

June 10, 2009

SPECIAL MEETING OF THE COMMON COUNCIL

JUNE 10, 2009

Mayor Timothy T. Stewart called the Special Meeting of the Common Council to order on Wednesday, the 10th day of June 2009 at 7:31 p.m. in the Common Council Chambers, City Hall.

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

Two members were absent: Ald. Gerratana and Ald. Cruz.

Ald. Trueworthy moved to waive the reading of the Mayor's 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 J. 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, June 10, 2009 at 6:45 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 a \$7,300,000 Appropriation and Bond Authorization for the Beaver Street Reconstruction Project.
2. To act upon a resolution regarding a \$7,300,000 Appropriation and Bond Authorization for the Beaver Street Reconstruction Project.
3. To accept a report of the Bonding Subcommittee of the Committee on Administration, Finance and Law regarding an Amendment to the \$8,450,000 Appropriation and Bond Authorization for the Purchase of Various Capital Equipment for Change in Project Scope.
4. To act upon a resolution regarding an Amendment to the \$8,450,000 Appropriation and Bond Authorization for the Purchase of Various Capital Equipment for Change in Project Scope.

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

Dated at New Britain, this 2nd day of June 2009.

Timothy T. Stewart, Mayor

REPORT OF THE BONDING COMMITTEE

30581 RE: \$7,300,000 APPROPRIATION AND BOND AUTHORIZATION FOR BEAVER STREET RECONSTRUCTION PROJECT

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 June 10, 2009 on a motion by Committee member Salvio and seconded by Committee member Hermanowski, 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 sum of \$7,300,000 be appropriated for the Beaver Street Reconstruction Project, comprised of reconstructing Beaver Street, the realignment of the intersection of Washington Street, Beaver Street, and Farmington Avenue, traffic signal improvements, streetscape type enhancements, drainage and utility improvements, and other related work, including without limitation preliminary engineering, design and permitting, right-of-way acquisition, bid procedures, construction, consulting fees, geotechnical and environmental investigations, contractor costs, costs related to administering the STP Urban Grant, 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 \$7,300,000 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council 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 Standing Bonding Subcommittee of the Committee on Administration, Finance and Law of the City of New Britain recommends to the Common Council

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that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept any 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.

Chairman, Bonding Subcommittee of the
Committee on Administration, Finance and Law

Ald. Trueworthy moved to accept, seconded by Ald. Salvio. So voted. Approved June 11, 2009 by Mayor Timothy T. Stewart.

RESOLUTION

30581-1 RE: \$7,300,000 APPROPRIATION AND BOND AUTHORIZATION FOR BEAVER STREET RECONSTRUCTION PROJECT

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 June 10, 2009 on a motion by Council member Trueworthy and seconded by Council member Bernacki 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 June 10, 2009, that the sum of \$7,300,000 be appropriated for the Beaver Street Reconstruction Project, comprised of reconstructing Beaver Street, the realignment of the intersection of Washington Street, Beaver Street, and Farmington Avenue, traffic signal improvements, streetscape type enhancements, drainage and utility improvements, and other related work, including without limitation preliminary engineering, design and permitting, right-of-way acquisition, bid procedures, construction, consulting fees, geotechnical and environmental investigations, contractor costs, costs related to administering the STP Urban Grant, 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 \$7,300,000 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.

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BE IT FURTHER RESOLVED, that the Mayor, Treasurer and other City officials and employees are authorized to apply for and accept any 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 Tonilynn Collins

Ald. Trueworthy moved to accept and adopt, seconded by Ald. Bernacki. Roll call vote – 13 in favor, 0 opposed. In favor: Ald. Trueworthy, Rocha, Sherwood, Magnuszewski, Platosz, Centeno, Black, Collins, Catanzaro, Hermanowski, Salvio, Bernacki and Bielinski. Approved June 11, 2009 by Mayor Timothy T. Stewart.

Ald. Trueworthy moved to adjourn, seconded by Ald. Bielinski. So voted. Meeting adjourned at 7:15 p.m.

ATTEST: Peter J. Denuzze, City Clerk

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