

February 28, 2007

**SPECIAL MEETING OF THE COMMON COUNCIL  
FEBRUARY 28, 2007**

Mayor Timothy T. Stewart called the Special Meeting of the Common Council to order on Wednesday, the 28th day of February 2007 at 6:44 p.m. in the Common Council Chambers, City Hall.

Twelve members were present at roll call: Ald. Trueworthy, Black, Cruz, Collins, Carroll, Hermanowski, Platosz, Kirejczyk, Salvio, Gostin, Bernacki and Bielinski.

Two members were absent: Ald. Catanzaro and Ald. Wyskiewicz.

Ald. Catanzaro arrived at 6:50 p.m.

Ald. Wyskiewicz arrived at 6:59 p.m.

City Clerk, Peter J. Denuzze, read the Mayor's Warrant.

**MAYOR'S WARRANT**

TO THE CLERK OF THE CITY OF NEW BRITAIN:

BY THE AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to notify Mark H. Bernacki, Suzanne Bielinski, Shirley A. Black, Paul D. Catanzaro, John F. Carroll, Tonilynn Collins, Silvia Cruz, Peter J. Gostin, Lawrence J. Hermanowski, Edward J. Kirejczyk, Jr., Adam Platosz, Louis G. Salvio, Michael W. Trueworthy and James A. Wyskiewicz, Aldermen and Alderwomen of said City, that there will be a Special Meeting of the Common Council on Wednesday, February 28, 2007 at 6:30 p.m. in the Council Chambers, 27 West Main Street, City Hall, for the following purposes:

1. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an \$8,450,000 Appropriation and Bond Authorization for the Purchase of Various Capital Equipment.
2. To act upon a resolution regarding an \$8,450,000 Appropriation and Bond Authorization for the Purchase of Various Capital Equipment.
3. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Amendment to the \$16,595,000 Appropriation and Bond Authorization for the New Britain High School Addition and Renovation Project to reallocate \$990,000 from the Freshmen Academy Addition to the Alternative Behavior Center.
4. To act upon a resolution regarding an Amendment to the \$16,595,000 Appropriation and Bond Authorization for the New Britain High School Addition and Renovation Project to reallocate \$990,000 from the Freshmen Academy Addition to the Alternative Behavior Center.
5. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding \$17,058,000 Appropriation and Bond Authorization for Street Infrastructure Rehabilitation.
6. To act upon a resolution regarding \$17,058,000 Appropriation and Bond Authorization for Street Infrastructure Rehabilitation.
7. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding \$6,868,000 Appropriation and Bond Authorization for Renovation of the City-Owned Transfer Station.
8. To act upon a resolution regarding \$6,868,000 Appropriation and Bond Authorization for Renovation of the City-Owned Transfer Station.
9. To act upon a resolution regarding the Termination of Interest Rate Swap Agreement.

HEREOF FAIL NOT, but due service and return make according to law.

Dated at New Britain, this 23rd day of February.

Timothy T. Stewart, Mayor

## REPORT OF THE BONDING COMMITTEE

### **29502 RE: \$8,450,000 APPROPRIATION AND BOND AUTHORIZATION FOR THE PURCHASE OF VARIOUS CAPITAL EQUIPMENT**

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

At a meeting of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law ("Bonding Subcommittee") held on February 21, 2007 on a motion by Committee member Bielinski and seconded by Committee member Gostin the following report was referred to full Council with a neutral recommendation:

RESOLVED, that the Bonding Subcommittee of the City of New Britain recommends to the Common Council that the sum of \$8,450,000 be appropriated for the purchase of various capital equipment, including without limitation, vehicles for the Building Department, vehicles and equipment for the Fire Department, vehicles, trucks, mowers, plows, and equipment for the Parks and Recreation Department, vehicles for the Police Department, vehicles, plows and trucks for Property Management, vehicles, trucks, loaders, cranes and equipment for the Public Works Department, and storage facilities for the Registrar of Voters, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$8,450,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or

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other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Ald. James A. Wyskiewicz  
Chairman, Bonding Subcommittee of the Committee on  
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Salvio. So voted. Approved March 5, 2007 by Mayor Timothy T. Stewart.

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## RESOLUTION

### **29502-1 RE: \$8,450,000 APPROPRIATION AND BOND AUTHORIZATION FOR THE PURCHASE OF VARIOUS CAPITAL EQUIPMENT**

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

At a meeting of the Common Council held on February 28, 2007 on a motion by Council member Trueworthy and seconded by Council member Salvio the following resolution was adopted:

RESOLVED, by the Common Council of the City of New Britain on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on February 21, 2007, that the sum of \$8,450,000 be appropriated for the purchase of various capital equipment, including without limitation, vehicles for the Building Department, vehicles and equipment for the Fire Department, vehicles, trucks, mowers, plows, and equipment for the Parks and Recreation Department, vehicles for the Police Department, vehicles, plows and trucks for Property Management, vehicles, trucks, loaders, cranes and equipment for the Public Works Department, and storage facilities for the Registrar of Voters, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$8,450,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by

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the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Alderman James A. Wyskiewicz

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. Roll call vote – 12 in favor, 0 opposed. In favor: Ald. Trueworthy, Black, Cruz, Collins, Carroll, Hermanowski, Platosz, Kirejczyk, Salvio, Gostin, Bernacki and Bielinski. Approved March 5, 2007 by Mayor Timothy T. Stewart.

## **REPORT OF THE BONDING COMMITTEE**

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**28472-4 RE: AMENDMENT TO THE \$16,595,000 APPROPRIATION AND BOND AUTHORIZATION FOR THE NEW BRITAIN HIGH SCHOOL ADDITION AND RENOVATION PROJECT TO REALLOCATE \$990,000 FROM THE FRESHMAN ACADEMY ADDITION TO THE ALTERNATIVE BEHAVIOR CENTER**

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

At a meeting of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law ("Bonding Subcommittee") held on February 21, 2007 on a motion by Committee member Bielinski and seconded by Committee member Gostin the following report was referred to full Council with a favorable recommendation:

RESOLVED, that the Bonding Subcommittee of the City of New Britain recommends to the Common Council that the resolution entitled "\$16,595,000 Appropriation and Bond Authorization for the New Britain High School Addition and Renovation Project" adopted by the Common Council on April 13, 2005 under Item #28472-1, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 2, 2005, and as amended by the Common Council on March 22, 2006 under Item #28472-2, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 15, 2006, be further amended to reallocate \$990,000 from the addition for a freshman academy to the construction of an alternative behavior center, and to read as follows:

"RESOLVED, by the Common Council of the City of New Britain on the recommendations of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meetings held on March 2, 2005, March 22, 2006 and February 21, 2007, that the sum of \$16,595,000 be appropriated for the construction of additional space, Alternative Behavior Center and modular classrooms for New Britain High School, as follows:

(a) \$3,245,000 be appropriated for the construction of an Alternative Behavior Center in a pre-engineered building comprised of approximately 10,000 square feet of space, including land acquisition costs, site improvements, construction of an access road to South Main Street and all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$3,245,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(b) \$46,000 be appropriated for preliminary costs related to eight modular classrooms comprised of approximately 10,000 square feet of space, including site improvements, construction of an access road to South Main Street and upgrading of the life skills classrooms, all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$46,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(c) \$13,174,000 be appropriated for a freshman academy (addition) comprised of approximately nineteen classrooms, a lecture hall, special education space, site improvements, construction of an access road to South Main Street and upgrading of the life skills classrooms, all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$13,174,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(d) \$130,000 be appropriated for reconstruction of the existing pedestrian bridge over Willow Brook between New Britain High School and Beehive Stadium, including removal of the existing bridge, demolition of the bridge foundation and channel improvements, and all other repairs and improvements in connection therewith, as well as design, engineering and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$130,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the

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Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation."

Ald. James A. Wyskiewicz  
Chairman, Bonding Subcommittee of the Committee on  
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Bielinski. So voted. Approved March 5, 2007 by Mayor Timothy T. Stewart.

## RESOLUTION

**28472-5 RE: AMENDMENT TO THE \$16,595,000 APPROPRIATION AND BOND AUTHORIZATION FOR THE NEW BRITAIN HIGH SCHOOL ADDITION AND RENOVATION PROJECT TO REALLOCATE \$990,000 FROM THE FRESHMAN ACADEMY ADDITION TO THE ALTERNATIVE BEHAVIOR CENTER**

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

At a meeting of the Common Council held on February 28, 2007 on a motion by Council member Trueworthy and seconded by Council member Salvio the following resolution was adopted:

RESOLVED, by the Common Council of the City of New Britain on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on February 21, 2007, that the resolution entitled "\$16,595,000 Appropriation and Bond Authorization for the New Britain High School Addition and Renovation Project" adopted by the Common Council on April 13, 2005 under Item #28472-1, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 2, 2005, and as amended by the Common Council on March 22, 2006 under Item #28472-2, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 15, 2006, be further amended to reallocate \$990,000 from the addition for a freshman academy to the construction of an alternative behavior center, and to read as follows:

"RESOLVED, by the Common Council of the City of New Britain on the recommendation of the the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its

meetings held on March 2, 2005, March 22, 2006 and February 21, 2007, that the sum of \$16,595,000 be appropriated for the construction of additional space, Alternative Behavior Center and modular classrooms for New Britain High School, as follows:

(a) \$3,245,000 be appropriated for the construction of an Alternative Behavior Center in a pre-engineered building comprised of approximately 10,000 square feet of space, including land acquisition costs, site improvements, construction of an access road to South Main Street and all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$3,245,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(b) \$46,000 be appropriated for preliminary costs related to eight modular classrooms comprised of approximately 10,000 square feet of space, including site improvements, construction of an access road to South Main Street and upgrading of the life skills classrooms, all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$46,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(c) \$13,174,000 be appropriated for a freshman academy (addition) comprised of approximately nineteen classrooms, a lecture hall, special education space, site improvements, construction of an access road to South Main Street and upgrading of the life skills classrooms, all alterations, repairs, equipment (including computer equipment) and improvements in connection therewith, as well as engineering, architectural and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$13,174,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

(d) \$130,000 be appropriated for reconstruction of the existing pedestrian bridge over Willow Brook between New Britain High School and Bee Hive Stadium, including removal of the existing bridge, demolition of the bridge foundation and channel improvements, and all other repairs and improvements in connection therewith, as well as design, engineering and temporary and permanent financing costs, and to meet said appropriation and in lieu of a tax therefor, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$130,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

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BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all

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actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.”

Ald. James A. Wyskiewicz

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. Roll call vote – 12 in favor, 0 opposed. In favor: Ald. Trueworthy, Black, Cruz, Collins, Carroll, Hermanowski, Platosz, Kirejczyk, Salvio, Gostin, Bernacki and Bielinski. Approved March 5, 2007 by Mayor Timothy T. Stewart.

Ald. Catanzaro arrived.

## **REPORT OF THE BONDING COMMITTEE**

### **29503 RE: \$17,058,000 APPROPRIATION AND BOND AUTHORIZATION FOR STREET INFRASTRUCTURE REHABILITATION**

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

At a meeting of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law (“Bonding Subcommittee”) held on February 21, 2007 on a motion by Committee member Bielinski and seconded by Committee member Gostin, the following report was referred to full Council with a favorable recommendation:

RESOLVED, that the Bonding Subcommittee of the City of New Britain recommends to the Common Council that the sum of \$17,058,000 be appropriated for costs related to street infrastructure rehabilitation, including without limitation, assessment and evaluation of the City’s street infrastructure, design of a comprehensive program for maintenance and rehabilitation of the City’s street infrastructure, implementation of mapping, data and technological resources, rehabilitation of the City’s street infrastructure, design and reconstruction of street infrastructure locations where typical rehabilitation is not sufficient, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$17,058,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such

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rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Ald. James A. Wyskiewicz  
Chairman, Bonding Subcommittee of the Committee on  
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Gostin. So voted. Approved March 5, 2007 by Mayor Timothy T. Stewart.

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## RESOLUTION

### **29503-1 RE: \$17,058,000 APPROPRIATION AND BOND AUTHORIZATION FOR STREET INFRASTRUCTURE REHABILITATION**

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

At a meeting of the Common Council held on February 28, 2007 on a motion by Council member Trueworthy and seconded by Council member Bielinski the following resolution was adopted:

RESOLVED, by the Common Council of the City of New Britain on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on February 21, 2007, that the sum of \$17,058,000 be appropriated for costs related to street infrastructure rehabilitation, including without limitation, assessment and evaluation of the City's street infrastructure, design of a comprehensive program for maintenance and rehabilitation of the City's street infrastructure, implementation of mapping, data and technological resources, rehabilitation of the City's street infrastructure, design and reconstruction of street infrastructure locations where typical rehabilitation is not sufficient, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$17,058,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by

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the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Ald. James A. Wyskiewicz

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. Roll call vote – 13 in favor, 0 opposed. In favor: Ald. Trueworthy, Black, Cruz, Collins, Catanzaro, Carroll, Hermanowski, Platosz, Kirejczyk, Salvio, Gostin, Bernacki and Bielinski. Approved March 5, 2007 by Mayor Timothy T. Stewart.

## REPORT OF THE BONDING COMMITTEE

### **29504 RE: \$6,868,000 APPROPRIATION AND BOND AUTHORIZATION FOR RENOVATION OF THE CITY-OWNED TRANSFER STATION**

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

At a meeting of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law ("Bonding Subcommittee") held on February 21, 2007 on a motion by Committee member Bielinski and seconded by Committee member Gostin the following report was referred to full Council with a favorable recommendation:

RESOLVED, that the Bonding Subcommittee of the City of New Britain recommends to the Common Council that the sum of \$6,868,000 be appropriated for costs related to the renovation of the City-owned transfer station, including without limitation, cost for inspection, design, construction, excavation, materials, professional fees, grant applications, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$6,868,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer

which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Ald. James A. Wyskiewicz  
Chairman, Bonding Subcommittee of the Committee on  
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Gostin. So voted. Approved March 5, 2007 by Mayor Timothy T. Stewart.

## RESOLUTION

### **29504-1 RE: \$6,868,000 APPROPRIATION AND BOND AUTHORIZATION FOR RENOVATION OF THE CITY-OWNED TRANSFER STATION**

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

At a meeting of the Common Council held on February 28, 2007 on a motion by Council member Trueworthy and seconded by Council member Gostin the following resolution was adopted:

RESOLVED, by the Common Council of the City of New Britain on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on February 21, 2007, that the sum of \$6,868,000 be appropriated for costs related to the renovation of the City-owned transfer station, including without limitation, cost for inspection, design,

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construction, excavation, materials, professional fees, grant applications, temporary and permanent financing costs and other costs related to the project, and to meet said appropriation and in lieu of a tax therefore, bonds, notes or temporary notes of the City be issued pursuant to Article XII of the City Charter and Chapter 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$6,868,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

BE IT FURTHER RESOLVED, that the City hereby declares its official intent under Treasury Regulation Section 1.150-2 of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the City reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized for the project; that the Mayor and Treasurer are authorized to bind the City pursuant to such representations and agreements as they deem necessary or advisable in order to ensure and maintain the continued exemption from Federal income taxation of interest on the bonds, notes or temporary notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years. While it is anticipated that the bonds or notes will qualify as tax exempt bonds, the Mayor and the Treasurer are authorized, upon the advice of bond counsel, to issue all or any portion of the bonds or notes as bonds or notes the interest on which is includable in the gross income of the owners thereof for federal income tax purposes and it is hereby found and determined that the issuance of any such bonds or notes is in the public interest.

BE IT FURTHER RESOLVED, that the bonds or notes may be sold in a single issue or may be consolidated with other authorized but unissued bonds or notes of the City. The bonds or notes shall be issued in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The bonds or notes may be issued in one or more series, shall bear such rate or rates of interest, and be issued in book entry form. The bonds or notes shall be general obligations of the City and each of the bonds or notes shall recite that every requirement of law relating to its issue has been duly complied with, that such bonds or notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds or notes to be issued, the annual installments of principal, redemption provisions, if any, the date, interest rate or rates, form and manner of sale, time of issuance and sale, designation, price, maturities, and other terms, details and particulars of such bonds or notes shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to issue temporary notes in anticipation of the receipt of the proceeds of said bonds or notes and the receipt of any federal, state or other grant-in-aid for the project. The notes shall be executed in the name and on behalf of the City by the facsimile or manual signatures of the Mayor and the Treasurer, bear the City seal or a facsimile thereof, be certified and payable at a bank or trust company designated by the Mayor and the Treasurer which bank or trust company may also be designated as the registrar and transfer agent, and be approved as to their legality by Bond Counsel to the City. The notes shall be issued with maturity dates in accordance with the Connecticut General Statutes, as amended. The notes shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such notes are within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing such notes, to the extent paid from the proceeds from the issuance of bonds or notes, shall be included as a cost of the project.

BE IT FURTHER RESOLVED, that the bonds, notes or temporary notes may be sold by the Mayor and Treasurer in a public sale, sealed proposal or a negotiated underwriting and the Mayor and the Treasurer are authorized to select the underwriter or underwriters and to enter into, execute and deliver on behalf of the City a contract of purchase for such bonds, notes or temporary notes on such terms and conditions as they shall determine.

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BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds, notes or temporary authorized by this resolution. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, any agreements they deem reasonable or necessary to provide credit enhancement to the bonds, notes or temporary notes. The Mayor and the Treasurer are further authorized to appoint a certifying agent, paying agent, transfer agent, registrar, interest rate advisor, trustee and such other advisers and consultants as they may deem necessary or desirable, and to execute and deliver on behalf of the City any and all tax regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds, notes or temporary notes.

BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept and federal, state or other grants-in-aid for the project, and to take all actions necessary and proper to carry out the project and to issue the bonds, notes or temporary notes to finance the appropriation.

Ald. James A. Wyskiewicz

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Gostin. Roll call vote – 13 in favor, 0 opposed. In favor: Ald. Trueworthy, Black, Cruz, Collins, Catanzaro, Carroll, Hermanowski, Platosz, Kirejczyk, Salvio, Gostin, Bernacki and Bielinski. Approved March 5, 2007 by Mayor Timothy T. Stewart.

Ald. Wyskiewicz arrived.

## RESOLUTION

### **28731-3 RE: TERMINATION OF INTEREST RATE SWAP AGREEMENT**

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

WHEREAS, on September 14, 2005, the Common Council approved Item #28731-1, authorizing the City to enter into a Forward Interest Rate Swap Agreement for General Obligation Bonds; and

WHEREAS, on September 16, 2005, the Mayor and Treasurer entered into a Forward Interest Rate Swap Agreement with Deutsche Bank AG (the "Swap Provider") with a commencement date of April 1, 2007 and a notional amount of \$15,200,000 (the "Swap Agreement"), and

WHEREAS, the Swap Agreement gives the City an option to terminate the Swap Agreement; and

WHEREAS, the Swap Agreement provides that payments will begin on May 1, 2007, unless terminated at an earlier date; and

WHEREAS, there may be conditions in the tax-exempt bond market affecting interest rates; and

WHEREAS, such market conditions may change rapidly and it would be beneficial to the City to give the Mayor and Treasurer the ability to terminate the Swap Agreement, at any time, in their discretion, if they determine that terminating such Swap Agreement is in the best interests of the City, including but not limited to savings on debt service payments.

NOW, THEREFORE, BE IT RESOLVED THAT:

(a) The Mayor and Treasurer are authorized to terminate the Swap Agreement, at any time, in their discretion, if they determine that terminating such Swap Agreement is in the best interests of the City.

(b) The Mayor and Treasurer are authorized to pay to the Swap Provider a swap termination payment in connection with the termination of the Swap Agreement, which termination payment may, in

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their discretion, be paid (i) over the remaining term of the Swap Agreement on terms as provided in such Swap Agreement, or (ii) from the premium or other proceeds of any bonds that are issued in connection with the termination of the Swap Agreement.

(c) The Mayor and Treasurer are authorized to accept from the Swap Provider a swap termination payment in connection with the termination of the Swap Agreement.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to execute and deliver a termination notice or termination agreement and any and all supporting documentation in connection with the termination of the Swap Agreement on behalf of the City in relation thereto as may be necessary or desirable to accomplish such purposes.

Ald. Louis Salvio  
Minority Leader

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Collins. Roll call vote – 14 in favor, 0 opposed. In favor: Ald. Trueworthy, Black, Cruz, Collins, Catanzaro, Carroll, Hermanowski, Platosz, Kirejczyk, Wyskiewicz, Salvio, Gostin, Bernacki and Bielinski. Approved March 5, 2007 by Mayor Timothy T. Stewart.

There being no further business to come before the Council, Ald. Bernacki moved to adjourn; seconded by Ald. Gostin. So voted. Meeting adjourned at 7:01 p.m.

ATTEST: Peter J. Denuzze, City Clerk