

**NOW, THEREFORE, be it ordered by the Board of Aldermen that:**

**The filing of an application by the City with the EPA FY 2009 Brownfields Assessment Grants Program is hereby approved; and,**

**That acceptance of said grant by the City upon its approval by the EPA FY 2009 Brownfields Assessment Grants Program is hereby approved; and**

**That Mayor John DeStefano, Jr. is hereby ordered to execute and file a grant application with the EPA FY 2009 Brownfields Assessment Grants Program, to act as the City's authorized representative and provide such additional information as may be required by the EPA FY 2009 Brownfields Assessment Grants Program in connection with the City's grant application, to execute an assistance agreement and/or any other documents as may be required by the EPA FY 2009 Brownfields Assessment Grants Program and determined necessary by the City's Office of the Corporation Counsel to effectuate the City's application for and acceptance of said grant, and to execute any amendments, rescissions, and revisions to said grant, as may from time to time be necessary or desirable in order to obtain said grant monies and/or use the same for the purposes herein described.**

**City Services and Environmental Policy. Favorable. Order from the Economic Development Administrator authorizing the application to and acceptance of a grant from the U.S. Environmental Protection Agency's Brownfields Assessment and Cleanup Program, not to exceed \$200,000, to support environmental remediation of the city-owned property at 243 Legion Avenue, Parcel F.**

**WHEREAS, the City of New Haven ("the City") has an interest to spur economic development of environmentally contaminated land in its jurisdiction; and**

**WHEREAS, past remediation reports along the Route 34 West corridor have**

detailed a need for environmental remediation of the corridor parcels; and

WHEREAS, the cost to remediate contaminated land is a barrier to developments;  
and

WHEREAS, the Environmental Protection Agency has available brownfields grant  
funding through its Fiscal Year 2009 Brownfields Cleanup Grants Program; and

WHEREAS, it is desirable and in the public interest that the City make an  
application to the EPA FY2009 Brownfields Cleanup Grants Program for a grant in  
an amount not to exceed two hundred dollars (\$200,000.00) in order to support  
cleanup of the above named property;

NOW, THEREFORE, BE IT ORDERED by the New Haven Board of Aldermen that:

The filing of an application by the City with the EPA FY2009 Brownfields Cleanup  
Grants Program is hereby approved; and that

Acceptance of said grant by the City upon its approval by the EPA FY 2009  
Brownfields Cleanup Grants Program is hereby approved; and that

Mayor John DeStefano, Jr. is hereby ordered to execute and file a grant  
application with the EPA FY 2009 Brownfields Cleanup Grants Program, to act as  
the City's authorized representative and provide such additional information as  
may be required by the EPA FY 2009 Brownfields Cleanup Grants Program in  
connection with the City's grant application, to execute an assistance agreement  
and/or any other documents as may be required by the EPA FY 2009 Brownfields  
Cleanup Grants Program and determined necessary by the City's Office of the  
Corporation Counsel to effectuate the City's application for and acceptance of  
said grant, and to execute any amendments, rescissions, and revisions to said  
grant, as may from time to time be necessary or desirable in order to obtain said  
grant monies and/or use the same for the purposes herein described.

City Services and Environmental Policy. Favorable. Order from the Economic  
Development Administrator authorizing the application to and acceptance of a  
grant from the U.S. Environmental Protection Agency's Brownfields Assessment  
and Cleanup Program, not to exceed \$200,000, to support environmental  
remediation of the city-owned property at 243 Legion Avenue, Parcel G.

WHEREAS, the City of New Haven ("the City") has an interest to spur economic  
development of environmentally contaminated land in its jurisdiction; and

WHEREAS, past remediation reports along the Route 34 West corridor have  
detailed a need for environmental remediation of the corridor parcels; and

WHEREAS, the cost to remediate contaminated land is a barrier to developments;  
and

WHEREAS, the Environmental Protection Agency has available brownfields grant  
funding through its Fiscal Year 2009 Brownfields Cleanup Grants Program; and

WHEREAS, it is desirable and in the public interest that the City make an

application to the EPA FY 2009 Brownfields Cleanup Grants Program for a grant in an amount not to exceed two hundred dollars (\$200,000.00) in order to support cleanup of the above named property;

NOW, THEREFORE, be it ordered by the Board of Aldermen that:

The filing of an application by the City with the EPA FY 2009 Brownfields Cleanup Grants Program is hereby approved; and,

That acceptance of said grant by the City upon its approval by the EPA FY 2009 Brownfields Cleanup Grants Program is hereby approved; and

That Mayor John DeStefano, Jr. is hereby ordered to execute and file a grant application with the EPA FY 2009 Brownfields Cleanup Grants Program, to act as the City's authorized representative and provide such additional information as may be required by the EPA FY 2009 Brownfields Cleanup Grants Program in connection with the City's grant application, to execute an assistance agreement and/or any other documents as may be required by the EPA FY 2009 Brownfields Cleanup Grants Program and determined necessary by the City's Office of the Corporation Counsel to effectuate the City's application for and acceptance of said grant, and to execute any amendments, rescissions, and revisions to said grant, as may from time to time be necessary or desirable in order to obtain said grant monies and/or use the same for the purposes herein described.

City Services and Environmental Policy. Favorable. Order from the Economic Development Administrator authorizing the application to and acceptance of a grant from the U.S. Environmental Protection Agency's Brownfields Assessment and Cleanup Program, not to exceed \$200,000, to support environmental remediation of the city-owned property at 243 Legion Avenue, Parcel F.

WHEREAS, the City of New Haven ("the City") has an interest to spur economic development of environmentally contaminated land in its jurisdiction; and

WHEREAS, past remediation reports along the Route 34 West corridor have detailed a need for environmental remediation of the corridor parcels; and

WHEREAS, the cost to remediate contaminated land is a barrier to developments; and

WHEREAS, the Environmental Protection Agency has available brownfields grant funding through its Fiscal Year 2009 Brownfields Cleanup Grants Program; and

WHEREAS, it is desirable and in the public interest that the City make an application to the EPA FY2009 Brownfields Cleanup Grants Program for a grant in an amount not to exceed two hundred dollars (\$200,000.00) in order to support cleanup of the above named property;

NOW, THEREFORE, BE IT ORDERED by the New Haven Board of Aldermen that:

The filing of an application by the City with the EPA FY2009 Brownfields Cleanup Grants Program is hereby approved; and that

Acceptance of said grant by the City upon its approval by the EPA FY 2009 Brownfields Cleanup Grants Program is hereby approved; and that

Mayor John DeStefano, Jr. is hereby ordered to execute and file a grant application with the EPA FY 2009 Brownfields Cleanup Grants Program, to act as the City's authorized representative and provide such additional information as may be required by the EPA FY 2009 Brownfields Cleanup Grants Program in connection with the City's grant application, to execute an assistance agreement and/or any other documents as may be required by the EPA FY 2009 Brownfields Cleanup Grants Program and determined necessary by the City's Office of the Corporation Counsel to effectuate the City's application for and acceptance of said grant, and to execute any amendments, rescissions, and revisions to said grant, as may from time to time be necessary or desirable in order to obtain said grant monies and/or use the same for the purposes herein described.

City Services and Environmental Policy. Favorable. Order from the Economic Development Administrator authorizing the application to and acceptance of a grant from the U.S. Environmental Protection Agency's Brownfields Assessment and Cleanup Program, not to exceed \$200,000, to support environmental remediation of the city-owned property at 243 Legion Avenue, Parcel G.

WHEREAS, the City of New Haven ("the City") has an interest to spur economic development of environmentally contaminated land in its jurisdiction; and

WHEREAS, past remediation reports along the Route 34 West corridor have detailed a need for environmental remediation of the corridor parcels; and

WHEREAS, the cost to remediate contaminated land is a barrier to developments; and

WHEREAS, the Environmental Protection Agency has available brownfields grant funding through its Fiscal Year 2009 Brownfields Cleanup Grants Program; and

WHEREAS, it is desirable and in the public interest that the City make an application to the EPA FY 2009 Brownfields Cleanup Grants Program for a grant in an amount not to exceed two hundred dollars (\$200,000.00) in order to support cleanup of the above named property;

NOW, THEREFORE, be it ordered by the Board of Aldermen that:

The filing of an application by the City with the EPA FY 2009 Brownfields Cleanup Grants Program is hereby approved; and,

That acceptance of said grant by the City upon its approval by the EPA FY 2009 Brownfields Cleanup Grants Program is hereby approved; and

That Mayor John DeStefano, Jr. is hereby ordered to execute and file a grant application with the EPA FY 2009 Brownfields Cleanup Grants Program, to act as the City's authorized representative and provide such additional information as may be required by the EPA FY 2009 Brownfields Cleanup Grants Program in connection with the City's grant application, to execute an assistance agreement and/or any other documents as may be required by the EPA FY 2009 Brownfields

Cleanup Grants Program and determined necessary by the City's Office of the Corporation Counsel to effectuate the City's application for and acceptance of said grant, and to execute any amendments, rescissions, and revisions to said grant, as may from time to time be necessary or desirable in order to obtain said grant monies and/or use the same for the purposes herein described.

City Services and Environmental Policy. Favorable. Order from the Superintendent of Schools approving a right-of-way easement agreement with the South Central Connecticut Regional Water Authority for the new Bishop Woods School construction project.

WHEREAS, the Board of Aldermen of the City of New Haven, the Citywide School Building Committee and the New Haven Board of Education have at various times approved the new Bishop Woods School Construction Project; and

WHEREAS, a Right of Way/Utility Easement on the property is necessary for the installation and maintenance of a water service line for the new Bishop Woods School.

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City of New Haven:

That a right-of-way/easement agreement between the City of New Haven for and on behalf of the Board of Education and the Regional Water Authority, (the "Agreement") in substantially the form attached hereto and made a part thereof is hereby specifically approved.

IT IS FURTHER ORDERED that the Mayor is hereby authorized and directed to execute on behalf of the City of New Haven, the Agreement and any other agreements or instruments required by the State of Connecticut and/or determined to be necessary or desirable by the Office of the Corporation Counsel, in order to give effect to the same and the City/Town Clerk is hereby authorized to impress the official seal of the City of New Haven as such documents.

City Services and Environmental Policy. Favorable. Resolution from the City Engineer authorizing the Mayor to sign agreements with the Connecticut Department of Transportation for the design and construction phases of the East Rock Road Bridge over the Mill River (Bridge No. 04418) utilizing federal local bridge program funds.

Whereas: The East Rock Road Bridge over Mill River provides linkage between English Drive (Park) and the East Rock Neighborhood; and,

Whereas: The East Rock Road Bridge over Mill River, Bridge No. 04418 was reported in poor condition based upon an in depth inspection by the Connecticut State Department of Transportation report dated March 12, 2008; and,

Whereas: The City applied for a grant for the rehabilitation of East Rock Road Bridge over Mill River thru Federal Local Bridge Program on April 29, 2008, which was approved by CTDOT; and,

Whereas: The funds for the design, construction and inspection of this bridge are being funded by utilizing 80% through agreements with the CTDOT Federal Local Bridge Program and the remaining 20% is the city's share; and,

Whereas: The replacement of the bridge is critical to the safety of the public utilizing this bridge:

NOW, THEREFORE, BE IT RESOLVED, that John DeStefano, Jr., Mayor be authorized to sign agreements and any subsequent amendments thereto between the State of Connecticut and the City of New Haven under the Federal Local Bridge Program for the design and construction of East Rock Road Bridge over Mill River, Bridge No. 04418 and certifies the adoption of the States policy to support the nondiscrimination agreements and warranties required under the Connecticut General Statutes.

Community Development. Favorable. Order from the Livable City Initiative authorizing execution of a cooperation agreement with the New Haven Housing Authority and Michael's Development Company I, LP for new construction of Brookside and Rockview Public Housing Developments that includes a tax abatement pursuant to Section 28-4 of the Code of Ordinances.

WHEREAS, the Housing Authority of the City of New Haven ("HANH") has begun to implement plans to reconstruct Brookside and Rockview public housing developments located in the West Rock neighborhood of the City of New Haven, Connecticut using operating and capital funds received from the United States Department of Housing and Urban Development, together with other funding sources; and

WHEREAS, pursuant to said revitalization effort, Michaels Development Company I, LP a limited liability company (the "Developer"), has been selected to carry out a certain master plan, primarily at that location known as West Rock Redevelopment which is situated within the West Rock neighborhood of the City of New Haven (the "Project") which Project involves the ownership, operation, management, construction, and maintenance of development property; and

WHEREAS, the Developer has submitted a proposed Cooperation Agreement between the City of New Haven, HANH and the Developer, pursuant to which the Developer agrees to undertake and complete the Project and the City of New Haven agrees to perform certain functions in order to facilitate the same; and

WHEREAS, Section 28-4 of the City of New Haven Code of Ordinances provides that the Mayor may, with the approval of the Board of Aldermen enter into an agreement whereby real property is exempted from all or any portion of municipal property taxes or which provides for a payment or payments in lieu of taxes, provided that any such agreement does not remain in effect for a period greater than thirty nine (39) years; and

WHEREAS, the City of New Haven, HANH and the Developer propose to execute the Cooperation Agreement, a copy of which is attached hereto and incorporated herein by reference.

NOW THEREFORE, IT IS HEREBY ORDERED that the Mayor be and hereby is

authorized to execute the Cooperation Agreement, or a Cooperation Agreement substantially similar thereto, containing the tax agreements, on behalf of the City of New Haven, and the City-Town Clerk of the City of New Haven be and hereby is authorized and directed to impress and attest the official seal of the City of New Haven upon said Cooperation Agreement; and

FURTHER, the Mayor is hereby authorized and empowered to execute, acknowledge and deliver any and all documents as may be needed or appropriate, from time to time, to implement and effect the intent and purposes set forth in the Cooperation Agreement and this Order.

Community Development. Favorable. Order from the Livable City Initiative authorizing the execution of all documents necessary to sell the condominium units at Three Sisters Condominium located at 619 Congress Avenue.

WHEREAS: Three Sisters Condominium located at 619 Congress Avenue, in the Hill Neighborhood includes 12 Homeownership units (6 units are affordable (80% AMI) units and 6 units are Market Rate units). This project involved the total gut rehabilitation of three historic Brownstone buildings. These buildings formally housed twenty seven (27) rental units and have been converted to twelve (12) Condominiums for home-ownership. Two (2) units conform to the America Disabilities Act standards, and

WHEREAS: The \$3.8 million rehabilitation effort was funded by \$2 million of Special Act funds through the State of Connecticut, Department of Economic Community Development and \$1.8 million in HOME funds by the City of New Haven. The buildings will act as a cornerstone to residential rehabilitation in this community due to its proximity to downtown and its location next to the new John C. Daniels School. This community is the gateway to the Medical District with the almost \$700 million current investment in construction at the Yale New Haven Hospital Smilow Cancer Center, 2 Howe Street and 55 Park Street, and

WHEREAS: The units have been completed since September, 2008 and are being aggressively marketed by H. Pearce Realtors, however, due to this economic crisis and difficulty in securing new mortgages, it is imperative that the sales contracts are free and clear of any special conditions which could hamper a lending institution from committing funding, and

WHEREAS: The City of New Haven will sell the units as a negotiated sale and will obtain a value for the two (2) bedroom between \$100,000.00 and \$200,000.00, three (3) bedroom between \$150,000.00 - \$250,000.00, and four (4) bedroom between \$170,000.00-\$270,000.00 in accordance with the market values in the Hill neighborhood, and

WHEREAS: The City of New Haven will obtain Disclosures at time of acceptance of purchase price from the potential purchaser and any potential purchaser that is a City of New Haven employee, family member of a City of New Haven employee, contractor and/or elected official will be exempt from this order and processed in accordance with 2006 Disposition Guidelines approved by the Board of Aldermen, and

WHEREAS: Also exempt from this order will be bundled transactions of more

than one unit to a single buyer, or sales to anyone other than an owner-occupant, and

**WHEREAS:** In order to ensure a final check that all proper procedures have been followed, the City of New Haven will present a Notification of Pending Sale to the LCI Board prior to closing.

**NOW, THEREFORE,** be it **ORDERED** by the Board of Aldermen of the City of New Haven that the Mayor, on behalf of the City Of New Haven, is authorized to execute and deliver any and all documents necessary to sell the Three Sisters Condominium units located at 619 Congress Avenue in accordance with the provisions set forth in this Order.

**Finance. Favorable. Order to read and file the City of New Haven's Audited Financial Statements and Federal and State Single Audit Reports from the Controller for the fiscal year ending June 30, 2008 as prepared by Levitsky & Berney, P.C.**

**BE IT ORDERED** by the New Haven Board of Aldermen that the City of New Haven's Audited Financial Statements and Federal and State Single Audit Reports for the fiscal year ending June 30, 2008, as prepared by Levitsky & Berney, P.C., be read and filed.

**FINANCE. FAVORABLE. Order to read and file the Mayor's required budgetary and financial reports for the month of December 2008 in compliance with Section #62 of the Charter.**

**BE IT ORDERED** by the New Haven Board of Aldermen that the financial report for the month ended December 31, 2008, submitted by the Mayor pursuant to Section 62 of the Charter and Section 2-192 of the Code of General Ordinances of the City of New Haven, Connecticut, be read and filed.

**Legislation. Favorable. Ordinance amendment from Alderpersons Perez, James, Jackson-Brooks, Lee and Antunes to provide a new section entitled "Marshals" TO THE NEW HAVEN CODE OF GENERAL ORDINANCES to govern the use of marshals for city-related business.**

**BE IT ORDAINED** that the New Haven Code of General ordinances is amended by addition of the following:

**"ARTICLE. MARSHALS**

**Sec. Short title.**

**This article shall be known and may be cited as the "Marshals Ordinance"**

**Declaration of policy. The purpose of the Marshals Ordinance is to ensure fairness, transparency and economy in the method of selection and compensation of state marshals to perform the exclusive duties of state marshals, as defined by statute, in the service of the City of New Haven.**

**Definitions.**

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein.

(a) **City, its Boards and Commissions or City of New Haven** is the City of New Haven including all of its departments, agencies or employees thereof and any other of its quasi government entities or contractors of the city including but not limited to attorneys, consultants, or other bodies acting on behalf of the City of New Haven.

(b) **Marshals** mean such person who performs within the City of New Haven as marshals for or by the direction of the city, or any department, agency or employee thereof or contractors of the city including but not limited to attorneys, consultants, or other bodies acting on behalf of the City of New Haven Marshal also is a person engaged in the business, or offering the services, of a marshal service, pursuant to any regulation, ordinance or statute so designed for that purpose.

(c) **Person** is any person, firm, partnership, association, corporation, company or organization of any kind.

**Municipal marshals list.**

No marshal shall engage in business on behalf of the City of New Haven, as defined in this ordinance, or offer such service on a city related matter on behalf of the city without first being approved on a list of authorized marshals by the purchasing agent or, if engaged by an attorney for city business, without agreement to payment according to the municipal marshal fee schedule set by the City.\*

The purchasing agent or his designee shall prepare annually and maintain a list, to be called the "municipal marshals list," of marshals not to exceed fifteen (15) in number who may perform municipal marshals services.

The municipal marshal list shall be prepared according to regulations established and promulgated by the purchasing agent in the interests of fairness, transparency and fiscal responsibility. In preparation of the municipal marshal list, the purchasing agent shall consider a balance of genders, ethnicities and multilingual ability.\* The provisions of Sec. 2-483. "Preference for city-based businesses." shall apply to this selection process.\*

The purchasing agent shall require the following information of all applicants:

- (1) The applicant's name, home address, telephone number and proposed business address;
- (2) The applicant's office location, and hourly availability;
- (3) Any complaints and or grievances against the marshal and the resolution of

such during the three previous years

(4) Such other information as the purchasing agent shall find reasonably necessary to effectuate the purpose of this article.

(c) Each marshal included in the municipal marshals list must meet minimum standards, including, but not limited to:

(1) That the marshal is fit and proper to conduct the proposed work of a marshal;

(2) That the applicant has available resources for fulfilling the role of a marshal pursuant to any regulation, ordinance or statute so designed for that purpose;

(3) The marshal shall have sufficient operational capacity to accept and respond to all calls for marshal services, including, but not limited to, serving of subpoenas, tax warrant or other warrants and notifications.

(4) The marshal shall agree to protect, indemnify and save harmless the city, its servants, agents and employees of and from any and all liability or claim of liability, expense, damage, causes of action, suits, claims or judgments on the part of anyone growing out of any act or omission by the said marshal or of any act or omission by any employee or agent of said marshal in the performance of duties and obligations. Unless the claim results from the negligence of the licensee; when city established procedures are followed, the marshal shall not be responsible for any damage claims arising during the period of activity on behalf of the city.

(5) The marshal shall provide general liability insurance in limits of at least one million dollars (\$1,000,000.00).

(6) The marshal shall not be or become delinquent in the payment of any tax, assessment, or fee due to the city. The property from which the marshal operates shall not be or become delinquent in the payment of any tax, assessment, or fee due to the city.

**Removal from list.**

The purchasing agent may, for cause, suspend or remove any marshal from the municipal marshals list, who is in violation of applicable rules and regulations, or any provision of this article, including but not limited to the following reasons:

(a) Fraudulent conduct or misstatement of a material fact, or that a fact concerning the applicant was not disclosed at the time of his making application, and such fact would have constituted just cause for refusal of inclusion on the municipal list.

(b) The licensee has violated any of the requirements of this article or any of the rules and regulations as established of such a nature as to affect the proper discharge of his duties under this article.

(c) The licensee, his agent or employee, acts in a manner which is prejudicial, offensive or detrimental to the best interests of the public and such actions are of

such nature as to affect the proper discharge of his duties under this article, including but not limited to reckless and wanton disregard for duties of a marshal;

(d) The intentional disregard of a lawful order including but not limited to one to tow or execute a tax warrant given by the appropriate city department having jurisdiction of same matter.

(e) Delinquency of the payment of any tax, assessment, or fee due to the city including those on the property from which the marshal operates without an arrangement in place to rectify such delinquency.

Suspension or removal shall take effect after due notice in writing to the marshals, and a hearing before the purchasing agent to be held, if requested by the marshals, not less than three (3) days after the date of such notice.

Grievance procedure.

Any denial of an application for inclusion upon the municipal marshal list may be appealed to the state marshal commission. While the disposition of such appeal is pending the appellant shall be disqualified from any work on behalf of the city, any city entities, or any other agencies or individuals doing work on behalf of the city.

Maintenance of records.

The purchasing agent or his designee shall at all times keep and maintain exact records of the services each municipal marshal rendered, including the date and nature thereof, in accordance with this article. Records shall include

Penalty for violation.

Any violation of this article by any person as defined in this ordinance be subject to the provisions of Chapter 12 5/8 and a fine not to exceed the maximum penalty permitted by statute.

Severability

If any section, subsection, sentence or portion of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining of this chapter."

BE IT FURTHER ORDAINED that except as above amended, the New Haven Code of General Ordinances shall remain in full force and effect.

Legislation. Favorable. Ordinance amendment from the Director of Public Works to Chapter 78 of the Code of Ordinances regarding streets, sidewalks and public ways.

Whereas: The City of New Haven desires to clarify permit requirements for obstruction of streets and improve work zone safety provisions, and

Whereas: The City of New Haven desires to clarify permit requirements for permanent patching of streets where excavation work takes place, and

Whereas: the City of New Haven desires to clarify penalties to be imposed for violations of ordinance provisions and to add language providing an appeals process.

Now, Therefore, Be It Ordained that Chapter 78 of New Haven Code of Ordinances be amended as set forth in the attached.

City of New Haven Code of Ordinances  
Chapter 78 Streets Sidewalks and Public Ways

**ARTICLE I. IN GENERAL**

**Sec. 78-1. "Street" defined.**

For the purposes of this chapter "street" shall include alleys, lanes, courts, and public spaces for which the public has the right of passage and use within the accepted right-of-way as defined by the City of New Haven. All improvements thereon extend to the right-of-way limits, and may include sidewalks, tree belts, curbs, drainage structures, utilities and road surfaces.

(Code of 1928, § 778; Code of 1985, § 27-1; Ord. No. 1426, 9-28-06)

**Sec. 78-2. "Right-of-way" defined.**

"Right-of-way" shall mean the accepted area for public use as defined by the state's statutes, and as accepted by the city's board of aldermen. The right-of-way is influenced by the following four (4) city departments:

- (1) Department of public works is responsible for its overall maintenance and use;
- (2) City engineer is responsible for infrastructure improvements, engineering standards and the design of major repairs;
- (3) Department of traffic and parking is responsible for the safe movement of traffic including people, vehicles and trucks; and
- (4) Department of parks, recreation and trees is responsible for trees and tree pits within the right-of-way.

(Ord. No. 1426, 9-28-06)

Secs. 78-3--78-30. Reserved.

**ARTICLE II. NUISANCES, OBSTRUCTIONS AND DANGEROUS CONDITIONS**

**Sec. 78-31. Nuisances on streets.**

No person shall commit any nuisance in any street in the city. This shall include but not be limited to any impediment, obstruction or interference with the free flow of movement within the public right-of-way. Any violation of this section shall constitute an infraction, and, upon conviction, shall result in a fine of up to one hundred dollars (\$100.00), or an amount up to the maximum allowed under state statute, for each day that the violation continues. Such person shall be required to abate the violation.

(Code of 1928, § 524; Code of 1985, § 27-8; Ord. of 10-17-88, § 15; Ord. No. 1426, 9-28-06)

**Sec. 78-32. Ice, snow, sleet--Duty of abutting owner to remove or abate.**

(a) Removal. The owner of land or a building, bridge or premises fronting upon the sidewalk, or connected with a footway, shall remove snow, sleet or ice within a minimum of forty-two (42) inches of such property including handicap ramps within twenty-four (24) hours after a storm ends.

(b) Abatement. If the owner of the property referred to in subsection (a) cannot entirely remove the snow, sleet or ice within the aforesaid parameters, he/she shall cover the affected portion(s) with an abrasive substance so as to keep the property in a reasonably safe condition at all times.

(c) Penalty. If a property owner fails to comply with subsections (a) and (b), above, within twenty-four (24) hours after receiving notice to remove the snow, sleet or ice from an appropriate city official, said owner shall be punished by a one hundred dollar (\$100.00) fine, or an amount up to the maximum allowed under state statute. Each day that the violation continues shall constitute a separate offense.

(Code of 1985, § 27-9; Ord. of 10-17-88, § 16 Ord. No. 1426, 9-28-06)

**Sec. 78-33. Ice, snow, sleet--Duty of abutting property owner to clean gutters and catch basin tops.**

Every person having the care of any property abutting a paved gutter and catch basin top shall keep them free from snow, ice, sleet and any other substance so as to permit the free passage of water through them. Failure to comply with this section shall result in an infraction and a fine of one hundred dollars (\$100.00), or an amount up to the maximum allowed under state statute. Each day that the violation continues shall constitute a separate offense.

(Code of 1928, § 773; Code of 1985, § 27-11; Ord. of 10-17-88, § 18; Ord. No. 1426, 9-28-06)

**Sec. 78-34. Same--Disposal by throwing into streets.**

No person or property owner shall throw, place or plow ice or snow into any street in the city, nor cause such disposal. Failure to comply with this section shall result in an infraction and a fine of one hundred dollar (\$100.00), or an amount up to the maximum allowed under state statute. Each day that the violation continues shall constitute a separate offense.

(Code of 1928, §§ 775, 776; Code of 1985, § 27-12; Ord. of 10-17-88, § 19; Ord. No. 1426, 9-28-06)

**Sec. 78-35. Sidewalk sandwich board signs; permit required.**

No sandwich board may be placed on the sidewalk or the street without a permit from the issuer stating the exact location of the sign.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-36. Insurance.**

Before a permit is issued the applicant shall secure insurance naming the city as

an additional insured party. The policy shall protect the city against all claims resulting from the actions and/or negligence of the permittee. The permittee, his/her successors and assigns shall maintain the policy in full force as long as the sandwich board sign is displayed. The permittee shall be responsible for any damage to sidewalks or other public property resulting from display of the sandwich board sign.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-37. Maintenance.**

The sign permittee shall properly maintain the sign installation consistent with permit regulations so as not to cause injury to persons or property.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-38. Inspection.**

The city shall reserve the right to inspect sandwich board signs to ensure compliance with this article and with permit regulations.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-39. Regulations.**

The director of the department of public works shall develop regulations for the issuance of sidewalk sandwich board signs. The regulations may be amended from time to time and shall be available from the permit issuer.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-40. Sandwich board signs prohibited downtown.**

Unless approved by the board of aldermen under permitted obstruction, no sidewalk sign shall be placed in the inclusive area bound by the south side of George Street, east side of High Street, north side of Grove Street, and the east side of State Street.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-41. Annual fee.**

Before a permit may be issued under this article, the applicant shall pay to the issuer an annual fee as established by the board of aldermen, and included in the portion of the Code that contains all fees.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-42. Renewal.**

Permits shall be renewed on an annual basis. The permit issuer shall collect and maintain information from each permit applicant when permits are initially issued. In subsequent years it shall not be necessary for the applicant to provide detailed

information unless there are any changes to the documentation submitted with the original permit request. If there are no changes, the applicant shall submit a written permit renewal request, an updated insurance certificate and the required permit fee.

(Ord. of 8-1-83, § 3; Ord. of 9-19-83, § 3; Ord. of 12-5-83, § 3; Code of 1985, § 14.1; Ord. No. 1426, 9-28-06)

**Sec. 78-43. Damaging, defacing public property on streets**

(a) No person shall damage any public property including fences, fountains, walls, seating, light poles, ornaments, signs or other amenities that are within the public right-of-way.

(b) No person shall damage any merestone or street line marker in the city without permission from the city engineer.

(c) Failure to comply with subsection (a) or (b) shall result in a fine of one hundred dollars (\$100.00), or an amount up to the maximum allowed under state statute, per offense.

(Code of 1928, §§ 737, 743; Code of 1985, § 27-15; Ord. No. 1426, 9-28-06)

**Sec. 78-44. Permission required for certain activities on streets, sidewalks.**

(a) No person or property owner shall restrict the use of the right-of-way for public purposes without applying for a permit. This includes the placing of any obstruction within the right-of-way, sidewalk or tree belt.

(b) Obstruction permits shall be obtained from the appropriate city authority. Violation of this ordinance shall result in a fine of one hundred dollars (\$100.00), or an amount up to the maximum allowed under state statute, per offense.

(c) Permits for the obstruction of streets (encompassing hereby the broad meaning of "street" provided in section 78-(1), shall be obtained from the director of public works, or his designee in accordance with the requirements set forth in section 78-75 and 78-78 herein, and shall be paid for in proportion to the street frontage occupied, at the rate set out in section 17-20 of this code.

(Code 1928, §§ 83, 593, 724, 725; Ord. of 2-5-62; Code of 1985, § 27-18; Ord. of 8-2-88, §§ 1--4; Ord. of 10-17-88, § 20; Ord. of 4-1-91; Ord. No. 1325, § 1, 4-21-03; Ord. No. 1345, 5-3-04; Ord. No. 1426, 9-28-06)

Secs. 78-45--78-70. Reserved.

**ARTICLE III. EXCAVATIONS**

**Sec. 78-71. Compliance with article; control and direction of director of public works; license required; permit required.**

(a) No person, firm or corporation shall make any opening or excavation, or perform any construction work within, on or through any street except state highways for any purpose except under the director of the department of public works or his/her agent's control and direction, and in conformity with this article.

(b) All work on driveways, sidewalks, curbs, roadways and drainage shall be in accordance with city engineering standards.

(Code of 1985, § 27-35; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

**Sec. 78-72. License required; fee.**

The director of the department of public works or his/her agent may issue a license to any qualified person to perform specific work within the public right-of-way. Such person shall submit an application to perform such work, and satisfy said director or his/her agent that he/she is competent and intends to comply with all applicable conditions, rules, regulations and specifications including, but not limited to, those in this article as amended from time to time. The board of aldermen shall set a fee for such license, and said fee shall be included in the portion of the code that contains all fees.

(Code of 1985, § 27-36; Ord. of 10-18-95, § 2; Ord. No. 1304, Pt. 1(k)(3), 12-17-01; Ord. No. 1426, 9-28-06)

**Sec. 78-73. Proof of insurance; surety bond; agreement to indemnify.**

(a) Before any such license is granted, every applicant shall file a certificate of liability insurance with the director of the department of public works or his/her agent. Thereafter, such licensee shall provide renewal certificates as appropriate in an amount specified by the city as deemed appropriate by the corporation counsel's office. The city shall be named as additional insured on the certificate; and, for city projects, such certificate shall contain such endorsements as are required by the "general conditions" of construction agreements between the city and its contractors.

(b) Before such license is granted, every applicant shall enter into an agreement with the city conditioned substantially as follows: that the applicant shall indemnify and hold harmless the City of New Haven, its officers, servants, agents and employees, from any and all claims, suits, liability and actions for an account of any injuries, loss, cost or damages received or sustained by any person, the applicant, his/her servants or agents, in connection with any opening, excavation, installation or other work performed on any such public right-of-way, or as the result of the use of equipment belonging to the applicant or used by him/her in connection with excavation or installation, or from any negligence or omission in guarding the work or maintaining such work and its immediate area in a safe condition, or from any act or omission of the applicant, his/her servants or agents.

(c) All required insurance coverage shall be maintained in full force and effect for the periods required. A representation binding upon the insurer shall be furnished to the director that the insurance coverage cannot be canceled or amended by the insurer less than thirty (30) days after the director has received written notice of cancellation or amendment by certified or registered mail, along with a binding representation that the insurer will notify the director immediately of any such cancellation or lapse in coverage.

(d) No insurance coverage required or furnished shall in any way relieve the applicant or person performing excavation work of any of his/her or its responsibilities, obligations, or liabilities under this article, or under any other applicable ordinances, laws and regulations.

(e) At the time of the license application, every applicant shall file with the director of the department of public works, or his/her agent, a surety bond securing to the city complete, competent and proper performance of the permitted work, in amount deemed sufficient by the director of the department of public works for such purpose. The surety bond will be in effect for a period of three (3) years from April 1 of the year in which application was made for the license.

(f) No license shall be issued if the licensee or permittee has outstanding debts to

the city for charges, penalties or fees due under this chapter.  
(Code of 1985, § 27-37; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

**Sec. 78-74. License; conditions for issuance.**

The director of the department of public works or his/her agent shall issue a license upon compliance with section 78-72 of this article, in accordance with the following provisions:

- (1) The applicant shall file his/her business address with the director of the department of public works, or his/her agent, and shall notify the director of any change therein. Any orders or notices that the director or his/her agent may have to give such applicant, mailed to the address so filed, shall be considered due personal notice.
  - (2) All licenses will expire on the first day of April next following the date of issue, unless sooner revoked. Upon expiration, the licensee must apply for and obtain a new license before performing any additional work.
  - (3) The director of the department of public works or his/her agent may cancel or suspend any license at any time for just cause. License suspension shall occur immediately upon cancellation of any required bond; and suspension of a permit granted under section 78-75 shall occur automatically upon cancellation of liability insurance as required under this article.
  - (4) Only an excavator duly licensed by the director of the department of public works, or his/her agent, as herein provided shall do any work upon any public right-of-way within the city.
  - (5) All licenses are nontransferable.
  - (6) All licensed contractors shall maintain the name or names of emergency contact persons, their telephone numbers and addresses with the director of the department of public works or his/her agent.
- (Code of 1985, § 27-38; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

**Sec. 78-75. Permits; application and posting required.**

Application for permits to perform any work within the public right-of-way in the city, must be submitted in writing by a licensed contractor who is licensed under this article, or governmental agency, public service company, or their respective agent(s), on forms provided for this purpose by the permit issuer. Applications must be submitted no less than five (5) business days before work is scheduled to commence. Additionally, the permit applicant must provide detailed maps, drawings and/or descriptions of the limits of the excavation work and must provide a detailed work-zone -traffic and /or pedestrian control plan. Only persons, contractors or public service companies licensed under this article may be issued a permit to excavate in a city owned street. No work shall commence or be continued unless 1.) the permit is posted by the permittee or his/her agent at the location of the work and must be displayed to all authorized persons upon request; (b) The Director of Public Works shall establish administrative procedures for coordinating excavation permits and field work to assure work zone safety.

- (c.) The board of aldermen shall set a fee for such license, and said fee shall be included in the portion of the Code that contains all fees.
- (d.) All applicants must file an endorsement to a liability insurance policy as required by this article which names the City of New Haven as an insured to the full extent of coverage before he/she is granted a permit.
- (e.) Suspension of any permit granted under this section shall occur

automatically upon cancellation of liability insurance as required herein. or : upon failure to provide notice as required in Section 78-75 (a) and Section 78-78 of this article.

(f.) Such permit application and work zone plan shall be reviewed and approved by the director of traffic and parking and the chief of police or their agent/s prior to the issuance of the permit.

(g.) No permit issued under this article is transferable. The applicant for a permit shall be that person, firm or corporation doing or performing the actual excavating work or activity.

(h.) If any additional work or repairs not designated in the original permit must be done at the same location, the permittee shall apply for an authorization to extend the permit area from the director of the department of public works.

(Code of 1985, § 27-39; Ord. of 10-18-95, § 2; Ord. No. 1304, Pt. I(k)(2), 12-17-01; Ord. No. 1426, 9-28-06)

**Sec. 78-76. Inspection of work by city engineer or ,if designated, the director of public works or their agent(s); procedure when work does not meet specifications, etc.; permits void when work not performed within certain time; guarantee of work by permittee.**

The city engineer or ,if designated, the director of public works or, their agent(s) are empowered to inspect, or cause to have inspected, at any time, any or all work being performed under a permit issued under this article.

If the city engineer or , if designated, the director of public works or his/her agent believes that the work being performed does not meet the specifications and conditions approved or required, by these articles, the permit or approved work zone traffic and/or pedestrian control plans he/she shall immediately notify the permittee. Upon receiving such notice, the permittee shall immediately commence work to correct such condition, unless the city engineer or director of public works or his/her agent provides for a longer period of time. If the permittee cannot immediately address safety requirements called for in the work zone traffic and/or pedestrian control plan the work zone will be closed by the city engineer, director of public works or their agent/s until such time as safety requirements can be met. Penalties for violations of this article III and applicable sections of article II may be assessed in accordance with Section 78-82.

All permittees shall conform to the following:

- (1) The pavement surface shall be disrupted only within the area requiring excavation.
- (2) Excavations shall be made in open cut. Requests for tunneling require the city engineer's or his/her agent's special permission, and under such additional conditions as he/she may impose. Trenches shall be protected whenever bracing and sheeting is necessary as required by the Occupational Safety and Health Act. All excavated material shall be compactly piled and shall not interfere with public travel to any greater extent than necessary.
- (3) The area to be excavated shall be precut in a straight line with 90-degree angles at the point of intersection.
- (4) All edges shall have a clean vertical face. Any structures within the construction site shall be leveled to the adjacent surfaces.
- (5) The permittee shall backfill and compact all excavations. Backfilling materials and methods shall conform to standard detail regulations as established and

promulgated by the city engineer or his/her agent. All shall be backfilled and compacted, or suitably covered to the satisfaction of the city engineer or his/her agent at the end of each workday, unless suitable alternatives have been approved by the city engineer or his/her agent.

(6) Temporary patching shall be provided immediately upon backfilling and closing of the excavation or opening. Temporary patch materials and methods shall conform to standard detail regulations as established and promulgated by the city engineer or his/her agent.

(7) The permittee shall be responsible for the cost of repairs due to settlement or use of improper backfill material or defective work. Improper backfill shall be re-excavated and temporarily patched in accordance with this article's provisions.

(d) If a temporary patch fails within (2) two years of completion, the permittee will be notified and will repair the same within twenty-four (24) hours of notification. Upon failure to comply with this provision, the city engineer or his/her agent may direct the repair to be done and will bill the permittee. The permittee shall be liable for the full expense of such work, and such expense to be paid within forty-five (45) days of billing. Delinquent payments will be charged against the surety bond.

(e) Any opening or excavation made without a permit shall be immediately filled and temporarily patched, and a permit immediately obtained. If a permit is unobtainable, the city or its contract representative shall permanently patch such temporary opening or excavation in accordance with this article's provisions. The person making such excavation, and the property owner on whose behalf such excavation is made, shall be liable for the full cost thereof, plus the costs provided for in section 78-72. Penalties for violations of this article III and applicable sections of article II may be assessed in accordance with section 78-84.

(f) If no work is performed, all permits shall be voided within three (3) months of issuance. If a permit is voided, the permit fee that is included in the portion of the Code that contains all fees shall be forfeited.

(Code of 1985, § 27-40 Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

#### **Sec. 78-77. Necessary excavation or related work.**

This article shall not be construed to prevent the making of any necessary excavation or the performance of any related work by any governmental agency, public service company, or holder of a properly granted easement in an emergency. A permit or permits associated with such emergency excavation(s) shall be obtained on the next business day.

(Code of 1985, § 27-41; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

#### **Sec. 78-78. Closing of public highways; protection of excavation site; barriers and lighting required.**

(a) If the permittee's work requires the closing or obstruction of any streets and/or sidewalks, or a portion thereof, for any period of time, notice shall be given, as required in section 78-75(a) herein, on forms provided, to the director of the department of public works or his/her agent, no less than twenty-four hours before such work commences. The director of public works or his/her agent and the police department may determine the need for any such closing or obstruction of any streets/ or a portion thereof, and may require the work or work method to be so altered as to provide for traffic flow. The permittee shall receive approval from the director of public works, the police and fire services and the

director of traffic and parking in advance of closing any street. Emergency medical service shall be notified of any such street closing.

(b) The permittee shall safeguard the security of the general public, protect the public from injury or harm, and ensure that public rights are not unreasonably curtailed under this article.

(c) If the location and extent of work is such that the chief of police or his/her agent believes that a trained flagger is required, such trained flagger shall be provided at the expense of the permittee. Where such trained flagger provides services to more than one permittee, each permittee shall be responsible proportionately for such expense. If such conditions exist at the close of the working day, a watchman and a sufficient number of traffic control persons shall be employed and assigned by the permittee to direct traffic at night. The work shall be planned to avoid such conditions whenever possible.

(d) Any permittee making any opening or excavation in a right-of-way shall establish and maintain protective safety measures at any such opening or excavation. The permittee shall be responsible for the costs of the protective safety measures.

(e) The permittee shall notify the director of the department of public works or his/her agent and the police department of its plans regarding excavation no less than twenty four (24) hours prior to performing the initial excavation or any subsequent excavation, and will cooperate with the director to ensure that excavation, construction, filling and patching are performed in the least disruptive manner practicable.

(f) Unless specifically stated by the permit, only one-half ( 1/2) of the traveled way of a street may be excavated upon at one time, and the same shall be properly restored for the safe passage of vehicular and pedestrian traffic before the remaining half ( ) of the traveled way of said street is excavated upon.

(g) Where an excavation involves or affects a public sidewalk, the adjacent street may not be excavated concurrently. Where a sidewalk is excavated or impeded by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for pedestrian travel and convenient for users, and which shall be barricaded and otherwise protected from vehicular traffic. Where a portion of any street other than the sidewalk is excavated, the sidewalk must be made safe and passable.

(h) The permittee shall take appropriate measures to assure that during the performance of the work, traffic and pedestrian conditions can be maintained as near to normal as possible at all times, so as to minimize inconvenience to the occupants of adjoining property and to the general public.

(Code of 1985, § 27-42; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

#### Sec. 78-79. Permanent patching.

After a proper settling period, the city or its contract representative shall make all temporary patches permanent as directed by the city engineer except in those instances where the permittee elects to do the permanent patching.

Permittees who elect to do permanent patching themselves shall, at their own expense and once approved by the City Engineer or, if designated, the Director of Public Works or their agents, have a Utility Company or contractor, permanently restore the trenches or road surface in accordance with the city's engineering standards. Said work shall apply to all excavations that have occurred within the past year prior to September 15th and shall be permanently restored by November 15th prior to winter.

Permittees who elect to do permanent patching themselves shall be responsible for any subsequent repair work required for the patch itself or for any underground damage caused by the excavation work for a period of five (5) years. If settlement occurs after permanent pavement patching and restoration within the five (5) year period the city may again restore the damaged area(s) at the additional expense of the permittee.

Contractors who elect to pay the city to complete permanent patching shall be charged a fee to cover the permanent patching. The city engineer shall establish the fee to cover all costs associated with restoring and maintaining sections of the street that were excavated and temporarily patched. The fee shall be based upon the following criteria: actual cost of pavement repair to the level required by the city's specifications; and a fifteen percent (15%) surcharge for administration and inspection. The monies collected shall be deposited in a special account, and utilized to cover expenses incurred by the city for restoration work caused by the issuance of permits under this article and for similar pavement repairs. Once the City has completed a permanent patch it will be responsible for ongoing maintenance.

The permittee shall reimburse the city for any and all costs the city may incur in replacement or repair of traffic controls or pavement markings disrupted, damaged or removed by work performed under an excavation permit.

The city may bill the permittee and persons liable under section 78-78 for all patching items and police protection. If the city so bills, there will be an additional percentage charge for administration and handling costs.

All invoices shall be paid no later than forty-five (45) days from the date of billing.

A service charge of twenty-five dollars (\$25.00) will be imposed on accounts forty- five (45) days past due.

When a permittee under this article excavates fifty (50) percent or more of the width of the existing paved surface of a street, or if the integrity of the remaining road surface is compromised by the excavation, the city engineer or his/her agent may direct that the entire area of the existing pavement be milled and/or resurfaced. The expense of such work by the city or its agents shall be collected from the permittee, or its surety by any proper action.

(Code of 1985, § 27-43; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

#### Sec. 78-80. Parking.

(a) The permittee, his/her agent(s), servant(s) or employee(s) do not have the right to use any portion of the street as a parking area for his/her benefit except as authorized by the director of traffic and parking at his/her discretion.

(b) Upon the permittee's request, the director of traffic and parking may issue a written authorization for him/her to use, occupy, or block one or more metered parking spaces, or a specific portion of a sidewalk if necessary to accommodate construction or demolition adjacent to such parking spaces, or to such specific portion of a sidewalk. The director of traffic and parking shall establish a fee or fees for the authorization to use metered parking spaces.

(Code of 1985, § 27-44; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

#### Sec. 78-81. Street moratoriums; reconstructed and resurfaced streets.

No excavations shall be made in a street that has been reconstructed or resurfaced within the last five (5) years. When the city engineer or his/her agent deems excavations unavoidable, they will be subject to special restoration requirements according to standard detail regulations as established and

promulgated by the city engineer or his/her agent.

(Code of 1985, § 27-45; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

**Sec. 78-82. Penalty for violation of this article.**

(a) Any person, firm or corporation which violates any provision of this article III shall be subject to a fine in an amount up to the maximum allowed under state statute. Each day that the violation continues shall be deemed a separate violation.

(b) In addition to the fine set forth in subsection (a) above, upon a second violation, the director of public works or his/her agent shall have the authority to suspend for thirty (30) days, any license and/or permit issued pursuant to this Article III.

(c) In addition to the fine set forth in subsection (a) above, upon a third violation, the licensee's/permittee's license/permit shall be automatically suspended for a period of sixty (60) days, so that the licensee/permittee shall be prohibited from carrying on such business in the city for a sixty (60) day period.

(d) In addition to the fine set forth in subsection (a) above, upon the licensee's/permittee's fourth violation, the license/permit shall be automatically suspended for a period of twelve (12) months so that the licensee/permittee shall be prohibited from carrying on such business in the city for said twelve (12) month period.

(e) Failure to comply with all of the requirements and conditions of this Article III may result in revocation of the license/permit issued hereunder and/or in the commencement of such legal proceedings as may be necessary to enforce all such obligations.

(Code of 1985, § 27-46; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

**Sec. 78-83. Public utilities.**

(a) Any public utility utilizing the city right-of-way as defined by the state statutes shall restore the roadway surfaces in accordance with city engineering standards.

(b) Nothing in these regulations shall be construed to prevent the making of any necessary excavation, or the performance of any related work by any public service company or holder of a properly issued easement in the event of an emergency. In the event of an emergency, the public utility company shall notify the city immediately or, if after hours, the start of the next business day, and apply for the required permit. Any public service company which has complied with the provisions of Conn. General Statutes section 16-230 as amended from time to time shall be exempted from the requirement of posting a bond as herein set forth.

(Code of 1985, § 27-47; Ord. of 10-18-95, § 2; Ord. No. 1426, 9-28-06)

Secs. 78-84--78-100. Reserved.

**Sec. 78-84. Appeals**

Any person aggrieved by the imposition of a penalty pursuant to this article III may appeal such action in accordance with the procedures set forth in section

[17-1.16] of this code as the same may be amended from time to time.

**ARTICLE IV. CONSTRUCTION, MAINTENANCE, AND DEDICATION OF STREETS  
AND SIDEWALKS**

**Sec. 78-101. Standards for construction, curbing, drainage of dedicated streets.**

No street or street extension shall be accepted by the city unless said design of such street conforms to the city engineering standards, or to the satisfaction of the city engineer, and until the following minimum specifications concerning road construction, curbing and drainage are complied with to the satisfaction of the city engineer or his/her duly authorized representative(s). All work shall be under the supervision of the city engineer or his/her duly authorized representative(s):

- (1) City standards shall be published by the city engineer;
  - (2) Where city standards do not cover items of technical detail, state Department of Transportation, (DOT), standard specifications for road bridges and incidental construction shall apply;
  - (3) All utilities, storm sewers, sanitary sewers and services intended to support such road improvements shall be approved by the respective utility or authority. Final approval of the location of such utilities shall be to the satisfaction of the city engineer;
  - (4) A bond satisfactory to the city engineer and the corporation counsel to be furnished by the owner of said property for the faithful performance of the work in accordance with the specifications as outlined above; and
  - (5) Monuments shall be set at street corners and other control points designated by the city engineer.
- (Ord. of 4-2-56; Ord. of 8-5-57; Ord. of 8-3-59; Code of 1985, § 27-48; Ord. No. 1426, 9-28-06)

**Sec. 78-102. Notice, hearing on recommendations to repair or build new sidewalks.**

(a) The city engineer in consultation with the director of the department of public works is responsible for the repair of sidewalks as funded by the board of aldermen.

(b) Where sidewalks do not exist, the board of aldermen, after a public hearing held by the director of the department of public works, shall approve such installation. Once funded, the city engineer shall design and install such walkway as approved.

All recommendations from the department of public works to the board of aldermen for the laying of any new sidewalk in the city shall be accompanied by the name of the owner of the property adjoining such sidewalk, or his/her agent, and the street and number of such property. Whenever a hearing is to be held concerning the laying of new sidewalks as aforesaid, the city clerk shall cause an advertisement to be published in the daily papers of such hearing for at least two (2) days prior to the time fixed for the hearing. Additionally, the city clerk shall cause notice to be given to said property owners, their agents, or persons having charge of said property or estate. Such notice shall be left at the usual place of abode of such property owner or his/her agent. If any person so interested does not reside in the city at the time, or under any legal disability, or in case the owner of such property is unknown, such notice shall be given as ordered by a judge of the Superior Court in the Judicial District of New Haven.

(Code of 1928, § 755; Ord. of 10-6-41; Code of 1985, § 27-49; Ord. No. 1426, 9-28-06)

**Sec. 78-103. Authority of the director of the department of public works to lay, repair sidewalks; lien for costs.**

After due notice is given to an abutting property owner to repair a structurally defective sidewalk, the director of the department of public works is authorized to cause such repairs to be made if such owner fails to do so within thirty (30) days after such notice has been given. Such repairs are to be those that he/she believes are necessary to insure reasonable and safe use by the public, including the laying of curbs, sidewalks and gutters. The cost of the laying of any such sidewalk and the making of such repairs shall become a lien upon such property collectible as in the case of sewers and permanent street pavements.

(Code of 1928, § 756; Ord. of 10-6-41; Code of 1985, § 27-50; Ord. No. 1426, 9-28-06)

**Sec. 78-104. Residential sidewalk repair.**

(a) Notwithstanding the above section, the director of the department of public works is authorized to enter into a written agreement on behalf of the city with the owner/occupant(s) of residential property having no more than six (6) dwelling units, to repair any portion of, or an entire, structurally defective sidewalk abutting the property. Under this agreement, the city and the abutting property owner/occupant(s) will each pay fifty (50) percent of the costs of such sidewalk repair. Such costs are to be computed based upon the contracted unit price for such repair, and the area to be repaired, subject to the following conditions:

- (1) There must be sufficient funds available in the budget to make such repair;
- (2) The city engineer or his/her designee, must find that the repair is appropriate and necessary;
- (3) The city engineer shall have sole discretion in the direction and supervision of procurement rules for a contractor to effect such sidewalk repair; and
- (4) The abutting property owner/occupant(s) must enter into a written agreement with the city to have the sidewalk repaired.

The abutting property owner's share of the sidewalk repair cost shall be due and payable in full no later than twelve (12) months from the date such repair is completed. If payment is made within said period, then no interest shall accrue on the abutting property owner's fifty (50) percent share of the repair cost. If the abutting property owner fails to pay his/her share of the sidewalk repair cost within that period, then interest shall accrue from the payment due date on the unpaid portion at the rate of one (1) percent per month. The city shall have a lien for the property owner's share of the repair cost as provided in section 92 of the city charter as amended from time to time. In order to perfect such lien, a certificate of lien shall be recorded within sixty (60) days after the date on which the sidewalk repair covered by this section was completed. The lien shall be released upon payment of the property owner(s)'s share of the repair costs.

(b) The benefits of this section shall not be available to abutting property owners who:

- (1) By their acts, or those of their employees/agents, caused the damage to the sidewalk for which repair is sought; or
- (2) Owe any delinquent taxes to the city; or
- (3) Are delinquent in any other financial obligation owed to the city.

(Code of 1985, § 27-50.1; Ord. of 4-2-01; Ord. No. 1426, 9-28-06)

**Sec. 78-105. Walk and curb contractors--License required; exception.**

No person, firm or corporation shall as contractor, engage in the work of constructing, relaying or repairing sidewalks, curbs or combined curb and gutter upon the public streets of the city unless licensed by the director of the department of public works. However, a property owner or his/her agent may make minor repairs to an existing walk in an area the length of which shall not exceed two (2) feet and the width of which shall not exceed two (2) feet, or to a curb not to exceed two (2) feet in length in front of which such walk or curb is located.

(Code 1928, § 757; Ord. of 10-6-41; Code of 1985, § 27-51; Ord. No. 1426, 9-28-06)

**Sec. 78-106. Same--Application for license; conditions, duties.**

Every person applying for a license as a walk and curb contractor must file a satisfactory bond of a surety company authorized to do business in the city, in the sum of ten thousand dollars (\$10,000.00) with the city. The bond shall be conditioned substantially on the applicant indemnifying and saving harmless the city, said director and his/her agents from all suits and actions against said city, or any of its officers, for or on account of any injuries or damages received or sustained by any persons resulting from any work performed by them, or of or from any negligence in guarding said work, or of or from any act or omission of said applicant, his/her servants or agents. The applicant shall faithfully perform said work in all respects; and shall also replace and restore that portion of any street in which said applicant, his/her servants or agents shall make any excavation, to as good condition as that in which the same was before said work was performed. Said applicant shall comply in all respects with the rules and regulations established by the department of public works relative to such work, and with the terms or the permits which may be issued to him/her, and shall also pay all fines imposed upon him/her for violation of any such rule or regulation. He/she shall state in his/her application his/her actual place of business, together with the name under which the business is done, and shall notify the director of the department of public works of any change in either thereafter. He/she shall give personal attention to the work done under his/her license.

(Code 1928, § 759; Ord. of 10-6-41; Code of 1985, § 27-52; Ord. No. 1426, 9-28-06)

**Sec. 78-107. Licenses; expiration and fee.**

All licenses concerning walk and curb contractors shall expire December 31 next following their date of issue, unless sooner revoked. The board of aldermen shall approve such license fee, and said fee shall be included in the portion of the Code that contains all fees. Said license is not transferable.

(Code 1928, § 758; Ord. of 10-6-41; Code of 1985, § 27-53; Ord. No. 1304, Pt. I(k) (13), 12-17-01; Ord. No. 1426, 9-28-06)

**Sec. 78-108. Same--Duty to give notice before commencing work; oral permits.**

No licensee shall commence the construction, relaying or resetting of any sidewalk, curb, or combined curb and gutter until he/she has applied for and received a permit for doing said work from the city engineer or his/her agent. In an emergency the director of the department of public works or city engineer may permit a licensee to begin work upon oral notice, which shall be followed immediately by written permit. The fee shall be included in the portion of the code

that contains all fees.

(Code 1928, § 760; Ord. of 10-6-41; Code of 1985, § 27-54; Ord. No. 1304, Pt. I(k) (14), 12-17-01; Ord. No. 1426, 9-28-06)

**Sec. 78-109. Same--Availability of permit on job; condition of permit, revocation.**

The permit must be available on the job during the continuance of the work, and must be shown to all authorized persons when required. The licensee will also agree to comply with the special conditions printed on the back of the permit, including the following:

(1) All materials shall be promptly removed from the street.

(2) Work shall be done to the satisfaction of the city engineer, and in conformity with the city standards. The city may revoke permission now granted for just cause after the permit has been issued without payment of compensation or damages, and the said grantee, his/her or their heirs and assigns shall save the city harmless from all loss, cost or damage on account of the construction, maintenance, operations and use of said work.

(Code 1928, § 760; Ord. of 10-6-41; Code of 1985, § 27-55; Ord. No. 1426, 9-28-06)

**Sec. 78-110. Adoption of rules, regulations governing construction.**

The city engineer is authorized and empowered to adopt, from time to time, such reasonable rules, regulations and specifications for the conduct of the work relating to sidewalks and curbs as he/she may deem appropriate and in the best interests of the city.

(Code 1928, § 762; Ord. of 10-6-41; Code of 1985, § 27-57; Ord. No. 1426, 9-28-06)

**Sec. 78-111. Penalty for violations of this article.**

Every person who shall violate any of the provisions of this article inclusive, shall be guilty of an offense, and upon conviction shall be punished by a fine of one hundred dollars (\$100.00), or an amount up to the maximum allowed under state statute. In the case of a licensed contractor found guilty of an offense, the contractor's license may be suspended or revoked.

(Code 1928, § 764; Ord. of 10-6-41; Code of 1985, § 27-59; Ord. No. 1426, 9-28-06)

Secs. 78-112--78-130. Reserved.

## ARTICLE V. BRIDGES

**Sec. 78-131. Bridge safety.**

(a) The city engineer shall maintain an accurate inventory of bridges that exceed twenty (20) feet in length. He/she shall also review or cause to be reviewed the condition of the bridge to support the loading of vehicle and/or pedestrian usage.

(b) Should the bridge be deemed unsafe for specific vehicle usage, the city engineer shall restrict traffic loads to the load limit of the bridge capacity.

(c) Should a bridge be determined unsafe for any usage, the city engineer shall declare the bridge unsafe, and close said bridge to all traffic. Closure of any bridge shall be adequately signed and fully restricted to avoid any possible inadvertent traffic movement on walkways over bridges.

Any bridge replacement shall be designed by a professional engineer, and conform to engineering standards for the type of bridge being installed.

(Code of 1928, § 789; Code of 1985, § 27-67; Ord. No. 1426, 9-28-06)  
Secs. 78-132--78-150. Reserved

#### ARTICLE VI. UNACCEPTED STREETS

Sec. 78-151. "Unaccepted streets," defined.

For the purposes of this chapter, an "unaccepted street" is a street, (right-of-way), that has been identified for public use where no or only partial improvements have been made, and where the city has not formally accepted the perpetual maintenance of the same.

(Ord. No. 1426, 9-28-06)

Sec. 78-152. Building permits on unaccepted streets.

No building permit shall be issued on unaccepted streets without the approval of the board of aldermen.

(Ord. of 8-1-66, § 1; Code of 1985, § 27-76; Ord. No. 1426, 9-28-06)

Sec. 78-153. Acceptance of unaccepted streets.

All unaccepted streets will be accepted by the board of aldermen only as provided herein.

(Ord. of 8-1-66, § 2; Code of 1985, § 27-77; Ord. No. 1426, 9-28-06)

Sec. 78-154. Procedure for acceptance of unaccepted streets.

(a) The following procedures shall apply to all unaccepted streets:

A property owner and/or developer may petition the board of aldermen for acceptance of an unaccepted street. Such petitions shall be referred by the board of aldermen to the city plan commission for preliminary review, and if deemed appropriate, site plan review. If the petition is denied, the city plan commission shall notify the board of aldermen. If the petition is acceptable, the city plan commission shall conduct a formal site plan review in a manner consistent with section 64 of the New Haven Zoning Ordinance as it is amended from time to time, and obtain from the owner/developer documentation assuring that the street shall be improved in accordance with all city engineering standards, and be designed by a professional engineer licensed in the State of Connecticut. The owner/developer's plan shall consider any and all unique characteristics of the land and surrounding neighborhood and will assure implementation of all public improvements that support development of property consistent with the zoning laws of the city. Further, unless otherwise approved by the board of aldermen, such improvements shall be made at no expense to the city. Upon approval of the site plan, the city plan commission shall refer it to the board of aldermen for approval.

(b) Upon completion of all public improvements in accordance with the approved site plan, the city engineer shall petition the board of aldermen to accept the street for perpetual maintenance.

(Ord. of 8-1-66, § 4; Code of 1985, § 27-79; Ord. No. 1426, 9-28-06)

Sec. 78-155. Official basis for administering article.

The most current right-of-way information as used by the city shall serve as the official basis for administering this article.

(Ord. of 8-1-66, § 5; Code of 1985, § 27-80; Ord. No. 1426, 9-28-06)

**Sec. 78-156. Administration of article.**

(a) The building official shall be responsible for the administration of issuing building permits on unaccepted streets as approved by the board of aldermen.  
(b) Unless otherwise stated, the city engineer shall administer all other provisions, and shall be responsible to provide all necessary data and information to the board of aldermen as it may require to effectuate this article's provisions.

(Ord. of 8-1-66, §§ 6, 7; Ord. of 1-5-81, § 1, Code of 1985, § 27-81; Ord. No. 1426, 9-28-06)

**Sec. 78-157. Waiver.**

(a) An applicant requesting a waiver of the prohibition against building on an unaccepted street shall file such request with the city's board of aldermen on such forms and shall follow such procedures as are prescribed by the board.  
(b) The applicant shall indicate whether access over an unaccepted street is not more than two hundred fifty (250) feet in length, and a right-of-way fifty (50) feet in width, or that access can only be gained by passing over a right-of-way which is not within the ownership or control of the applicant or the present owners.  
(c) In determining whether to waive the prohibition against the issuance of a building permit on an unaccepted street the following conditions shall apply:  
(1) The lot(s) in the designated area shall comply with zoning regulations;  
(2) The travel way to the property is maintainable and safe, i.e. can be plowed adequately, and provide for emergency services;  
(3) There are no practical alternatives available to the applicant and the present owners to enable them to meet the requirements of this section;  
(4) The denial of a waiver would effectively prohibit the use of the property for any purpose;  
(5) There are adequate provisions for utilities, sewers and fire equipment access;  
(6) The granting of such waiver would not significantly affect public safety;  
(7) A petition for acceptance of the unaccepted street was denied by the city plan commission or board of aldermen.

In granting a waiver, the board may attach such additional conditions as are deemed necessary to protect the neighborhood. Failure to comply with such conditions shall constitute a violation of this section.

(Ord. of 1-5-81, § 2; Code of 1985, § 27-82; Ord. No. 1426, 9-28-06)

**Sec. 78-158. Procedure for construction of unaccepted street.**

(a) For the purposes of this section, the term "unaccepted street" shall mean any street, highway, passageway, alley, lane, court or driveway which serves as access to one or more lots, and which is not an accepted and approved city street or state highway.

(b) No unaccepted street, which serves as access from an accepted city street to more than one (1) dwelling unit, and which is in excess of one hundred (100) feet in length, shall be utilized as access to any dwelling unless such unaccepted street is designed and constructed in accordance with the standards of construction for accepted city streets, established by the city engineer, as may be

amended from time to time, and which unaccepted street is approved by the board of aldermen, in a manner consistent with section 78-154 captioned "Procedure for acceptance of unaccepted streets." Said standards of the city engineer are to be considered the standards of the City of New Haven.

(c) No dwelling shall be erected on any lot which does not have frontage on a street, which is an accepted city street unless the unaccepted street to which the dwelling fronts is constructed in accordance with this section.

(Code of 1985, § 27-83; Ord. of 3-19-90, § 1; Ord. No. 1426, 9-28-06)

**Sec. 78-159. Penalties for violations of this chapter.**

Any person violating any section in this chapter shall be subject to a fine of one hundred dollars (\$100.00) or an amount up to the maximum allowed under state statute.

(Ord. No. 1426, 9-28-06)

Secs. 78-160--78-180. Reserved.

#### **ARTICLE VII. PROCEDURE FOR ABANDONMENT OF STREETS**

**Sec. 78-181. Abandonment of streets.**

The following procedures shall apply where abandonment of accepted streets is requested:

A property owner/developer shall petition the board of aldermen with a copy to the director of the department of public works. The board of aldermen shall refer the request to said director, who shall obtain any additional information pertinent to the request from the owner/developer, and shall hold a public hearing after notifying adjacent property owners within five hundred (500) feet of the roadway. The director of the department of public works will prepare a report after the public hearing, and submit it to the board of aldermen for their consideration in granting the request to abandon the street. Upon approval by the board of aldermen, the city town clerk will publish a public notice announcing the abandonment of the street. Appropriate documentation including an A-2 survey map shall be filed with the city engineer, the town clerk and the assessor identifying the land transfers as approved by the board of aldermen.

(Ord. No. 1426, 9-28-06)

**Public Safety. Favorable. Resolution from the Chief of Police authorizing the application to and acceptance of \$2,300 from the Walmart Foundation for the purchase of a dog to assist police in narcotics investigations.**

**(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)**

**WHEREAS, the City of New Haven through its Department of Police Service has the legal authority to investigate crimes and enforce the laws of the state and city; and**

**WHEREAS, illegal drug trafficking is known to be the cause of much of the violent crime in the city and to negatively impact public safety and the overall quality of life in New Haven's neighborhoods; and**

**WHEREAS, the New Haven Police Department seeks to expand its narcotics investigations and enforcement initiatives in order to reduce violence and drug related crimes; and**

**WHEREAS, the use of specially trained dogs by police is a standard practice known to enhance the ability of police to determine the location of drugs; and**

**WHEREAS, The Walmart Foundation offers funds to police departments for the purpose of purchasing and maintaining dogs for narcotics enforcement; and**

**WHEREAS, the Board of Alderman supports the efforts of the New Haven Police Department to reduce drug crimes through improved investigative and enforcement capabilities.**

**NOW, THEREFORE BE IT RESOLVED THAT the Board of Aldermen of the City of New Haven authorizes the Mayor of the City of New Haven apply for funds offered by the Walmart Foundation in the amount of \$2,300.00 and to accept such funds, if offered, and to execute all documents and contracts as necessary.**

**Public Safety. Favorable. Resolution from the Chief of Police authorizing the application to and acceptance of \$43,241 from the U. S. Department of Justice to implement a middle school gang prevention curriculum in the public schools as part of the 2009 Gang Resistance Education and Training (G.R.E.A.T.) Grant Program.**

**(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)**

**WHEREAS, the New Haven Department of Police Service and New Haven Board of Education, recognize the risk to youth and public safety from violent gang behavior in New Haven and seek to prevent it; and**

**WHEREAS, the New Haven Board of Education and Department of Police Service have established several joint efforts to prevent youth from engaging in risky and anti-social behaviors for many years; and**

**WHEREAS, the U.S. Department of Justice offers funds to police departments to prevent youth from participating in gangs through its Gang Resistance Education and Training (G.R.E.A.T.) classroom curriculum; and**

**WHEREAS, the Department of Education recognizes the value of positive interactions between students and police in public schools; and**

**WHEREAS, the Department of Education approves the curriculum and supports the implementation of the G.R.E.A.T. program in public schools;**

**NOW, THEREFORE BE IT RESOLVED THAT the Board of Aldermen of the City of New Haven supports efforts to prevent youth from participating in gangs and engaging in illegal and violent activities.**

**BE IT FURTHER RESOLVED THAT the Board of Aldermen of the City of New Haven authorizes the Mayor of the City of New Haven to apply for funds offered by U.S. Department of Justice, G.R.E.A.T. program in an amount not to exceed**

\$43,241.00 and to accept such funds, if offered, and to execute all documents and contracts as necessary.

Public Safety. Favorable. Resolution from the Chief Administrative Officer requesting approval for public access restrictions to the Pitkin Tunnel to improve public safety.

(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)

WHEREAS, following the events of September 11, 2001, the Board of Aldermen have passed a series of agreements between the City of New Haven and the United States Government regarding public access and security measures to the Pitkin Tunnel, and

WHEREAS, current restrictions allow closure of the Tunnel as a public right-of-way from 6 P.M. to 6 A.M. and additionally during discrete time periods when the United States Marshal Service deems appropriate at gates at both entrances to the Tunnel, and

WHEREAS, the gate at the State Street entrance of the Tunnel is to be removed and a new gate and vehicle barrier is to take its place farther into the Tunnel, so as to allow unobstructed access into the garage that is being constructed under the "360 State Street" tower, and

WHEREAS, an additional vehicle barrier has been constructed at a point between the Elm Street gate and the new State Street gate and vehicle barrier, and

WHEREAS, the set of vehicle barriers at this new security point and the new State Street gate can be used to restrict access under the federal courthouse, the Giaimo Federal Building, and the Financial Center Tower while still providing access to the public parking garage that connects to City Hall and to the garage that is being constructed under the "360 State Street" tower.

NOW, THEREFORE, BE IT RESOLVED, the New Haven Board of Aldermen grant the United States Marshal Service permission to close public access of the section of Pitkin Tunnel between these vehicle barriers from the hours of 9 A.M. to 4 P.M., and

BE IT FURTHER RESOLVED, the United States Marshal Service shall be permitted to restrict access to this section of the Pitkin Tunnel at all hours for discrete periods of time due to homeland security needs of limited duration, and

BE IT FURTHER RESOLVED, any closure due to such homeland security needs of this section of the Pitkin Tunnel during the hours of 6 A.M. to 9 A.M. and/or 4 P.M. to 6 P.M. lasting for over a month in duration will require a submission to the Board of Aldermen, with approval granted unless and until such time the Board takes contrary action.

SECOND READINGS

Finance. Favorable. From the Mayor submitting a resolution approving transfer of funds within the FY08-09 General Fund Budget in order to provide \$160,000 in supplemental operating support to the Tweed New Haven Airport Authority.

The favorable report of the Finance Committee recommending passage of the proposed resolution, as printed on page 808 of the Journal of the Regular Meeting of the Board of Aldermen held on March 16, 2009, was read for the second time.

**REPORT ACCEPTED. RESOLUTION ADOPTED.**

Upon motion made and duly seconded, said resolution providing supplemental operating support to Tweed New Haven Airport Authority was put to a roll call vote, which resulted as follows:

Those voting "AYE": Plattus, Colon, Clark, Lemar, Rhodeen, Sturgis-Pascale, J. Rodriguez, Castro, Blango, Jones, Morehead, Shah, McCormack, Silverman, S. Rodriguez, Lehtonen, Sandman, Goldfield and Edmonds-Sepulveda - 19.

Those voting "NO": Jackson-Brooks, Perez, Smart, Brison, Lee, Antunes, Paolillo, DePino and Edwards - 9.

Said resolution providing supplemental operating support to Tweed New Haven Airport Authority was adopted by a majority vote of the Board of Aldermen, and it was so declared by the Chair.

Note: Alderpersons Calder and James-Evans were absent from the Chamber at the time of the vote.

Finance. Favorable. From the Acting Corporation Counsel submitting an order authorizing amendment #3 to the existing legal service agreement with Bershtein, Volpe & McKeon, P.C. that would increase the limit of compensation from \$99,999 to \$180,000 through FY 08-09 with funds from the General Fund Budget No. 18058530-56694.

The favorable report of the Finance Committee recommending passage of the proposed order, as printed on pages 808-809 of the Journal of the Regular Meeting of the Board of Aldermen held on March 16, 2009, was read for the second time and upon motion made and duly seconded, it was voted, viva voce, that said report be accepted and proposed order be passed, and it was so declared by the Chair.

Alderman Shah: "Corporation Counsel has requested an increase by order to properly represent the City of New Haven in ongoing tax appeals developed during the 2006 tax revaluation. Because of this the Finance Committee has approved this request. I also ask for your support and approval. Thank you."

Note: Alderpersons Calder and James-Evans were absent from the Chamber at the time of the vote.

**MISCELLANEOUS**

**MOTION TO AMEND A MATTER PREVIOUSLY ADOPTED.**

Alderwoman Jones made a motion to amend the following matter previously adopted, which motion was duly seconded.

From Alderman J. Rodriguez submitting a motion to amend a matter previously adopted on March 3, 2008 concerning the disposition of 312 Blatchley Avenue by extending the time limit to permit the applicants to close on or before December 30, 2009.

**(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)**

**MOTION TO AMEND A MATTER PREVIOUSLY ADOPTED PASSED.**

Upon motion made and duly seconded, said motion to amend the above-entitled matter previously adopted passed by a viva voce vote, and it was so declared by the Chair.

April 6, 2009

Hon. Carl Goldfield,  
President  
Board of Aldermen  
City of New Haven

Dear President Goldfield,

Enclosed please find a "Motion to Amend a Matter Previously Adopted" by the Board of Aldermen at its March 3, 2008 meeting, as submitted by the Livable City Initiative. This motion serves to approve the amendment for the land disposition agreements for the property known as 312 Blatchley Avenue: One half of 312 Blatchley Avenue to DeGregorio Enterprises; and one half of 312 Blatchley Avenue to Anthony and Louis Ornato, by extending the time limit to permit the applicants to close on, or before, December 30, 2009.

As the Alderman from the area involved, I thank you for your consideration of this matter.

Respectfully submitted,

**JOSEPH E. RODRIGUEZ**  
Alderman 15th Ward

**ORDER OF THE NEW HAVEN BOARD OF ALDERMEN APPROVING AN AMENDMENT TO THE LAND DISPOSITION AGREEMENT FOR THE PROPERTY KNOWN AS 312 BLATCHLEY AVENUE BY EXTENDING THE TIME LIMIT TO PERMIT THE APPLICANTS TO CLOSE ON, OR BEFORE, DECEMBER 30, 2009**

**BE IT ORDERED** by the New Haven Board of Aldermen that the amendment to the land disposition agreement for the property known as 312 Blatchley Avenue , As referenced in the attached, which is incorporated herein by reference, approved

by the Board of Aldermen on March 3, 2008, and in accordance with the procedure established by the Board of Aldermen on September 5, 2006 and approved subject to conditions of the City Plan Commission reports submitted with said list, is hereby amended to change the Board of Aldermen order to permit the applicants to close on, or before, December 30, 2009.

Note: Alderwoman James-Evans was absent from the Chamber at the time of the vote.

**MOTION TO AMEND A MATTER PREVIOUSLY ADOPTED.**

Alderwoman Jones made a motion to amend the following matter previously adopted, which motion was duly seconded.

From Alderwoman Sturgis-Pascale submitting a motion to amend the "Resolution approving an application to and acceptance of a federal grant and confirm the city's commitment to provide a 20% match to federal transportation high priority project program funding for design and construction of the conversion of Route 34 to an urban boulevard east of Park Street and authorizing the Mayor to accept the grant and enter into contractual agreements necessary to complete the project," previously adopted August 4, 2008, by deleting the wording "so long as the City's local match does not exceed \$99,999.99".

(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)

**MOTION TO AMEND A MATTER PREVIOUSLY ADOPTED PASSED.**

Upon motion made and duly seconded, said motion to amend the above-entitled matter previously adopted passed by a viva voce vote, and it was so declared by the Chair.

April 6, 2009

Members of the New Haven Board of Aldermen

Dear Colleagues:

The City Plan Department is asking for an amendment to an order heard by the City Services & Environmental Policy Committee on June 19, and approved by the Board on August 4 of last year. That order authorized up to \$5 million in federal funding for conversion of Route 34 to an urban boulevard east of Park Street. The grant requires a 20% contribution from the City. The intent was to allow the city to pay its portion of the grant but the order, as approved, limited the city's payment to \$99,999.00. The State Department of Transportation is requesting that the resolution be amended to enable the City and State to proceed with execution of the funding agreement.

The following amendment would make the order consistent with the project descriptions and requirements:

Delete the second paragraph of the phrase "NOW, THEREFORE BE IT

RESOLVED”,

And replace it with the following:

“That the Mayor is authorized to accept the grant and enter into contractual agreements necessary to complete the project, including agreements wherein the compensation exceeds \$100,000 and/or the term exceeds one year.”

I thank you for your consideration of this matter and urge your support.

Respectfully submitted,

Erin Sturgis-Pascale

**RESOLUTION OF THE BOARD OF ALDERMEN TO APPLY FOR AND ACCEPT A FEDERAL GRANT AND CONFIRM THE CITY'S COMMITMENT TO PROVIDE A 20% MATCH TO FEDERAL TRANSPORTATION HIGH PRIORITY PROJECT PROGRAM FUNDING FOR DESIGN AND CONSTRUCTION OF THE CONVERSION OF ROUTE 34 TO AN URBAN BOULEVARD EAST OF PARK STREET AND AUTHORIZING THE MAYOR TO ACCEPT THE GRANT AND ENTER INTO CONTRACTUAL AGREEMENTS NECESSARY TO COMPLETE THE PROJECT.**

WHEREAS, the United States Department of Transportation Federal High Priority Project Program (HPPP) funds have been designated in the SAFE-TEALU funding authorization bill for the conversion of Route 34 to an urban boulevard, and

WHEREAS, the project has been authorized for funding of up to \$5 million dollars over the life of the bill, from FFY2005-2009, as HPPP project #3846, and

WHEREAS, the State of Connecticut Department of Transportation (CDOT) administers federal funding provided for this purpose under HPPP as CDOT project No. 92-619, and

WHEREAS, the South Central Regional Council of Governments, the federally recognized Metropolitan Planning Organization for the region which includes New Haven, has recently completed “The Future of the Route 34 Corridor Study”; and

WHEREAS, the State requires that the City submit a resolution confirming its commitment to providing 20% local (non-federal) matching funds for the HPPP funds, and

WHEREAS, the City has appropriated funds in the capital budget for this purpose, and

WHEREAS, the City wishes to make use of the HPPP funds to initiate the next phase of feasibility, environmental review and preliminary engineering for the conversion of Route 34 to an urban boulevard.

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of New Haven that the City will provide the required 20% local match for HPPP funds.

That the Mayor is authorized to accept the grant and enter into contractual agreements necessary to complete the project, including agreements wherein the maximum compensation exceeds \$100,000 and/or the term exceeds one year.

That Mayor John DeStefano, Jr. is hereby authorized and empowered to execute and acknowledge and deliver any and all documents as may be needed or appropriate from time to time to implement and affect the intent and purposes set forth in the funding agreement and/or this resolution.

Alderwoman Sturgis-Pascale: "The City Plan Department is asking for an amendment to an order approved by the board on August 4th of last year. That order authorized up to a maximum of \$5 million in federal funding for conversion of Route 34 to an urban boulevard east of Park Street. The grant requires a 20% contribution from the city. The intent was to allow the city to pay its portion of the grant but the order, as approved, limited the city's payment to \$99,999.99.

This amendment would make the grant application consistent with the order by eliminating this limit and changing the language as discussed.

I really look forward to the planning of this project and unlocking federal grant dollars to do so is essential to the long-term development of our tax base. I urge your support of this amendment that brings the legal language in line with the original intent of the resolution passed by the board in August. Thank you."

Note: Alderwoman James-Evans was absent from the Chamber at the time of the vote.

#### MISCELLANEOUS REMARKS

#### POINT OF PERSONAL PRIVILEGE.

Alderwoman Jackson-Brooks: "In public caucus I introduced an ad for the Hill Health Center which will be celebrating their 40th anniversary this year. The body agreed that we would do an ad from the Board of Aldermen. For those of you who wish to participate, it would be \$5.00. Thank you very much."

Alderman Sandman: "This year, on April 8th, a quiet event of astronomical proportions will occur far beyond the view of the naked eye: time and space will realign. Every year the sun comes full circle, returning to its original point of orbit. But only once in 28 years does that alignment match up with the day of the week and precise moment of its creation.

As a community we will pause to gaze at the sun and marvel at the complexity and precision of God's creation. By nurturing our gratitude for the gifts around us, we increase our capacity to find joy in each day. So take a few moments to join with thousands of Jews around the world as we recite special blessings in thanks for this awe-inspiring universe we inhabit.

To learn more about the science and significance of this once in 28-year milestone and download the text of the blessings, you can go to or find classes and local gatherings near you or visit us online.

We will be having a local ceremony at the top of East Rock Park at 7:45 a.m. followed by a breakfast. Thank you."

Alderwoman Plattus: "This Saturday, April 11th, from 10:45 a.m. until noon, SHELTER NOW plus the Yale College Democrats will be holding a rally on the

lower Green to raise awareness and to support funding for homeless services and supportive housing projects in New Haven and across Connecticut.

The event will feature Mayor DeStefano and State Representative Ken Green. I just want to encourage everybody to come out in this difficult economic time. Thank you.”

Alderman Morehead: “I would just like to take this time on a lighter note and thank all of my colleagues for their support, and those of you that knew about the youth forum that I did to bring celebrity Ludacris up here about a week ago to talk to the youth. It really was a good event. There were about 50 to 60 at-risk youth there and all of them were touched by what he had to say. The little things that we do to help out the youth, it goes a long way. So thank you.”

ADJOURNED            7:40 p.m.

ATTEST:            RON SMITH  
                          City Clerk