

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

165 Church Street
New Haven, CT 06510
(203) 946-6483 (phone)
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cityofnewhaven.com

Monday, April 20, 2009

7:00 PM

Aldermanic Chambers

The regular meeting of the Board of Aldermen, duly warned, was held on April 20, 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, Smart, Clark, Smart, Brison, Lee, Antunes, Sturgis-Pascale, J. Rodriguez, Castro, Paolillo, DePino, Edwards, Jones, Shah, McCormack, S. Rodriguez, Lehtonen, Sandman, Goldfield and Edmonds-Sepulveda - 26.

DIVINE GUIDANCE

Divine Guidance was invoked by Alderman Shah: "I am going to deviate from my normal format because I'm not prepared to do a full divine guidance like I usually do. But I just want all our colleagues to be mindful of what's happening out in our communities these days. Just give a moment of silence for those individuals who are struggling to keep their homes, struggling to keep their kids off the streets, struggling to keep their jobs, and all the problems and strife that we're facing in our city today. Thank you."

APPROVAL OF JOURNAL

The Journal of the Regular Meeting held on April 6, 2009 was approved.

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:

ALDERMANIC AFFAIRS:

From the Mayor submitting the appointment of Janna Wagner of 29 Court Street to the Cultural Affairs Commission.

April 7, 2009

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

Honorable Ladies and Gentlemen:

Pursuant to the authority vested in me by virtue of Section 11, Article V of the Revised City Charter, I wish to hereby submit the name Ms. Janna Wagner of 29 Court Street, New Haven, CT 06511 to the Cultural Affairs Commission. This appointment would become effective upon the approval of the Honorable Board of Aldermen and will expire on June 1, 2012.

I am confident given Ms. Wagner's credentials and commitment to our city, that she will serve the citizens of New Haven in a most conscientious and productive manner.

I thank you for your kind consideration of this appointment and ask for your prompt consideration of same.

Very truly yours,

John DeStefano, Jr.
Mayor

From the Mayor submitting the reappointment of Katherine Goodbody of 32 Marvel Road to the Port Authority Board of Commissioners.

March 20, 2009

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

Honorable Ladies and Gentlemen:

Pursuant to the authority vested in me in accordance with the Provisions of Section #7-329(a) to #7-329(u) inclusive of the Connecticut General Statutes, an Ordinance establishing a "Port Authority" for the City of New Haven and passed by the Honorable Board of Aldermen on January 13, 2003, I therefore hereby submit for your Honorable Board's approval the name of Ms. Katharine Goodbody of 32 Marvel Road, New Haven, CT 06515 to serve on this Board. Mr. Goodbody's reappointment would become effective upon your Board's approval and will expire on May 1, 2012.

I am most confident given Ms. Goodbody's credentials and commitment to our city, that she will continue to serve the citizens of New Haven in a most conscientious and productive manner.

I thank you for your kind consideration of this reappointment and ask for your prompt consideration of same.

Very truly yours,

John DeStefano, Jr.
Mayor

From the Mayor submitting the reappointment of John Russo of 95 Roger Road to the Port Authority Board of Commissioners.

March 20, 2009

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

Honorable Ladies and Gentlemen:

Pursuant to the authority vested in me in accordance with the Provisions of Section #7-329(a) to #7-329(u) inclusive of the Connecticut General Statutes, an Ordinance establishing a "Port Authority" for the City of New Haven and passed by the Honorable Board of Aldermen on January 13, 2003, I therefore hereby submit for your Honorable Board's approval the name of Mr. John Russo of 95 Roger Road, New Haven, CT 06515 to serve on this Board. Mr. Russo's reappointment would become effective upon your Board's approval and will expire on May 1, 2012.

I am most confident given Mr. Russo's credentials and commitment to our city, that he will continue to serve the citizens of New Haven in a most conscientious and productive manner.

I thank you for your kind consideration of this reappointment and ask for your prompt consideration of same.

Very truly yours,

John DeStefano, Jr.
Mayor

CITY SERVICES AND ENVIRONMENTAL POLICY:

From the Economic Development Administrator submitting an order authorizing execution of a permanent easement to Yale University for a portion of the Farmington Canal Greenway for \$60,000.00.

(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 20, 2009

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

**Re: ORDER AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER AN
EASEMENT IN FAVOR OF YALE UNIVERSITY WITH RESPECT TO A PORTION OF
THE FARMINGTON CANAL GREENWAY**

Dear Alderman Goldfield,

I respectfully submit for communication an easement in favor of Yale University with respect to a portion of the Farmington Canal Greenway.

In a Development Agreement approved by the Board of Aldermen and signed on October 24, 2006, Yale University and the City of New Haven agreed on terms to facilitate the University's study of the land bounded by the Farmington Canal Line, Sachem Street and Prospect Street for possible use for the construction of new residential colleges or other educational buildings. Since that time, in addition to working in partnership with the City on a number of infrastructure improvements related to growth on Science Hill, Yale has determined that the site is appropriate for construction of new residential colleges and secured appropriate approvals from the Yale Corporation. As preliminary design proceeded, it became evident that access to an additional strip of land consisting of approximately 7,996 square feet along the Farmington Canal Greenway would be necessary to facilitate the construction of the colleges. Since the Farmington Canal Greenway is dedicated park land that has been improved using a variety of Federal, State and local sources, the best course of action is to grant an easement in Yale's favor over the portion of the Greenway that is necessary.

The City is hopeful that the Board of Aldermen will act favorably on this proposal. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Kelly Murphy, AICP
Economic Development Administrator

COMMITTEE OF THE WHOLE:

From the Acting Executive Director, Livable City Initiative, submitting an order authorizing disposition of the property known as 130 Edgewood Avenue, formerly the Timothy Dwight School site, to Amistad Academy for \$4,510,000.
(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION, PUBLIC WORKS, AND TRANSPORTATION, TRAFFIC AND PARKING)

April 9, 2009

The Honorable Carl Goldfield, President
Board of Aldermen
City of New Haven

165 Church Street
New Haven, CT 06510

Re: Disposition of 130 Edgewood Avenue; Order to Authorize the Mayor to Execute and Deliver any and all Necessary Documents to Sell the property known as 130 Edgewood Avenue

Dear Alderman Goldfield,

I respectfully submit for communication the disposition of 130 Edgewood Avenue (formerly known as Timothy Dwight School).

The City of New Haven is proposing to sell the Timothy Dwight School building and land located at 130 Edgewood Avenue to Amistad Academy. Amistad Academy, an Achievement First Charter School, is offering to purchase the property for a price of \$4,510,000. Amistad intends to consolidate their elementary schools at this site as part of their continually growing network of charter schools here in New Haven. The project includes a total renovation of the existing structure as well as a new 53,000 square foot addition. Amistad Academy will also continue the Board of Education's commitment to the Dwight Community to provide gym and office space for a variety of school approved purposes, per a 1998 memorandum of understanding. We are confident that Amistad will be a positive addition to one of the most vibrant communities in our city.

The first \$3M of revenue from the sale of Dwight School will be used to reduce the Debt Service requirements for FY 08/09 as outlined on page 69 of the FY 08/09 Budget approved by the Board of Aldermen June 2, 2008. The balance of the proceeds will be recognized as General Fund revenue as outlined in Action Plan first included in the December Monthly Financial report submitted to the Board of Aldermen January 28, 2009 and will be used to balance the current year's budget.

In accordance with Connecticut Public Act NO. 07-218, the City of New Haven is required to hold a public hearing for the disposition of City owned real property whose fair market value exceeds \$10,000.

The City is hopeful that Board of Aldermen will act favorably on this proposal. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A. Walter Esdaile
Acting Executive Director
Livable City Initiative

From the Economic Development Administrator submitting an order authorizing the sale of 156 Washington Avenue to Yale University for the price of \$3,350,000. (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 20, 2009

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

Re: ORDER AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ANY AND ALL NECESSARY DOCUMENTS TO SELL THE PROPERTY KNOWN AS 156 Washington Avenue

Dear Alderman Goldfield,

I respectfully submit for communication the disposition of 156 Washington Avenue.

The City of New Haven is proposing to sell the property known as 156 Washington Avenue to Yale University. Yale is offering to purchase the property for a price of \$3,350,000. Yale, having leased, maintained and secured the lot on a month-to-month basis for parking, has requested to permanently acquire the land. The City will retain an easement of approximately 7,700 square feet for the future re-routing of Amistad Street through the parcel as part of the Medical District Planning street grid in the location shown in the attached plan.

The proceeds of the sale will be recognized as General Fund revenue as outlined in Action Plan first included in the December Monthly Financial report submitted to the Board of Aldermen January 28, 2009 and will be used to balance the current year's budget.

In accordance with Connecticut Public Act NO. 07-218, the City of New Haven is required to hold a public hearing for the disposition of City owned real property whose fair market value exceeds \$10,000.

The City is hopeful that the Board of Aldermen will act favorably on this proposal. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Kelly Murphy, AICP
Economic Development Administrator

From the Economic Development Administrator submitting an order authorizing execution of a ground lease to Yale University for \$400,099 for a 99-year-term for the area known as Market Island, at Broadway and Elm Streets.

(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 20, 2009

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

Re: ORDER AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER ANY AND ALL NECESSARY DOCUMENTS TO GROUND LEASE THE AREA KNOWN AS MARKET ISLAND

Dear Alderman Goldfield,

I respectfully submit for communication an Order authorizing the Mayor to execute and deliver any and all necessary documents to ground lease the area known as Market Island.

The City of New Haven is proposing to ground lease the area known as Market Island to Yale University. Yale is offering to pay a \$400,000.00 premium in year one and \$1.00 a year for a 99-year term.

The premium will be recognized as General Fund revenue as outlined in Action Plan first included in the December Monthly Financial report submitted to the Board of Aldermen January 28, 2009 and will be used to balance the current year's budget.

The City is hopeful that the Board of Aldermen will act favorably on this proposal. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Kelly Murphy, AICP
Economic Development Administrator

FINANCE:

From the Chapel West Special Services District submitting an order approving the fiscal year 2009-2010 budget and imposing a levy as municipal tax levy for the chapel West Special Services District.
(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 20, 2009

Honorable Board of Aldermen
City of New Haven
157 Church Street
New Haven, CT

Ladies and Gentlemen,

I hereby submit the annual levy and proposed budget for the Chapel West Special Services District for the Fiscal Year 2009-2010, for your review and approval. The mil rate has been set at 2.5 by the Board of Commissioners at their annual

meeting held on March 24, 2009.

The mil rate of 2.5 remains unchanged from prior years. Nevertheless, the District is pleased to report that more will be accomplished than was possible in prior years. Several new projects/programs are being added and are expected to be made permanent additions to the services that the District provides to all residents, property owners, businesses, and visitors. This will be accomplished by using the increase in annual income which resulted from adding properties to the District two years ago.

Respectfully submitted,

Brian McGrath
Business Manager

From the Whalley Avenue Special Services District submitting an order approving the fiscal year 2009-2010 budget and imposing a levy as municipal tax levy for the Whalley Avenue Special Services District.
(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 14, 2009

Honorable Board of Aldermen
City of New Haven
165 Church Street
New Haven, CT. 06510
ATTN: Don Hayden

Dear Mr. Hayden,

At a special meeting of the Board of Commissioners of the Whalley Avenue Special Services District the Board on April 8, 2009 approved a budget of \$84,215.00 for the fiscal year July 1, 2009-June 30, 2010.

We ask that the Board of Aldermen approve a tax levy on our behalf of \$76,559.00.

Thanking you for your continued support I remain,

Sincerely,

Sheila E. Masterson
Executive Director

From the Grand Avenue Special Services District submitting an order approving the fiscal year 2009-2010 budget and imposing a levy as municipal tax levy for the Grand Avenue Special Services District.
(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 8, 2009

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

Dear Honorable Ladies and Gentlemen:

On behalf of the newly formed Grand Avenue Special Services District, we will be submitting a proposed 2009-2010 budget of the District to the Board of Alderman. We expect the tax levy to be between 1 and 2 mills pending a vote by the SSD Board of Commissioners on April 21st, 2009. At that point we will be able to determine our budget and present it at the April 22nd Finance Committee Workshop.

We expect the amount collected from taxable properties to be between \$21,000-\$42,000 depending on the tax levy. As you can see this is a modest amount, however it is imperative for the operations of the District.

Your consideration of this matter is greatly appreciated, as it will help us to successfully implement the program and activities for the benefit of the Grand Avenue Special Services District and Fair Haven as a whole.

Thank you for your consideration.

Sincerely,

Gabriela Campos
Executive Director, GAVA

From the Town Green Special Services District submitting an order approving the fiscal year 2009-2010 budget and imposing a levy as municipal tax levy for the Town Green Special Services District.
(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN) (REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 13, 2009

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

Dear Honorable Ladies and Gentlemen,

On behalf of the Board of Commissioners of the Town Green Special Services District, I am pleased to present to you the proposed fiscal year annual operating budget. We request that the Board of Aldermen approve the Town Green tax levy

of 1.85 mill covering the period between July 1, 2009 and June 30, 2010 as approved by the Town Green's Board of Commissioners on March 20, 2009. The levy will be adopted by the District property owners at Town Green's Annual Meeting.

This will be a difficult couple of years and the Town Green Board has worked hard to cut the budget where it can without sacrificing the core services of cleaning, maintenance, beautification and security. The Board of Commissioners is proposing a freeze on the Town Green mill rate levy. The levy will remain at the FY 2008/2009 rate of 1.85. The City of New Haven has also proposed that the phase-in for 2008 be delayed and frozen at the 2007 level. The Town Green Board expects this proposal to be approved and is therefore presenting a budget that reflects these considerations. We have been successful in reducing administrative costs through attrition and consolidation as well as contracting out the safety ambassador services and cleaning services. This change will bring about a stronger, more professional, and visible team on the streets.

The Town Green FY '09/'10 Annual Operating Budget shows a deficit of \$14,365. This shortfall will be covered by reserve funds. Please note, that it is the hope of the Board to continue to act conservatively in the future and to maintain an appropriate reserve fund. This reserve fund will become more and more important in the next couple of years as we expect an increase in slow and non-paying property owners. We also anticipate higher vacancy rates, possible foreclosures and a decrease in the value of commercial property. All of this will impact the Town Green's revenue. Yet, along with these revenue challenges we also anticipate an increase in the need for cleaning, maintenance and security related services.

A copy of the Town Green FY '09/'10 Annual Operating Budget is included for your information. Please note that this budget is based on the October 2007 Grand List Year Assessment of taxable properties in the Town Green District, as provided by the City of New Haven Department of Data Processing. The Town Green reserves the right to petition the Board of Aldermen to amend this budget if there is any change to this assessment prior to the implementation of the tax levy.

Thank you for your consideration.

Sincerely,

Rena Masten Leddy,
Executive Director

HUMAN SERVICES:

From the Community Services Administrator submitting a resolution authorizing the application to and acceptance of \$46,792 from the Connecticut Association of Directors of Health, Department of Public Health, for the childhood lead poisoning prevention and control program.

April 20, 2009

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

Re: State of Connecticut Department of Health
Childhood Lead Poisoning Prevention and Control Program- Notice of
Intent

Dear Honorable Carl Goldfield:

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 Health Department to the Connecticut Association of Directors of Health/State of Connecticut Department of Health in the amount of \$46,792. This proposal is being submitted in response to a contract which was produced by the State of Connecticut Department of Public Health, in cooperation with the Connecticut Association of Directors of Health and received by the New Haven Health Department on February 26, 2009.

The proposed program is similar to the currently operating program. Information regarding the application package was received by Mr. Kowalski of the Health Department. As is stated upon the attachments, the grant proposal is designed to provide the City with \$46,792 to aid in our efforts to prevent childhood lead poisoning and deal with complaints of high lead levels in New Haven's housing stock. The proposed grant is basically the same as the current state grant, with minimal changes. The funding from this proposal shall be utilized to fully fund a Lead Poisoning Inspector position which is currently deriving partial funding from a State grant. Therefore, we respectfully request the Board of Aldermen to approve, so that we can continue our efforts.

Respectfully Submitted,

Kica Matos
Community Service Administrator

From the Acting Executive Director, Livable City Initiative, submitting an order approving the list of proposals and organizations applying for eligibility to receive donations under the 2009 Connecticut Neighborhood Assistance Act.

April 9, 2009

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

Re: 2009 Neighborhood Assistance Act Program

Dear Honorable Carl Goldfield:

We are pleased to submit a list of proposals from organizations applying for eligibility to receive donations under the 2009 Neighborhood Assistance Act Program, which is administered by the State of Connecticut. The deadline for having all of the municipally approved programs submitted to the Department of Revenue Services is July 1, 2009.

Therefore, I write to respectfully request the Honorable Board of Aldermen to authorize the Mayor to submit any and all necessary documents to the State of Connecticut Department of Revenue Services in accordance with C.G.S. Section 12-630aa, as amended.

Thank you for your consideration in this matter. If you require additional information, please feel free to contact me at 946-6437.

Respectfully submitted,

A. Walter Esdaile
Executive Director

PUBLIC SAFETY:

From the Chief of Police submitting a resolution authorizing the application for a grant from the U. S. Department of Justice, 2009 Byrne Memorial Competitive Grant Program, to hire additional civilian support staff as part of the American Recovery and Reinvestment Act.

April 13, 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, Bureau of Justice Assistance Byrne Memorial Competitive Grant Program. 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. The Byrne grant offers an opportunity to hire civilian support personnel for the police department. The grant period is twenty-four months and there is no match requirement. We intend to apply for three positions: two IT Support Staff and one Block Watch Specialist. There is no retention requirement after the end of the grant but we hope to find additional grant funds to maintain these positions.

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 process. The Mayor must sign application forms at the time of submission at the end of April. I am therefore requesting approval of the Board of Aldermen under Unanimous Consent at the April 20 meeting 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

From the Chief of Police submitting an ordinance amendment to Chapter 4½ of the New Haven Code of Ordinances pertaining to burglar alarm systems.
(REFERRED CONCURRENTLY TO CITY PLAN COMMISSION)

April 14, 2009

Alderman Carl Goldfield
President Bord of Aldermen
Office of Legislative Services
165 Church Street
New Haven, CT 06510

Dear President Goldfield:

I am writing to submit to the Board of Aldermen a revised amendment to Chapter 4 ½ of the New Haven Code of Ordinances pertaining to burglar alarm systems.

As you know this is an ordinance that has been in the works for some period of time. Since this matter was last before the Board of Aldermen we have worked with representatives of the alarm industry to negotiate provisions in the ordinance. We have also worked with the City's IT Department to introduce new computer software enabling NHPD to set up alarm registration files, track false alarms, send out bills and issue reports.

Key elements of the amended ordinance are highlighted in the attached summary.

It is difficult to predict the revenue that might be received from permit fees, false alarm fines and fines for other ordinance violations until we have the ordinance implemented and can generate actual numbers. If the ordinance is approved by July 1, 2009 we can have our alarm registration database in place by fall of 2009 and begin collecting revenues for a portion of FY 09-10. I am estimating that at least \$50,000 can be collected prior to June 30, 2009. I should have a more

definitive number for the FY 10-11 budget.

But please bear in mind that primary purpose of this ordinance is not to generate revenue but to reduce the amount of police time and manpower needed to respond to false alarms.

Thank you for your favorable consideration. I am available to meet with members of the Board of Aldermen to provide additional information or answer any questions you may have.

Sincerely,

James Lewis
Chief

From the Assistant Chief of Police submitting a resolution authorizing the application to and acceptance of \$411,098 from the U. S. Department of Justice, 2009 Byrne Justice Assistance Recovery Act Grant Program, to support local law enforcement operations and programs.

April 9, 2009

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

Dear Alderman Goldfield:

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, Bureau of Justice Assistance, Recovery Act Byrne Justice Assistance Grant Program in the amount of \$411,098.00. This is the maximum amount allocated for New Haven. As in past years the JAG funds have been vital to the department's operations by providing support for the Tactical and Administrative Strategies through Crime Analysis (TASCA) project that provides a forum for police supervisors, District Managers and specialized units to examine crime data and intelligence information. These funds also support the Citizen's Police Academy, block watch program, specialized police training, and this year will help support the new Police Explorer's program. This grant also provides funds for special police equipment that would otherwise not be possible to attain through the general fund budget.

I am also requesting that the Public Safety Committee address this application prior to May 15 to be in compliance with federal guidelines that require an opportunity for governing body review and public comment at least 30 days prior to submission. Thank you very much for your cooperation.

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

Sincerely,

Stephanie Redding
ASSISTANT CHIEF OF POLICE

FIRST READINGS

Legislation. Read, Print and File. From Robert Wechsler of the New Haven Democracy Fund submitting a report of the Democracy Fund Board for the year 2008, as required by Section 2-823 of the Democracy Fund ordinance and Section 2 of the Democracy Fund Board Bylaws.

BE IT ORDERED by the New Haven Board of Aldermen that the report of the Democracy Fund Board for the year 2008, as required by Section 2-823 of the Democracy Fund Ordinance and Section 2 of the Democracy Fund Board Bylaws, submitted on March 16, 2009 and heard by the Legislation Committee on April 2, 2009, be read, printed and filed.

Legislation. Favorable. Ordinance amendment amending Article XI of the New Haven Code of Ordinances (Democracy Fund).

BE IT ORDAINED by the New Haven Board of Aldermen that Chapter 2, Article XI of the New Haven Code of General Ordinances is amended as follows:

Delete Sec. 2-821 through 2-834, and replace it with the following:

“Sec. 2-821 Purpose

The purpose of this ordinance is to ensure that all the citizens of New Haven have a fair and meaningful opportunity to participate in the election of their Mayor. Specifically, the ordinance aims to:

1. Counter the perception that New Haven's public policy is influenced by campaign contributions;
2. Ensure that meritorious Mayoral candidates are able to raise and spend sufficient campaign funds through public financing of elections to convey their messages to the voters;
3. Reduce the need for ongoing fundraising and to encourage Mayoral candidates to spend more time communicating with citizens;
4. Give all citizens an opportunity for a reasonable supporting role in the selection of Mayor by making even small contributions meaningful.

Sec. 2-822 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions in this section shall govern the

interpretation of this ordinance.

1. "Mayoral Committee" means a committee designated by a single candidate, or established with the consent, authorization, or cooperation of a single candidate, for the purpose of a single primary or election and to aid or promote such candidate's candidacy alone for the office of Mayor. "Mayoral Committee" as used in this article shall not include any "Exploratory committee", "Political committee" or "Party committee" as those terms are defined in Connecticut General Statutes, Section 9-601.

2. "Candidate" means an individual who seeks election or nomination for election to the office of Mayor, whether or not such individual is elected. For purposes of this ordinance, an individual shall be deemed to seek election or nomination for election if such individual has (1) been endorsed by a party or become eligible for a position on the ballot at an election or primary, or (2) solicited or received contributions, made expenditures, or given his or her consent to any other person to solicit or receive contributions or make expenditures with the intent to bring about his or her election or nomination for election to the office of Mayor.

3. "Campaign treasurer" means the individual appointed by a candidate to receive and disburse funds on behalf of the candidate or mayoral committee.

4. "Election" means any primary or general election for Mayor of the City of New Haven.

5. "Contested Election" means any election in which more than one candidate seeking a party nomination or election to the office of Mayor has raised or spent \$5,000. The Administrator will declare an election a contested election. A qualifying primary candidate who wins the primary is deemed to have raised \$5,000 for the general election. [Recommendation #14]

6. "Qualified Committee" means a mayoral committee determined by the Administrator, pursuant to 2-245(h), as eligible to receive public matching funds. A candidate for election or nomination for election to the office of Mayor shall only have a single "Qualified Committee" at any given time.

7. "Contribution" means any gift, payment, subscription, advance, deposit of money, or anything of value made for the purpose of influencing the election or nomination for election of a candidate, and shall also include but not be limited to:

- (1) the payment by any person other than a candidate or a mayoral committee of compensation for the personal services of any other person which are rendered without charge to a candidate or his or her mayoral committee for any purpose;
- (2) A loan made to a mayoral committee, whether or not made in the regular course of the lender's business, to the extent the loan is not repaid by the date of the first election following the date of the loan;

The term "contribution" shall not include:

- (1) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate; or
- (2) the use of real or personal property, or the cost of invitations, food or

beverages, voluntarily provided by an individual to a candidate at the individual's residential premises for candidate-related activities, to the extent the aggregate value, per election, of such property, invitations, food or beverages do not exceed two hundred dollars (\$200) in value; or

(3) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate, to the extent such expenses are not reimbursed and to the extent the aggregate value, per election, does not exceed two hundred dollars (\$200) in value.

8. "Matchable contribution" means a contribution, not in violation of the contribution limits set forth in 2-249(a) of this ordinance, made by a registered voter of the City of New Haven to a participating candidate's mayoral committee, which contribution may be matched by public matching funds as provided in this ordinance.

The following contributions are not matchable:

- (1) in-kind contributions of property, goods or services;
- (2) contributions in the form of a purchase price paid for an item with significant intrinsic or enduring value
- (3) contributions in the form of the purchase price for or otherwise induced by a chance to participate in a raffle, lottery, or similar drawing for valuable prizes; and
- (4) contributions from individual vendors to whom the participating candidate or his or her mayoral committee makes an expenditure.

9. "Expenditure" means any purchase, payment, distribution, gift of money, or anything else of value made by a mayoral committee. The timing of expenditures is when they are incurred, not when they are actually paid.

10. "Qualified campaign expenditure" means an expenditure of a participating mayoral committee that shall be counted toward its expenditure ceiling. Participating mayoral committees may not make any expenditures that are not qualified campaign expenditures. "Qualified campaign expenditures" include all expenditures for campaign-related purposes, taking into account the public nature of matching public funds and the public financing grant, the purposes of the Democracy Fund as stated above, the reasonableness of the expenditures under the circumstances, and the fair market value of the goods or services purchased with the expenditure.

Examples of typical "qualified campaign expenditures" include but are not limited to: reasonable and appropriate expenditures for printing and mailing costs; political advertising expenses; campaign communications such as signs, bumper stickers, T-shirts or caps with campaign slogans, etc.; office supplies; campaign events (e.g. food, rent of hall or tent, etc.); food for volunteers while they are working (limited to no more than \$10 per person for breakfast or \$20 per person for lunch or dinner); campaign staff salaries and expenses; campaign travel expenses, such as fuel and tolls; and post-election parties, thank you notes or advertising to thank supporters or voters (such post-election expenditures, are limited to a cumulative maximum of \$250 per election).

"Qualified campaign expenditures" shall also include but not be limited to:

- a. The actual expense paid or incurred by a mayoral committee for its pro rata

- share of the cost of operating a campaign headquarters and of preparing, printing and disseminating any political communication on behalf of the candidate and any other candidate or candidates for other municipal offices; and
- b. A non-monetary contribution provided to the mayoral committee, other than volunteer personal services and non-reimbursed payments for the travel expenses of an individual who volunteers his or her personal services to a single candidate, if the expenses are incurred voluntarily and without any understanding or agreement that they will be reimbursed; and
- c. A “coordinated expenditure” as that term is defined in Conn. Gen. Statutes '9-601(19) (see Appendix).

“Qualified campaign expenditures” shall not include:

- (i) Expenditures for personal goods and services of the candidate which would otherwise be purchased independently of the campaign, including but not limited to day-to-day household food items and supplies; vehicle and transportation expenses unrelated to the campaign; mortgage, rent or utility expenses for the candidate's personal residence, even if part of the residence is being used by the campaign; and clothing, including attire for political functions such as business suits, dresses or shoes; or
- (ii) Expenditures to support or oppose any ballot measure, political committee, or the campaign of any candidate other than the candidate for whom the funds were originally designated; or
- (iii) Compensation to the candidate for services provided by the candidate; or
- (iv) Payment of civil penalties, fines or forfeitures to the Board or any other governmental or regulatory authority, or the cost of defending the candidate in enforcement proceedings brought by the Board or any other governmental or regulatory authority; or
- (v) The expenses involved in contesting an enforcement decision, civil penalty, fine, forfeiture imposed by the Board or any other governmental or regulatory authority, or the expenses involved in seeking a recount of an election; or
- (vi) Expenditures made without the consent, knowing participation, or consultation with a candidate or a mayoral committee.

11. “Individual” means a single human being.

12. “Person” means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

13. “Board” means the Democracy Fund Board established in Section 2-245.

14. “Fund” means the Democracy Fund established in Section 2-245.

15. “Administrator” means the Democracy Fund Administrator.

16. “Investigator” means the Democracy Fund Investigator.

Sec 2-823 Democracy Fund Administration

(a) There is hereby established within the City's general fund a separate non-lapsing reserve account to be known as the Democracy Fund. For Fiscal year 2008-2009 and subsequent Fiscal Years, the Board shall issue in January a report to the Mayor and the Board of Aldermen of its expenditures and the current balance of its account, and shall include a specific recommendation for funding for the following Fiscal Year. In 2007 and in subsequent years, the Board of Aldermen will consider the recommendation of the Democracy Fund Board and the on-going funding needs of the Fund in its budget deliberations and again in its post-budget approval amendment process. The Board of Aldermen will exercise its best efforts to make sufficient appropriations to the Fund to allow it to carry out its operations effectively. The Board of Aldermen will also consider in a prompt manner any interim requests made by the Board for supplemental appropriations needed during the Fiscal Year. The Fund can also accept any voluntary individual contributions made to it.

Once City general funds or individual contributions are appropriated and deposited into the Fund, they cannot be transferred for other purposes, canceled, or rescinded. The City's Finance Department shall be responsible for the prudent investment of the Fund's assets, balancing the need for investment growth with the need for liquidity at certain time periods. Investment earnings credited to the assets of the Fund shall become part of the assets of the Fund. All monies deposited in the Fund shall be used only for the purposes of this ordinance, including for the administration of the Fund. Any unused funds shall carry over from year-to-year in the Fund.

(b) The Fund shall be overseen by the Democracy Fund Board. The Board's membership will consist of seven members. No more than three members can belong to the same political party. Members will be nominated by the Mayor and confirmed by the New Haven Board of Aldermen. Of the first seven members appointed, four will be nominated to four-year terms, and three members to two-year terms. The Mayor will indicate the length of the initial term of the first seven members when nominating them. After each original term has expired, all appointments will be for terms of four years. In the event that a member is no longer able to serve due to illness, death, or resignation, the Mayor may nominate a replacement to serve out the remainder of the term. Replacement nominees must also be confirmed by the New Haven Board of Aldermen. If a member's term has expired and his or her successor has not been appointed and confirmed, the member shall continue to serve until his or her successor has been appointed and confirmed. A member may be removed only for just cause, which may include excessive absenteeism from Board meetings or failure to carry out the duties of a Board member, as determined by the Mayor and approved by the Board of Aldermen.

(c) Said Board's duties shall include the: (1) selection of the Democracy Fund Administrator and Democracy Fund Investigator, (2) review of the performance of the Administrator and the Investigator, (3) selection and engaging of an independent attorney to advise the Board on legal matters, when necessary;

(4) establishment of rules of procedure for Board meetings, hearings and general operation not inconsistent with this ordinance; (5) approval of forms and materials required for the administration of the program set forth within this ordinance, (6) approval of the matching funds disbursement calendar drafted by the Administrator, (7) direction of the Investigator to confidentially investigate and report to the Board concerning any alleged violations or complaints made about participating candidates, and (8) any other general administrative duties required to ensure compliance with this ordinance, as well as the approval of expenditures from the Fund therefore.

(d) The Board shall be empowered to audit and examine all matters relating to the performance of its functions and any other matter relating to the proper administration of this ordinance. These audit and examination powers extend to all participating candidates and their mayoral committees.

(e) The Board shall be empowered to adopt and publish regulations to carry out the provisions of this ordinance.

(f) The Administrator's responsibilities shall include the administration of the public matching funds system, the public financing grant, contribution limitations, voluntary expenditure ceilings, the auditing of candidate financial reports and statements to ensure compliance with this ordinance, and the proposing of recommendations for the determination and resolution of complaints and disputes brought before the Board. The Investigator's responsibilities shall include the confidential investigation of, and the preparation of reports concerning, alleged violations and complaints made against participating candidates at the direction of the Administrator or the Board.

(g) The Administrator shall draft any and all forms necessary to carry out the provisions of this ordinance, including the forms for the standardized candidate contract and for candidate requests for public matching funds. Said forms must be approved by the Board. The Administrator shall also draft a schedule for the issuing of matching contributions to participating candidates. Said schedule must be approved by the Board.

(h) The Administrator shall review candidate contracts and declarations, participation and non-participation affidavits, nomination papers, requests for public matching funds, and campaign financial disclosure reports in a timely fashion to certify a candidate's eligibility to receive public matching funds. After review, and in accordance with the approved schedule for matching the contributions of participating candidates, and if the Administrator determines that the candidate is eligible, the Administrator shall issue a request to the Treasurer of the City for checks or electric fund transfers to be issued to the candidate's qualified committee.

(i) The Administrator shall have 5 calendar days to process requests for public matching funds and disburse the public funds to the qualified committee.

(j) The Administrator shall issue a press release in a timely fashion identifying those candidates who have signed a candidate contract. In addition, the Administrator should, in collaboration with the Board, undertake public education and outreach efforts to explain the rationale and operation of the Fund.

(k) The Board shall establish a procedure for the investigation and hearing of alleged violations and disputes, consistent with basic due process principles, including notice and the opportunity to be heard and to have the alleged violation or dispute fairly and impartially adjudicated. The Board shall establish procedures designed to attempt to secure voluntary mediation of disputes and voluntary compliance with the provisions of this ordinance by informal methods of conference, conciliation and persuasion.

Sec. 2-824 Candidate Contract

(a) Each candidate for election or nomination for election to the office of Mayor shall file an affidavit with the Administrator not later than four o'clock p.m. on the sixtieth day before the date set for the primary or general election. The affidavit shall include a written certification that the candidate either intends to abide by the rules and limitations of this ordinance or does not intend to abide by these rules and limitations. The certification shall be made by both the candidate and the campaign treasurer of the candidate's mayoral committee.

(b) A candidate who so certifies the candidate's intent to abide by the rules and limitations of this ordinance shall be referred to as a "participating candidate". A candidate who so certifies the candidate's intent to not abide by the rules and limitations of this ordinance shall be referred to as a "nonparticipating candidate". A candidate who fails to file such affidavit in a timely manner shall be deemed to be a "nonparticipating candidate". The Administrator shall prepare a list of the participating candidates and a list of the nonparticipating candidates and shall make such lists available for public inspection.

(c) By the same date as stated in subsection (a) above, the participating candidate shall also file a candidate contract in a form approved by the Board. In order for the candidate to qualify for the public matching funds program, the Administrator must approve the candidate contract.

(d) The candidate contract shall include, without limitation, written certifications by the candidate and his or her campaign treasurer that (1) the campaign treasurer shall expend any funds received from the Fund in accordance with the provisions of this ordinance and any regulations adopted by the Board pursuant to Section 2-245(e); (2) the candidate and the campaign treasurer shall be personally and jointly and severally liable and shall repay to the Fund any such monies that are not expended in accordance with this ordinance and the Board's duly adopted regulations; (3) the candidate and the campaign treasurer shall abide by all the provisions of this ordinance, and accept the penalties, including personal liability, associated with noncompliance with this ordinance, (4) the candidate and the campaign treasurer shall file with the Board, on the same dates required by the state, copies of the reporting statements required under Conn. Gen. Statutes Sect. 9-608; (5) the candidate and the campaign treasurer shall report to the Administrator as soon as the campaign has either raised or spent \$5,000 (the contested election limit); (6) the candidate and the campaign treasurer shall report to the Administrator as soon as the candidate obtains a party nomination or successfully or unsuccessfully petitions to be on a ballot, and when the candidate withdraws from an election; (7) upon signing a candidate contract, the candidate and the campaign treasurer shall immediately report to the Administrator amounts raised or spent prior to filing for participation, including any contributions received from improper sources or in improper amounts, (8) primary candidates and their campaign treasurers shall file a full

campaign finance report with the Administrator on August 10 for the month of July, and general election candidates and their campaign treasurer shall file a full campaign finance report with the Administrator on September 10 for the months of July and August; shall be subject to the record-keeping and reporting requirements of this ordinance, and to audit and examination as provided in this ordinance. The candidate contract may include any other items or requirements applicable to all participating candidates as determined by the Board.

(e) Before making an initial application for public matching funds, a participating candidate may withdraw from participation by filing an affidavit with the Board, which shall include a written certification of such withdrawal. A candidate who files such an affidavit shall be deemed to be a nonparticipating candidate for the purposes of this ordinance, and shall not be penalized for such withdrawal. No participating candidate may withdraw from participation after making an initial application for public matching funds.

(f) The Administrator must accept or reject a signed candidate contract within five calendar days of its receipt. In determining whether to accept or reject a candidate contract, the Administrator shall be governed by the requirements for such a contract specified in this ordinance and any other requirements applicable to all participating candidates established by the Board.

Sec. 2-825 Voluntary Expenditure Ceiling and Contribution Limits

(a) No participating candidate, nor the mayoral committee of such candidate,

shall accept contributions in excess of \$300, in the aggregate for a

particular election, from any individual or party town committee. Subject to the contribution limits of this ordinance and those imposed by Chapter 155 of the Connecticut General Statutes, a participating candidate and his or her mayoral committee may only accept contributions from individuals and from a New Haven party town committee, and may not accept contributions from "political committees" or "business entities" as those terms are defined in Connecticut General Statutes, Section 9-601(a). The contribution limits of this ordinance take precedence over state-imposed limits. Only contributions from registered voters of the City of New Haven shall be considered matchable contributions under this ordinance.

(b) No participating candidate, nor the mayoral committee of such candidate, shall make qualified campaign expenditures in excess of \$300,000 in a primary election, or in excess of \$300,000 in a general election, except as otherwise provided in this section.

(c) If a nonparticipating candidate, or the mayoral committee of such candidate, makes expenditures of \$300,000 for either a primary or a general election, participating candidates who have reached 85% of the expenditure ceiling can either choose to (1) apply for and spend an additional \$25,000 public financing grant from the Fund or (2) have the expenditure ceiling lifted. A participating candidate who has not reached 85% of the expenditure ceiling of \$300,000 shall not be eligible to receive this \$25,000 grant.

- (d) Any participating candidate who chooses to have the voluntary expenditure ceiling lifted will not have further contributions matched.
- (e) Any participating candidate whose mayoral committee receives, before or after he or she agrees to participate, a contribution in excess of the amount allowed under this ordinance, or a kind of contribution not allowed under this ordinance, must return promptly (or, if received prior to participation, promptly after agreeing to participate) the excess portion of the contribution or the entire contribution, as the case may be, and if returning such contribution or portion thereof is not possible or feasible, it shall be paid to the Fund.
- (f) For purposes of the voluntary expenditure ceilings, qualified campaign expenditures to a candidate who wins a primary made at any time up to and including the date of the primary election shall be considered expenditures for that primary election, and qualified campaign expenditures made after the date of the primary election shall be considered expenditures for the general election. However, in the event that payments are made but the goods or services are not used during the primary period, the payments shall be considered qualified campaign expenditures for the general election period. Payments for goods or services used during both periods shall be prorated.
- (g) Any monies raised by a participating primary candidate, who will also be a general election candidate, in the primary election period (which ends on 11:59 p.m. of either the day of the primary or the day it is determined that there will not be a primary), including matching funds and a public financing grant, that are unexpended, as defined in (f) above, will become part of the general election candidate committee's funds and, to the extent expended, will be counted toward the general election expenditure ceiling.

Sec 2-826 Eligibility for Matching Funds

In order for a candidate for the office of Mayor to be eligible for public matching funds, the candidate must satisfy all of the following requirements:

- (1) Sign and file with the Board, through the Administrator, an affidavit and candidate contract, as provided in Section 2-247 above. This contract must be approved by the Administrator.
- (2) Agree to participate and actually participate in at least one public forum per primary or general election, to be designated by the Administrator, at which all candidates qualified for the relevant ballot are invited to participate.
- (3) Agree to limit and actually limit the use of personal funds for campaign purposes to no more than \$15,000 per primary or general election.
- (4) Agree to furnish to the Administrator, and actually furnish, on the same dates required by the state and in the same format, electronic or paper, copies of the reporting statements made to the state under Conn. Gen. Statutes, Section

9-608, to maintain such records of contributions and expenditures as are required by the Board, to furnish to the Administrator or the Investigator any information he or she may request relating to campaign contributions and expenditures, and to furnish such documentation and such other proof of compliance with this ordinance as may be requested by the Administrator or the Investigator.

(5) Raise the threshold of qualifying contributions specified in Sections 2-253.

(6) Not have lost a primary election for Mayor in the same year as the general election for which the Mayoral candidate is requesting public matching funds.

(7) Not be in default to the City, or not have agreed to a payment arrangement with the City, regarding outstanding tax payments or contractual obligations.

Sec. 2-827 Qualifying Contributions Threshold

Public matching funds shall be allocated to participating Mayoral candidates beginning on April 1st of the election year upon satisfying the requirements of Section 2-251 of this ordinance. A candidate shall satisfy the qualifying threshold for a primary election and for a general election separately. The qualifying threshold for disbursement of matching funds shall be according to the following formula:

(1) A participating candidate must raise 200 contributions from distinct registered voters of the City of New Haven of no less than \$10 and no more than \$300 to receive matching funds. A qualified primary candidate who wins the primary is deemed to be qualified for the general election.

(2) Once the Administrator determines that a participating candidate has met the contributions threshold, the candidate shall receive a match of \$50 per distinct individual contributor who is a registered voter of the City of New Haven of \$25 or more dollars until the candidate raises enough funds to meet the voluntary expenditure ceiling. The participating candidate shall receive a 2 to 1 match for any such contributions under \$25.3) All contributions received by a participating candidate must include the name and address of the contributor on the check or on a separate card or sheet with the name and address of the contributor and signed by the contributor and stating the amount of the contribution. Only individual contributions of \$25 or less shall be accepted in cash. All contributions made by cash, credit card, Pay Pal or similar payment program, or money order, and in-kind contributions, must be accompanied by the signed card or sheet referred to above. The form of the card or sheet used with contributions shall be approved by the Board.

(4) The Administrator must regularly make disbursements to participating candidates as specified by the disbursement schedule approved by the Board.

(5) The request for public matching funds shall be made on a form and in a manner determined by the Administrator, and shall include copies of each check, money order or other written legal tender, as well as copies of all signed contribution cards, relating to contributions eligible to be matched by public

funds.

(6) For purposes of this section, a loan, pledge or non-monetary contribution shall not be considered a matchable contribution.

(7) No more than \$125,000 in public matching funds shall be disbursed to each participating candidate per primary or general election.

(8) During the final 60 days before an election, a participating mayoral committee may only submit a request for public matching funds to the Administrator when the matching funds requested amount to \$3,000 or more.

(i) A payment of public matching funds does not constitute the Board's final determination of the amount for which a participating candidate may qualify, and such payment is subject to post-payment audit and readjustment by the Board.

Sec. 2-828 Public Financing Grants

Once a participating candidate meets the qualifying contributions threshold, meets all requirements to appear on the primary or general election ballot, whether as a nominated or petitioning, but not as a write-in, candidate, and the election has been declared contested pursuant to Section 2-243(e), the candidate shall be eligible to receive a \$15,000 public financing grant from the Fund. Such a candidate may receive the \$15,000 public financing grant once before a primary election and once before a general election, with disbursement of the grant by the Board to be timed as follows:

(a) For a primary election such a candidate who has received a party nomination may receive a grant when another candidate has successfully petitioned to appear on the primary ballot, and such a candidate who has successfully petitioned to appear on the primary ballot may receive a grant as soon as he or she has been qualified to appear on the ballot.

(b) For a general election, such a candidate who receives a party nomination shall receive a grant either: (1) after the time for petitioning to appear on a primary ballot has expired and no one has successfully petitioned to appear on a primary ballot; or (2) after the completion of the primary election or elections for all parties having such elections.

Sec. 2-829 Insufficient Public Funds

If there are insufficient public matching funds available for all participating candidates, whatever funds are available in the Fund shall be distributed on a pro rata basis to participating candidates in such allocations as determined by the Administrator and approved by a majority vote of the Board.

Sec. 2-830 Use of Public Matching Funds

(a) Public matching funds shall be used exclusively for qualified campaign expenditures to promote the candidacies of the participating candidates.

(b) All surplus public matching funds, or matching funds used in violation of the requirements of this ordinance, shall be returned or reimbursed to the Fund.

(c) If the candidate withdraws from a primary or general election, becomes ineligible or dies during the campaign, or if a candidate is eligible for a primary election, but the primary election is canceled, the candidate's qualified committee will return to the Fund, for deposit in the Fund, all monies received from the Fund which it has not spent, or has not become legally obligated to expend, on qualified campaign expenditures as of the date of such occurrence.

(d) When determining whether these are surplus matching funds that must be returned to the Fund, the Board will consider the first funds spent to be public funds.

Sec. 2-831 Cost of Living Adjustment

Beginning in 2008 and every four years thereafter, the amounts of the voluntary contribution size limit, the public financing grants, the use of personal funds limit, the contribution and expenditure ceiling per election cycle, the contested election limit, the civil penalty, shall be adjusted according to four-year aggregate cost of living changes in the New Haven MSA, as shown in the Consumer Price Index for all items in the New Haven MSA. The adjustment shall be rounded to the nearest five dollar size variation (i.e. \$25, 30, 35, 310, 315, 320) for the minimum qualifying contribution and the voluntary contribution size limit. The adjustment shall be rounded to the nearest thousand for the public financing grant, the personal funds limitation, and the contribution and expenditure ceilings (i.e. \$16,000, \$17,000, \$18,000, \$301,000, 302,000, 303,000).

Sec. 2-832 Enforcement

(a) Any person who violates any provision of this ordinance shall be personally and jointly and severally liable for the re-payment of any funds thereby obtained or expended.

(b) Alleged violations of this Ordinance and other complaints brought against the participating candidates, their agents and/or their mayoral committees shall be investigated promptly and confidentially by the Investigator, who shall report his findings to the Board. The Board shall have the power to issue subpoenas to compel the attendance of witnesses and to compel the production of documents in connection with an investigation or a hearing. The Board shall grant an administrative hearing regarding any alleged violation or dispute, at which all interested parties may present testimony and evidence. The Board shall render its decision as soon as practicable after the hearing is concluded. The Board shall notify the parties of its decision by certified or registered mail.

(c) The Board is authorized to levy a civil penalty not to exceed two thousand dollars (\$2000.) per violation, or twice the amount of any improper expenditure or contribution, whichever is greater, against any person the Board finds to be in violation of any provision of this ordinance. In the case of failure to pay any such penalty within thirty days of written notice thereof sent by certified

or registered mail to such person, the Board may apply to the Connecticut Superior Court for an order requiring such a person to pay the penalty imposed and such court costs, state marshal's fees and reasonable attorney's fees incurred by the Board as the court may determine.

(d) The Administrator may further seek the application of any and all criminal and civil actions, penalties, sanctions, orders (including cease and desist orders) and remedies available under the laws of the State of Connecticut, including but not limited to prosecution for misappropriation of funds of the City. The Administrator is authorized to refer any violation to the State Election Enforcement Commission, the District Attorney's Office, the Chief State's Attorney's Office, the Attorney General's Office or any other appropriate authority.

(e) The remedies provided in subdivision (a), (c) and (d) above shall also apply to any person who causes any other person to violate any provision of this ordinance or who aids and abets any other person in a violation.

Sec. 2-833. Applicability of Other Laws

Nothing in this ordinance shall exempt any person from applicable provisions of any other laws of the city, state, federal or other appropriate jurisdiction.

Sec. 2-834. Severability

If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid for any reason, the remainder of this ordinance, to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

Sec. 2-835 Effective Date

This ordinance shall become effective upon passage."

Except as above amended the New Haven Code of General Ordinances shall remain in full force and effect.

SECOND 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.

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.

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.

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.

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.

The favorable reports of the City Services and Environmental Policy Committee recommending passage of the proposed orders and resolution, as printed on pages 838-841 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, were read for the second time and upon motion made and duly seconded, it was voted, viva voce, that said reports be accepted and proposed orders be passed and resolution adopted, and it was so declared by the Chair.

Alderwoman Sturgis-Pascale: "For Item one. This is a new grant proposal that would make up to \$1 million available for Brownfield remediation and redevelopment sites around the city. A 'Brownfields coalition' including the city's Redevelopment Agency and the Housing Authority would devise specific plans if the grant is awarded. The grant summary included in the submission states personnel costs of \$50,000 for salary, \$4,000 in benefits, plus \$1,000 for worker's compensation.

Items two and three. If successful, these funds again from the 'brownfield cleanup grants program' would be used for remediation of parcels 'f' and 'g' of the Route 34 corridor.

Item four is an agreement that allows the Water Authority access to a 14,957 square foot area of the school's main driveway to install and maintain a new water line for the new Bishop Woods School.

Item five is for a bridge, the Mill River Bridge. The bridge was found to be in 'poor' condition by CONNDOT a year ago. The local bridge program grant would allow the city to rebuild it. The City Engineer told the committee that it is not in danger of collapse but should be fixed before it becomes necessary to close the bridge, and that the deck repair would not compromise the brownstone and brick details of this 'classic' bridge. The city's 20% share of the \$1.2 million cost is \$240,000.

I ask your support. Thank you."

Note: Alderpersons Calder and James-Evans were out of the Chamber at the time of the vote. Alderpersons Blango, Jones, Shah and Edmonds-Sepulveda

abstained from voting on the Bishop Woods School construction project item.

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.

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.

The favorable reports of the Community Development Committee recommending passage of the proposed orders, as printed on pages 842-843 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, were read for the second time and upon motion made and duly seconded, it was voted, viva voce, that said reports be accepted and proposed orders be passed, and it was so declared by the Chair.

Alderwoman Edmonds-Sepulveda: "Item one. Honorable colleagues, after years of planning and hard work, it is gratifying to see this project moving forward. The reconstruction of the Brookside and Rockview housing developments represents a long-awaited upgrade for housing in the western part of the city.

Despite the denial of HOPE VI funding, the Housing Authority has managed to put together a package of public and private financing with the Michael's Development Company of New Jersey. The cooperation agreement is a three-party agreement between the city, the Housing Authority and the developer.

Highlights include:

- Up to 476 newly constructed units, built in five phases. Eighty units will be homeowner units, and 40 will be elderly units, with the balance of 356 units as assisted units.
- \$9 million from the city for new streets and infrastructure, accompanied by \$3 million from the Housing Authority.
- A tax abatement that provides for a payment of \$250 per rental housing unit per year, plus increases for inflation similar to the HOPE VI projects. Homeownership units will pay full property taxes on a phased-in basis.
- Stringent resident and minority hiring requirements monitored by the Commission on Equal Opportunities.
- Separate redevelopment of the small shopping plaza at Wilmot and Wintergreen, enlargement of the community building, re-opening of Wilmot Road between New Haven and Hamden, and public transit upgrades.

I would like to commend and congratulate everyone who has worked so hard on this well-planned project.

Item two. Colleagues, this legislation authorizes the city to sell the 12 housing units at the newly renovated Three Sisters Condominiums on Congress Avenue. There are no specific buyers at this time, and these transactions will not come back before the Board of Aldermen.

The Livable City Initiative says this arrangement is necessary because banks will be hesitant to committee financing to buyers if the sale is subject to Board of Aldermen approval.

Some safeguards are included: There are price ranges - such as between \$100,000 and \$200,000 for a two-bedroom unit. City employees, contractors and elected officials will be exempt.

The committee also amended these safeguards to exclude bundled transactions of more than one unit to a single buyer or sales to anyone other than an owner-occupant. If any of these conditions apply, the transaction would have to come back to the Board of Aldermen. I urge your support.”

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

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.

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.

The favorable reports of the Finance Committee recommending passage of the proposed orders, as printed on page 844 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, were read for the second time and upon motion made and duly seconded, it was voted, viva voce, that said reports be accepted and proposed orders be passed, and it was so declared by the Chair.

Alderman Shah: “Item one. The Finance Committee heard from the auditors from Levitsky & Berney on March 24th. They reported that the City of New Haven was in compliance with both state and federal requirements and there were no financial problems found. Because of this, the Finance Committee voted to approve this report and I ask that we do so as well.

On Item two. The Finance Committee heard from Management and Budget concerning the city's financial condition as of the end of December 2008. The report showed that while the expected revenues for FY2009-10 are less than budgeted, the Mayor's cost control action plan that is in place will ensure that expenses for the fiscal year will not exceed revenues. Because of this the Finance Committee voted to approve this report and I ask that you do so also. Thank

you.”

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

Legislation. Favorable. Ordinance amendment from Alderpersons Perez, James, Jackson-Brooks, Lee, Antunes, Smart, Brison, Castro, Blango, Jones and S. Rodriguez to provide a new section entitled “Marshals” to govern the use of marshals for city-related business.

The favorable report of the Legislation Committee recommending passage of the proposed ordinance amendment, as printed on pages 844-847 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, was read for the second time.

Alderman Lehtonen: “At this time I would like to ask my colleague from the 5th Ward to speak about this legislation since he sponsored it.”

Alderman Perez: “Thank you, Mr. President, and thank you, Mr. Vice-Chairman, the Alderman from the 27th Ward.

What’s in front of us is a new ordinance. It’s one that in my opinion should do wonders for the city in the area of reducing costs to the taxpayers and being more transparent in how we select marshals.

It requires that the Purchasing Agent puts out a Request for Proposal, and we would select up to 15 marshals based on that criteria. There are several criteria set up in that ordinance including having a million dollars worth of insurance, giving us details if there’s been a complaint against those marshals, and how those complaints have been resolved. Once that list is created, it will be given to every department head and every law firm that does business with the city. They can choose anyone from that list. Then a year from now we will review it and make any changes that need to happen at that point. We’ll have the opportunity to propose any new changes that we deem necessary. Also, it makes it clear that if you’re behind in your taxes you cannot be on the list. It has a clear process on grievances and how to go about registering a grievance if a marshal doesn’t follow those rules or does something wrong.

I want to thank the working committee, which was comprised of the Chair of the committee, our President, the Chair of the Marshals’ Association who did attend at least one meeting, the Purchasing Agent and the committee. This was not easy. This was an item that had several public hearings. It was an item that everybody had to give and take a little bit. At the end of the day, however, it should give us a process that’s more transparent and as important or more important to some people as how to keep a lower cost to the end user, the taxpayers. Thank you.”

REPORT ACCEPTED. ORDINANCE AMENDMENT ENACTED.

Upon motion made and duly seconded, said ordinance amendment concerning “Marshals” was put to a roll call vote, which resulted as follows:

Those voting "AYE": Plattus, Calder, James-Evans, Jackson-Brooks, Perez, Colon, Clark, Smart, Brison, Lee, Antunes, Sturgis-Pascale, Rodriguez, Castro, DePino, Edwards, Blango, Jones, Shah, McCormack, S. Rodriguez, Lehtonen, Sandman, Goldfield and Edmonds-Sepulveda - 25.

Those voting "NO": 0.

Those "Abstaining": Paolillo - 1.

Said ordinance amendment concerning "Marshals" was enacted by a majority vote of the Board of Aldermen, and it was so declared by the Chair.

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

The favorable report of the Legislation Committee recommending passage of the proposed ordinance amendment, as printed on pages 847-865 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, was read for the second time.

Alderman Lehtonen: "This amendment package is intended to clarify city permit procedures and patching requirements and responsibilities of utilities and other companies which excavate our public rights-of-way. There are also provisions in it to improve work zone safety.

At this time I know one of my colleagues has an amendment to offer to that. So I'd like to turn it over to Alderman Sandman."

SANDMAN MOTION TO AMEND.

Alderman Sandman made a motion to amend the above-referenced ordinance amendment as follows, which motion was duly seconded.

Alderman Sandman: "Mr. President, I would like to offer an amendment at this time to Section 78-79 (d) of the ordinance in front of us. During the committee hearing there was some lack of clarity about what would happen if the contractor went over the estimated amount. This clarifies that issue.

Add the following sentence to the end of Sec. 78-79 (d):

'If the fee paid by the Contractor turns out to be lower than the city's actual cost plus 15% then the permittee shall be responsible for the full actual cost of permanent patching completed by the city and shall pay the city the shortfall balance due immediately upon written notice from the city.'

It's pretty self-explanatory. We're just making sure there's no misunderstanding and that there's no ambiguity about who's responsible for covering the costs of the patching. Thank you."

SANDMAN AMENDMENT PASSED.

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

REPORT ACCEPTED. ORDINANCE AMENDMENT, AS AMENDED, ENACTED.

Upon motion made and duly seconded, said ordinance amendment to Chapter 78 of the Code of Ordinances, as amended, was put to a roll call vote, which resulted as follows:

Those voting "AYE": Plattus, Calder, James-Evans, Jackson-Brooks, Perez, Colon, Clark, Smart, Brison, Lee, Antunes, Sturgis-Pascale, Rodriguez, Castro, Paolillo, DePino, Edwards, Blango, Jones, Shah, McCormack, S. Rodriguez, Lehtonen, Sandman, Goldfield and Edmonds-Sepulveda - 26.

Those voting "NO": 0.

Said ordinance amendment to Chapter 78 of the Code of Ordinances, as amended, was enacted by a majority vote of the Board of Aldermen, and it was so declared by the chair.

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.

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.

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

The favorable reports of the Public Safety Committee recommending passage of the proposed resolutions, as printed on pages 865-867 of the Journal of the Regular Meeting of the Board of Aldermen held on April 6, 2009, were read for the second time and upon motion made and duly seconded, it was voted, viva voce, that said reports be accepted and proposed resolutions be adopted, and it was so declared by the Chair.

MISCELLANEOUS

MOTION TO DISCHARGE.

Alderwoman Jones made a motion to discharge the City Services and Environmental Policy Committee from consideration of the following item and take it up for immediate consideration, which motion was duly seconded.

Resolution from the Purchasing Agent on behalf of the Police Department approving an emergency procurement in the amount of \$21,434.80 for fire damages at the 295 Blatchley Avenue sub-station.
(PRESENTED UNDER SUSPENSION OF SECTION 24-1-A OF THE RULES OF THE BOARD OF ALDERMEN)

MOTION TO DISCHARGE APPROVED.

Upon motion made and duly seconded, said motion to discharge the City Services and Environmental Policy Committee from consideration of the above-entitled item and take it up for immediate consideration passed by a viva voce vote, and it was so declared by the Chair.

April 20, 2009

Members of the New Haven Board of Aldermen

Dear Colleagues:

Due to the Passover Holiday, the City Services & Environmental Policy Committee will not meet on its regular date, which is April 16. Consequently, I would like to ask the Committee to be discharged from consideration of a non-controversial item in the Committee file, and that this item is taken up for a vote at the meeting of April 20, 2009.

The item is "From the Purchasing Agent on behalf of the Police Department submitting a resolution approving an emergency procurement in the amount of \$21,434.80 for fire damages at the 295 Blatchley Avenue sub-station", submitted February 9, 2009. The City Plan report recommending approval has been received.

I hope that you will support approval of this item.

Thank you for your consideration.

Sincerely,

Erin Sturgis-Pascale

Alderwoman Sturgis-Pascale: "I ask my colleagues' support in discharging this item from the City Services & Environmental Policy Committee. We were not able to meet this month due to Passover."

RESOLUTION ADOPTED.

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

RESOLUTION OF THE NEW HAVEN BOARD OF ALDERMAN APPROVING AN EMERGENCY PROCUREMENT IN THE AMOUNT OF \$21,434.80 FOR FIRE DAMAGES AT THE 295 BLATCHLEY AVENUE SUB-STATION.

WHEREAS, due to substantial damages from an accidental Fire at the sub-station at 295 Blatchley Avenue; and

WHEREAS, Facility Management had prior experience with this vendor and the vendor was available to start immediately; and

WHEREAS, this was in the best interest of the City of New Haven to proceed with the repairs and have this sub-station operational again as expeditiously as possible. For the Supervisor and the citizens who use this facility; and

WHEREAS, the Purchasing Agent has submitted this request on behalf of the Police Department; and

NOW, THEREFORE, BE IT RESOLVED by the New Haven Board of Alderman of the City of New Haven finds favorable the Emergency Procurement Payment of \$21,434.80 to McNamara Builders for the work that was performed from Fire Damages at the sub-station at 295 Blatchley Avenue.

Alderwoman Sturgis-Pascale: "This item was submitted back in February and had not been heard. We didn't want to wait one more month since we didn't meet this month. Basically what happened is that we had a fire at the substation in Fair Haven. McNamara Builders was the lowest responsible bidder for the repairs that needed to be done. The cause of the fire was apparently pork chops cooking in a microwave that malfunctioned. So I ask your support. Thank you."

MISCELLANEOUS REMARKS

POINT OF PERSONAL PRIVILEGE.

Alderwoman Colon: "The first thing I want to do is to remind all of our colleagues and our constituents that may be watching, that today is the 10th anniversary of Columbine and the 2nd anniversary of the shootings at Virginia Tech University that happened two years ago. So maybe we can have a moment of silence for the families that are still grieving.

MOMENT OF SILENCE OBSERVED.

On a happier note, the administration that runs the Tower East/Tower One facility for the senior citizens in my ward is going to be having a fundraiser. So they're inviting everyone to come to munch for free in the hopes that it will move you to donate some money. They used to hire musicians, have art classes, computer classes and yoga classes. Every three months they celebrate all of the birthdays of the people born in that three-month period. They offer a lot for their residents and it takes a lot of money. So they're trying their hand at raising funds since, as we all know, times are tough. So please either call me or you can call the administration at 772-1816 so they can put you at a table. It's going to be this Thursday at noon. It promises to be a very well run, brief program. It's going to start promptly at 12 p.m. and it will be over at 1 p.m. sharp. So I invite everyone to come and you will have a good time."

Alderwoman Jackson-Brooks: "I'd just like to remind my colleagues that we

only have two more weeks to help Christian Community Action Agency meet their challenge to be considered for some benefits under the Feinstein Challenge. There is a box on the other side of the Chamber for food. So if you can just bring a couple cans of food. Just go into your cupboard and pull something out that you know you're not going to eat and just bring it in and put it in the box. It would be appreciated. Thank you."

Alderman J. Rodriguez: "I want to extend an invitation to all. A number of Fair Haven non-profit agencies such as the Mary Wade Home, SAMA, Grand Avenue Village Association, JUNTA, and Fair Haven Health Clinic are working together with some Fair Haven organizers to host a Fair Haven Neighborhood Summit on Saturday, May 2, 2009, from 9 a.m. to 4 p.m. at the Fair Haven K-8 at 164 Grand Avenue. There will be informational booths, a keynote speaker, panel discussions on neighborhood issues and solutions. We also invited our state delegation and Senator Looney in particular from our area. So I extend a warm invitation. Breakfast and lunch will be served. I hope you all can participate in this summit. Thank you."

President Goldfield: "This Sunday, again, the coalition of local elected officials from some of the other cities are getting together with Representative Cam Staples to talk about what may be moving and what may not up at the State Capitol. We're also thinking about having a New Haven day of lobbying at the State Capitol. So you're encouraged to come on Sunday at 3 o'clock to talk about what we might want to do, because we're down to the end of the Session. What's going to move is going to move and we might want to get up there and make our voices heard so that we can get the aid we deserve."

ADJOURNED 7:35 p.m.

ATTEST: RON SMITH
 City Clerk