

AGENDA
BOARD OF MAYOR AND BURGESSES
SPECIAL MEETING
June 9, 2009

1. Mayor Robert Mezzo will call the special meeting to order at _____ **p.m.**
 2. Pledge of Allegiance to the Flag
 3. Motion by Burgess _____ to recess to Executive Session at _____ **p.m.** for discussion on the following: Real Estate, inviting in _____.
- Mayor Mezzo will reconvene the meeting at **p.m.**
4. Discussion/possible action on matters emanating from Executive Session.
 5. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution:

BOROUGH OF NAUGATUCK
BOARD OF MAYOR AND BURGESSES RESOLUTION
RECOMMENDING AN APPROPRIATION OF \$3,000,000 AND AUTHORIZING
A MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT

WHEREAS, the Board of Mayor and Burgesses of the Borough of Naugatuck (the “Board”) has determined that a true and very real need exists for the equipment, upgrades and installations as set forth on Schedule A attached hereto (the “Equipment”); and

WHEREAS, the Borough of Naugatuck (the “Lessee”), has or will take the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, the Board proposes to finance the acquisition of the Equipment with a Master Equipment Lease/Purchase Agreement and schedules to evidence the purchase of particular portions of the Equipment substantially in the form attached hereto in Schedule B (the “Lease”) with Banc of America Public Capital Corp (the “Lessor”) for use within the Borough of Naugatuck; and

WHEREAS, this Resolution shall supersede all previous resolutions approved by the Board, Board of Finance and the Board of Finance and Board of Mayor and Burgesses sitting jointly (the “Joint Board”) pertaining to the Equipment; and

WHEREAS, the rental payments under the Lease (“Lease Payments”) shall be subject to annual appropriations; and

WHEREAS, all Lease Payments which may be due by the Lessee pursuant to the Lease for fiscal year ending June 30, 2010, if any, are within an available, unexhausted and unencumbered appropriation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND BURGESSES OF THE BOROUGH OF NAUGATUCK AS FOLLOWS:

Section 1. It is hereby recommended to the Board of Finance that it appropriate \$3,000,000 for the purchase of the Equipment to be financed with the Lease.

Section 2. Provided that the appropriation to acquire the Equipment and to make the Lease Payments to become due in fiscal year ending June 30, 2010, if any, is approved by the Joint Board, the Mayor of the Lessee is authorized to acquire the Equipment, to execute and deliver the Lease with the Lessor, and to execute and deliver any acceptance certificates, schedules of payments, escrow agreements and related documents in connection with the leasing of the Equipment as may be approved by the Mayor, such approvals to be conclusively evidenced by the execution and delivery of such agreements, certificates and documents.

Section 3. The Mayor and the Controller of the Borough of Naugatuck be, and each of them hereby is, authorized and directed to execute and deliver such other papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the terms and obligations of the Lease in connection with the purchase and lease of the Equipment.

Section 4. The Lessee hereby designates the Lease as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Internal Revenue Code.

Section 5. The Lessee reasonable expects to incur expenditures (the “Expenditures”) in connection with the acquisition of the Equipment for which a general functional description is provided on Schedule A. The Lessee reasonably expects to reimburse itself for the cost of such Expenditures with the proceeds of the obligation described above. The maximum principal amount of such obligation is not expected to exceed \$3,000,000. This declaration of official intent is a declaration of official intent made pursuant to Treasury Regulation Section 1.1501.

Schedule A
List of Equipment

Hop Brook Golf Course Building Upgrades
Hop Brook School Roof
Sanitation Refuse Truck Bodies
School Server Upgrades
VOIP (Voice Over Internet Protocol) Telephone System
Andrew Ave & Central Ave Roof Project

Schedule B

Master Equipment Lease/Purchase Agreement

ROLL CALL VOTE:

6. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution:

Hartford/59032.1/CFIELD/372137v2

WHEREAS, pursuant to CGS 4-66C, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and **WHEREAS**, it is desirable and in the public interest that the **Mayor, Robert Mezzo** make an application to the State for **\$25,000**, in order to undertake the **Lewis Circle Development Project**, and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Mayor and Burgesses:

That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by **CGS 4-66C**

1. That the filing of an application for State financial assistance by the **Borough of Naugatuck** in an amount not to exceed **\$25,000** is hereby approved and that **Mayor Mezzo** is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Borough of Naugatuck.

2. That it hereby adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties required under subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a60a, respectively, as amended by Public Act 07-234 and sections 9(a)(1) and 10(a)(1) of Public Act 07-142 and, for which purposes the “contractor” is the Borough of Naugatuck and “contract” is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the State of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

ROLL CALL VOTE:

7. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution:

RESOLVED, that Mayor Robert Mezzo, Mayor of the Borough of Naugatuck be and hereby is authorized to execute on behalf of this municipal corporation an **Open Space Grant Agreement** with the State of Connecticut for financial assistance to

Fairchild Park CSAP 2005-07.

In addition, that Mayor Robert Mezzo, is hereby authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

ROLL CALL VOTE:

8. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution:

RESOLVED, that Robert Mezzo, Mayor of the Borough of Naugatuck be and hereby is authorized to execute on behalf of this municipal corporation an **Open Space Grant Agreement** with the State of Connecticut for financial assistance to **Naugatuck Park Infrastructure and Enhancement (CUAP 2002-03)**.

In addition, that Mayor Robert Mezzo, is hereby authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

ROLL CALL VOTE:

9. Motion by _____ to adjourn the meeting at _____ **p.m.**

cc: Mayor/W. McAllister/File