

March 12, 2008

SPECIAL MEETING OF THE COMMON COUNCIL

MARCH 12, 2008

The Special Meeting of the Common Council was called to order by Mayor Timothy T. Stewart on Wednesday, the 12th day of March 2008 at 7:08 P.M. in the Common Council Chambers, City Hall.

Fourteen members were present at roll call: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Hermanowski, Salvio, Bernacki and Bielinski.

Ald. Catanzaro arrived at 7:23 P.M.

Ald. Trueworthy motioned to waive reading of the warrant. Seconded by Ald. Bielinski. So voted.

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, Tonilynn Collins, Silvia Cruz, Lawrence J. Hermanowski, Adam Platosz, Lori A. Rocha, Louis G. Salvio, Michael W. Trueworthy, Gregory J. Gerratana, Eva Magnuszewski, Phil Sherwood and Roy Centeno, Aldermen and Alderwomen of said city, that there will be a special meeting of the Common Council on Wednesday, March 12, 2008 at 6:30 p.m in the Council Chambers, 27 West Main Street, City Hall, for the following purpose:

1. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Amendment to the \$17,000,000 Appropriation and Bond Authorization to Refund All or a Portion of the City's Variable Rate Demand Revenue Bonds, Series 2005.
2. To act upon a resolution regarding an Amendment to the \$17,000,000 Appropriation and Bond Authorization to Refund All or a Portion of the City's Variable Rate Demand Revenue Bonds, Series 2005.
3. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Authorization of an Interest Rate Swap Agreement for the City's General Obligation Pension Refunding Bonds.
4. To act upon a resolution regarding an Authorization of an Interest Rate Swap Agreement for the City's General Obligation Pension Refunding Bonds.
5. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Authorization of an Interest Rate Swap Agreement for Refunding Bonds for the Variable Rate Demand Revenue Bonds, Series 2005.

March 12, 2008

6. To act upon a resolution regarding an Authorization of an Interest Rate Swap Agreement for Refunding Bonds for the Variable Rate Demand Revenue Bonds, Series 2005.
7. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Amendment to the \$5,075,000 Appropriation and Bond Authorization for Improvements and Repairs to Szczesny Municipal Parking Garage and Badolato Municipal Parking Garage for Change in Project Scope.
8. To act upon a resolution regarding an Amendment to the \$5,075,000 Appropriation and Bond Authorization for Improvements and Repairs to Szczesny Municipal Parking Garage and Badolato Municipal Parking Garage for Change in Project Scope.

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

Dated at New Britain, this 7th day of March 2008.

Timothy T. Stewart, Mayor

REPORT OF STANDING BONDING SUBCOMMITTEE

26790-8 RE: AMENDMENT TO THE \$17,000,000 APPROPRIATION AND BOND AUTHORIZATION TO REFUND ALL OR A PORTION OF THE CITY'S VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005 TO PROVIDE FOR THE ISSUANCE OF EITHER GENERAL OBLIGATION OR REVENUE REFUNDING BONDS

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 March 12, 2008 on a motion by Committee member Lawrence J. Hermanowski and seconded by Committee member Louis G. Salvio, the following resolution was adopted:

RESOLVED, that the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council that the resolution entitled "\$17,000,000 Appropriation and Bond Authorization to Refund All or a Portion of the City's Variable Rate Demand Revenue Bonds, Series 2005" adopted by the Common Council on March 4, 2008 under Item #26790-7, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 4, 2008, be amended to provide for issuance of either general obligation or revenue refunding bonds, and to read as follows:

"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 meetings held on March 4, 2008 and March 12, 2008, that the sum of \$17,000,000 be appropriated for the purpose of paying, funding or refunding prior to maturity all or any part of the City's Variable Rate Demand Revenue Bonds, Series 2005, the redemption premium, if any, with respect thereto, to pay related costs with respect to the issuance of such bonds, to pay all termination fees and related costs incurred from the termination of the Interest Rate Swap Agreement related thereto, and to fund one or more escrow accounts, if any, for such purposes, and to meet said appropriation and in lieu of a tax therefor, bonds of the City be issued pursuant to Article XII of the City Charter and Chapters 102 and 109 of the Connecticut General Statutes,

March 12, 2008

as amended, or any other provision of law thereto enabling, in an amount not to exceed \$17,000,000 or so much thereof as may be necessary after deducting other sources of funds available therefor.

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 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 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 as bonds 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 is in the public interest.

BE IT FURTHER RESOLVED, that the bonds may be sold in a single issue or may be consolidated with other authorized but unissued bonds of the City. The bonds 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 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 shall be either general obligations of the City for which the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon or be payable from the revenues of the City derived from the operations of its water facilities, as determined by the Mayor and Treasurer, and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, and that such bonds are within every debt and other limit prescribed by law. The aggregate principal amount of bonds 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 shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the bonds 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 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 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 and liquidity to the bonds. 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

March 12, 2008

regulatory, credit enhancement, continuing disclosure, security, letter of representation or other agreements they deem necessary to provide for the issuance of such bonds.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, a Trust Indenture or Supplemental Trust Indenture, and any other agreements, instruments or documents necessary or desirable in accordance with such Trust Indenture or Supplemental Trust Indenture, in a form to be approved by the Mayor and the Treasurer, in their discretion, with a bank having corporate trust powers in the State of Connecticut.”

Michael W. Trueworthy – Acting Chairman,
Bonding Subcommittee of the Committee on
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Bielinski. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

RESOLUTION

26790-9 RE: AMENDMENT TO THE \$17,000,000 APPROPRIATION AND BOND AUTHORIZATION TO REFUND ALL OR A PORTION OF THE CITY’S VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005 TO PROVIDE FOR THE ISSUANCE OF EITHER GENERAL OBLIGATION OR REVENUE REFUNDING BONDS

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 March 12, 2008 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 March 4, 2008, that the resolution entitled “\$17,000,000 Appropriation and Bond Authorization to Refund All or a Portion of the City’s Variable Rate Demand Revenue Bonds, Series 2005” adopted by the Common Council on March 4, 2008 under Item #26790-7, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on March 4, 2008, be amended to provide for issuance of either general obligation or revenue refunding bonds, and to read as follows:

“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 meetings held on March 4, 2008 and March 12, 2008, that the sum of \$17,000,000 be appropriated for the purpose of paying, funding or refunding prior to maturity all or any part of the City’s Variable Rate Demand Revenue Bonds, Series 2005, the redemption premium, if any, with respect thereto, to pay related costs with respect to the issuance of such bonds, to pay all termination fees and related costs incurred from the termination of the Interest Rate Swap Agreement related thereto, and to fund one or more escrow accounts, if any, for such purposes, and to meet said appropriation and in lieu of a tax therefor, bonds of the City be issued pursuant to Article XII of the City Charter and Chapters 102 and 109 of the Connecticut General Statutes, as amended, or any other provision of law thereto enabling, in an amount not to exceed \$17,000,000 or so much thereof as may be necessary after deducting other sources of funds available therefor.

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

March 12, 2008

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 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 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 as bonds 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 is in the public interest.

BE IT FURTHER RESOLVED, that the bonds may be sold in a single issue or may be consolidated with other authorized but unissued bonds of the City. The bonds 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 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 shall be either general obligations of the City for which the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon or be payable from the revenues of the City derived from the operations of its water facilities, as determined by the Mayor and Treasurer, and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, and that such bonds are within every debt and other limit prescribed by law. The aggregate principal amount of bonds 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 shall be determined by the Mayor and the Treasurer.

BE IT FURTHER RESOLVED, that the bonds 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 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 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 and liquidity to the bonds. 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.

BE IT FURTHER RESOLVED, that the Mayor and the Treasurer are further authorized to enter into, execute and deliver, on behalf of the City, a Trust Indenture or Supplemental Trust Indenture, and any other agreements, instruments or documents necessary or desirable in accordance with such Trust Indenture or Supplemental Trust Indenture, in a form to be approved

March 12, 2008

by the Mayor and the Treasurer, in their discretion, with a bank having corporate trust powers in the State of Connecticut.”

Alderman Michael W. Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. Roll call vote, 14 in favor, 0 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Hermanowski, Salvio, Bernacki and Bielinski. RESOLUTION ADOPTED. Approved March 18, 2008 by Mayor Timothy T. Stewart.

REPORT OF STANDING BONDING SUBCOMMITTEE

30024 RE: INTEREST RATE SWAP AGREEMENT FOR GENERAL OBLIGATION PENSION REFUNDING BONDS

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 (“Standing Bonding Subcommittee”) held on March 12, 2008, on a motion by Committee member Hermanowski, and seconded by Committee member Salvio, the following resolution was adopted:

WHEREAS, on February 24, 1998, the City issued its \$40,000,000 General Obligation Pension Bonds to fund the unfunded liability in the Police Benefit Fund and the Firemen’s Pension Fund; and

WHEREAS, on March 4, 2008, the Common Council authorized the issuance of up to \$52,000,000 bonds of the City to refund all or a portion of the City’s \$40,000,000 General Obligation Pension Bonds, issued in 1998 (the “Bonds”); and

WHEREAS, the City may issue the Bonds with variable interest rates; and

WHEREAS, the Standing Bonding Subcommittee has examined the rates of interest that are anticipated to be paid on the Bonds; and

WHEREAS, in connection with the selling and issuance of the Bonds, to place the obligation of the City, as represented by the Bonds, on an interest rate basis that is advantageous to the City, the Standing Bonding Subcommittee finds that the execution and delivery of an “Interest Rate Swap Agreement” is in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, that the Standing Bonding Subcommittee of the City of New Britain recommends to the Common Council that:

(a) The City enter into a “Interest Rate Swap Agreement” (the “Swap Agreement”) for the purpose of establishing the fixed rates of interest on the Bonds upon the sale and issuance of the Bonds, provided that (i) the Swap Agreement shall provide for a net interest cost of no more than 7.50%; and (ii) the Swap Agreement shall be executed no later than June 30, 2008. Payments under the Swap Agreement will commence on the date of issuance of the Bonds and will terminate not later than the final maturity date of the Bonds, unless terminated at an earlier date as described below (the “Swap Termination Date”). Pursuant to the Swap Agreement, the City will make fixed rate payments to the Swap Provider and the Swap Provider will make variable rate payments to the City, resulting in the City’s net interest costs with respect to the Bonds effectively constituting a fixed rate until the Swap Termination Date. Notwithstanding the Swap Agreement, the City will remain liable to pay interest on the Bonds.

(b) The full faith and credit of the City be pledged to the prompt payment of the amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement.

March 12, 2008

(c) Pursuant to the terms and conditions of the Swap Agreement, the City waive any rights it may have to claim immunity on the grounds of sovereignty or other similar grounds with respect to itself or its revenues or assets, as provided in the Swap Agreement.

(d) The Swap Agreement may be terminated by the Mayor and Treasurer upon their determination that such termination is in the best interest of the City.

BE IT FURTHER RESOLVED, that the Standing Bonding Subcommittee of the City of New Britain recommends to the Common Council that the Mayor and Treasurer be authorized to choose the Swap Provider, determine the terms and conditions of the Swap Agreement not otherwise provided by this resolution, execute and deliver the Swap Agreement and any and all supporting documentation in relation thereto as may be necessary or desirable to accomplish such purposes, and upon such execution and delivery, the obligations of the City under said Swap Agreement shall, in accordance with the City Charter, be obligatory upon the City and its inhabitants in the same manner as debts contracted by municipal corporations in the State of Connecticut.

Ald. Michael W. Trueworthy – Acting
Chairman, Standing Bonding Subcommittee of
the Committee on Administration, Finance and
Law

Ald. Trueworthy moved to accept, seconded by Ald. Collins. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

Ald. Catanzaro arrived.

RESOLUTION

30024-1 RE: INTEREST RATE SWAP AGREEMENT FOR GENERAL OBLIGATION PENSION REFUNDING BONDS

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 special meeting of the Common Council held on March 12, 2008 on a motion by Council member Trueworthy and seconded by Council member Salvio, the following resolution was adopted:

WHEREAS, on February 24, 1998, the City issued its \$40,000,000 General Obligation Pension Bonds to fund the unfunded liability in the Police Benefit Fund and the Firemen's Pension Fund; and

WHEREAS, on March 4, 2008, the Common Council authorized the issuance of up to \$52,000,000 bonds of the City to refund all or a portion of the City's \$40,000,000 General Obligation Pension Bonds (the "Bonds"); and

WHEREAS, the City may issue the Bonds with variable interest rates; and

WHEREAS, the Standing Bonding Subcommittee has examined the rates of interest that are anticipated to be paid on the Bonds; and

WHEREAS, in connection with the selling and issuance of the Bonds, to place the obligation of the City, as represented by the Bonds, on an interest rate basis that is advantageous to the City, the Standing Bonding Subcommittee has found that the execution and delivery of an "Interest Rate Swap Agreement" is in the best interest of the City.

March 12, 2008

WHEREAS, the Standing Bonding Subcommittee at its meeting held on March 12, 2008, recommended that the resolutions set forth below be approved.

IT IS HEREBY RESOLVED THAT:

(a) The City enter into a "Interest Rate Swap Agreement" (the "Swap Agreement") for the purpose of establishing the fixed rates of interest on the Bonds upon the sale and issuance of the Bonds, provided that (i) the Swap Agreement shall provide for a net interest cost of no more than 7.50%; and (ii) the Swap Agreement shall be executed no later than June 30, 2008. Payments under the Swap Agreement will commence on the date of issuance of the Bonds and will terminate not later than the final maturity date of the Bonds, unless terminated at an earlier date as described below (the "Swap Termination Date"). Pursuant to the Swap Agreement, the City will make fixed rate payments to the Swap Provider and the Swap Provider will make variable rate payments to the City, resulting in the City's net interest costs with respect to the Bonds effectively constituting a fixed rate until the Swap Termination Date. Notwithstanding the Swap Agreement, the City will remain liable to pay interest on the Bonds.

(b) The full faith and credit of the City be pledged to the prompt payment of the amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement.

(c) Pursuant to the terms and conditions of the Swap Agreement, the City waive any rights it may have to claim immunity on the grounds of sovereignty or other similar grounds with respect to itself or its revenues or assets, as provided in the Swap Agreement.

(d) The Swap Agreement may be terminated by the Mayor and Treasurer upon their determination that such termination is in the best interest of the City.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to choose the Swap Provider, determine the terms and conditions of the Swap Agreement not otherwise provided by this resolution, execute and deliver the Swap Agreement and any and all supporting documentation in relation thereto as may be necessary or desirable to accomplish such purposes, and upon such execution and delivery, the obligations of the City under said Swap Agreement shall, in accordance with the City Charter, be obligatory upon the City and its inhabitants in the same manner as debts contracted by municipal corporations in the State of Connecticut.

Alderman Michael W. Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. Roll call vote – 14 in favor, 1 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Catanzaro, Hermanowski, Salvio and Bielinski. Opposed: Ald. Bernacki. RESOLUTION ADOPTED. Approved March 18, 2008 by Mayor Timothy T. Stewart.

REPORT OF STANDING BONDING SUBCOMMITTEE

30025 RE: INTEREST RATE SWAP AGREEMENT FOR REFUNDING BONDS FOR THE VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005

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 ("Standing Bonding Subcommittee") held on March 12, 2008, on a motion by Committee member Hermanowski, and seconded by Committee member Salvio, the following resolution was adopted:

WHEREAS, on April 8, 2005, the City issued its \$14,000,000 Variable Rate Demand Revenue Bonds, Series 2005, to finance the construction of a new water treatment plant and related infrastructure; and

March 12, 2008

WHEREAS, on March 4, 2008, the Common Council authorized the issuance of up to \$17,000,000 bonds of the City to refund all or a portion of the City's \$14,000,000 Variable Rate Demand Revenue Bonds, Series 2005 (the "Bonds"); and

WHEREAS, the City may issue the Bonds with variable interest rates; and

WHEREAS, the Standing Bonding Subcommittee has examined the rates of interest that are anticipated to be paid on the Bonds; and

WHEREAS, in connection with the selling and issuance of the Bonds, to place the obligation of the City, as represented by the Bonds, on an interest rate basis that is advantageous to the City, the Standing Bonding Subcommittee finds that the execution and delivery of an "Interest Rate Swap Agreement" is in the best interest of the City.

NOW THEREFORE BE IT RESOLVED, that the Standing Bonding Subcommittee of the City of New Britain recommends to the Common Council that:

(a) The City enter into a "Interest Rate Swap Agreement" (the "Swap Agreement") for the purpose of establishing the fixed rates of interest on the Bonds upon the sale and issuance of the Bonds, provided that (i) the Swap Agreement shall provide for a net interest cost of no more than 6.00%; and (ii) the Swap Agreement shall be executed no later than June 30, 2008. Payments under the Swap Agreement will commence on the date of issuance of the Bonds and will terminate not later than the final maturity date of the Bonds, unless terminated at an earlier date as described below (the "Swap Termination Date"). Pursuant to the Swap Agreement, the City will make fixed rate payments to the Swap Provider and the Swap Provider will make variable rate payments to the City, resulting in the City's net interest costs with respect to the Bonds effectively constituting a fixed rate until the Swap Termination Date. Notwithstanding the Swap Agreement, the City will remain liable to pay interest on the Bonds.

(b) To the extent the full faith and credit of the City is pledged to the Bonds, the full faith and credit of the City shall be pledged to the prompt payment of the amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement. To the extent the Bonds are payable from the revenues of the City derived from the operations of its water facilities, amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement may be payable from such revenues.

(c) Pursuant to the terms and conditions of the Swap Agreement, the City waive any rights it may have to claim immunity on the grounds of sovereignty or other similar grounds with respect to itself or its revenues or assets, as provided in the Swap Agreement.

(d) The Swap Agreement may be terminated by the Mayor and Treasurer upon their determination that such termination is in the best interest of the City.

BE IT FURTHER RESOLVED, that the Standing Bonding Subcommittee of the City of New Britain recommends to the Common Council that the Mayor and Treasurer be authorized to choose the Swap Provider, determine the terms and conditions of the Swap Agreement not otherwise provided by this resolution, execute and deliver the Swap Agreement and any and all supporting documentation in relation thereto as may be necessary or desirable to accomplish such purposes, and upon such execution and delivery, the obligations of the City under said Swap Agreement shall, in accordance with the City Charter, be obligatory upon the City and its inhabitants in the same manner as debts contracted by municipal corporations in the State of Connecticut.

Ald. Michael W. Trueworthy – Acting Chairman,
Standing Bonding Subcommittee of the
Committee on Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Salvio. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

March 12, 2008

RESOLUTION

30025-1 RE: INTEREST RATE SWAP AGREEMENT FOR REFUNDING BONDS FOR THE VARIABLE RATE DEMAND REVENUE BONDS, SERIES 2005

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

At a special meeting of the Common Council held on March 12, 2008, on a motion by Council member Trueworthy and seconded by Council member Bielinski, the following resolution was adopted:

WHEREAS, on April 8, 2005, the City issued its \$14,000,000 Variable Rate Demand Revenue Bonds, Series 2005, to finance the construction of a new water treatment plant and related infrastructure; and

WHEREAS, on March 4, 2008, the Common Council authorized the issuance of up to \$17,000,000 bonds of the City to refund all or a portion of the City's \$14,000,000 Variable Rate Demand Revenue Bonds, Series 2005 (the "Bonds"); and

WHEREAS, the City may issue the Bonds with variable interest rates; and

WHEREAS, the Standing Bonding Subcommittee has examined the rates of interest that are anticipated to be paid on the Bonds; and

WHEREAS, in connection with the selling and issuance of the Bonds, to place the obligation of the City, as represented by the Bonds, on an interest rate basis that is advantageous to the City, the Standing Bonding Subcommittee has found that the execution and delivery of an "Interest Rate Swap Agreement" is in the best interest of the City.

WHEREAS, the Standing Bonding Subcommittee at its meeting held on March 12, 2008, recommended that the resolutions set forth below be approved.

IT IS HEREBY RESOLVED THAT:

(a) The City enter into a "Interest Rate Swap Agreement" (the "Swap Agreement") for the purpose of establishing the fixed rates of interest on the Bonds upon the sale and issuance of the Bonds, provided that (i) the Swap Agreement shall provide for a net interest cost of no more than 6.00%; and (ii) the Swap Agreement shall be executed no later than June 30, 2008. Payments under the Swap Agreement will commence on the date of issuance of the Bonds and will terminate not later than the final maturity date of the Bonds, unless terminated at an earlier date as described below (the "Swap Termination Date"). Pursuant to the Swap Agreement, the City will make fixed rate payments to the Swap Provider and the Swap Provider will make variable rate payments to the City, resulting in the City's net interest costs with respect to the Bonds effectively constituting a fixed rate until the Swap Termination Date. Notwithstanding the Swap Agreement, the City will remain liable to pay interest on the Bonds.

(b) To the extent the full faith and credit of the City is pledged to the Bonds, the full faith and credit of the City shall be pledged to the prompt payment of the amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement. To the extent the Bonds are payable from the revenues of the City derived from the operations of its water facilities, amounts due and owing by the City to the Swap Provider in accordance with the terms and conditions of the Swap Agreement may be payable from such revenues.

(c) Pursuant to the terms and conditions of the Swap Agreement, the City waive any rights it may have to claim immunity on the grounds of sovereignty or other similar grounds with respect to itself or its revenues or assets, as provided in the Swap Agreement.

(d) The Swap Agreement may be terminated by the Mayor and Treasurer upon their determination that such termination is in the best interest of the City.

BE IT FURTHER RESOLVED, that the Mayor and Treasurer are authorized to choose the Swap Provider, determine the terms and conditions of the Swap Agreement not otherwise

March 12, 2008

provided by this resolution, execute and deliver the Swap Agreement and any and all supporting documentation in relation thereto as may be necessary or desirable to accomplish such purposes, and upon such execution and delivery, the obligations of the City under said Swap Agreement shall, in accordance with the City Charter, be obligatory upon the City and its inhabitants in the same manner as debts contracted by municipal corporations in the State of Connecticut.

Alderman Michael W. Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bielinski. Roll call vote – 15 members in favor, 0 opposed. In Favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Catanzaro, Hermanowski, Salvio, Bernacki and Bielinski. RESOLUTION ADOPTED. Approved March 18, 2008 by Mayor Timothy T. Stewart.

REPORT OF STANDING BONDING SUBCOMMITTEE

30026 RE: AMENDMENT TO THE \$5,075,000 APPROPRIATION AND BOND AUTHORIZATION FOR IMPROVEMENTS AND REPAIRS TO SZCZESNEY MUNICIPAL PARKING GARAGE AND BADOLATO MUNICIPAL PARKING GARAGE FOR CHANGE IN PROJECT SCOPE

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 March 12, 2008 on a motion by Committee member Hermanowski and seconded by Committee member Salvio, the following resolution was adopted:

RESOLVED, that the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council that the resolution entitled “\$5,075,000 Appropriation and Bond Authorization for Improvements and Repairs to Szczesney Municipal Parking Garage and Badolato Municipal Parking Garage” adopted by the Common Council on April 11, 2007 under Item #29559-1, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on April 11, 2007, and amended by the Common Council on September 26, 2007 under Item #29559-3, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting held on September 17, 2007, be further amended to include costs for minor capital repairs to the Linda A. Blogoslawski Parking Garage, and to read as follows:

“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 meetings held on March 22, 2007, September 17, 2007 and March 12, 2008, that the sum of \$5,075,000 be appropriated for costs related to improvements and repairs to Szczesney Municipal Parking Garage and Badolato Municipal Parking Garage, including without limitation, costs for concrete repairs, waterproofing repairs, architectural upgrades and repairs, electrical upgrades and repairs, plumbing/mechanical upgrades and repairs, revenue controls, elevator repairs, security system upgrades, costs for City Hall security, costs for minor capital repairs to the Linda A. Blogoslawski Parking Garage, 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 \$5,075,000 or so much thereof as may be necessary after deducting grants or other sources of funds available for the project.

March 12, 2008

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

March 12, 2008

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. Michael W. Trueworthy – Acting Chairman,
Bonding Subcommittee of the Committee on
Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Bielinski. So voted. Approved March 18, 2008 by Mayor Timothy T. Stewart.

RESOLUTION

30026-1 RE: AMENDMENT TO THE \$5,075,000 APPROPRIATION AND BOND AUTHORIZATION FOR IMPROVEMENTS AND REPAIRS TO SZCZESNEY MUNICIPAL PARKING GARAGE AND BADOLATO MUNICIPAL PARKING GARAGE FOR CHANGE IN PROJECT SCOPE

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 March 12, 2008 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 March 12, 2008, that the resolution entitled “\$5,075,000 Appropriation and Bond Authorization for Improvements and Repairs to Szczesney Municipal Parking Garage and Badolato Municipal Parking Garage” adopted by the Common Council on April 11, 2007 under Item #29559-1, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting April 11, 2007, and amended by the Common Council on September 26, 2007 under Item #29559-3, on the recommendation of the Standing Bonding Subcommittee of the Committee on Administration, Finance and Law adopted at its meeting September 17, 2007, be further amended to include costs for minor capital repairs to the Linda A. Blogoslawski Parking Garage, and to read as follows:

“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 meetings held on March 22, 2007, September 17, 2007 and March 12, 2008, that the sum of \$5,075,000 be appropriated for costs related to improvements and repairs to

March 12, 2008

Szczesney Municipal Parking Garage and Badolato Municipal Parking Garage, including without limitation, costs for concrete repairs, waterproofing repairs, architectural upgrades and repairs, electrical upgrades and repairs, plumbing/mechanical upgrades and repairs, revenue controls, elevator repairs, security system upgrades, costs for City Hall security, costs for minor capital repairs to the Linda A. Blogoslawski Parking Garage, 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 \$5,075,000 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.

March 12, 2008

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 Michael W. Trueworthy

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Salvio. Roll call vote – 15 in favor, 0 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Gerratana, Centeno, Black, Cruz, Collins, Catanzaro, Hermanowski, Salvio, Bernacki and Bielinski. RESOLUTION ADOPTED. Approved March 18, 2008 by Mayor Timothy T. Stewart.

Ald. Bielinski moved to adjourn, seconded by Ald. Trueworthy. So voted. Meeting adjourned at 7:40 P.M.

ATTEST: Peter J. Denuzze, City Clerk