

**AGENDA
SPECIAL MEETING
BOARD OF MAYOR AND BURGESSES
JULY 23, 2024**

The Borough of Naugatuck will host all borough board meetings on a hybrid basis. Everyone is welcome to attend in person, by Zoom Webinar or by phone.

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1. Mayor “Pete” Hess will call the special meeting to order at _____ p.m.
2. Pledge of Allegiance to the flag.
3. **Mission 22 Way Bridge Replacement** – discussion.
4. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution approving the Borough of Naugatuck’s application to the Connecticut Department of Energy and Environmental Protection for a **Declaration of Environmental Land Use Restriction and Grant of Easement and certain Subordination Documents**, and to authorize the Mayor on behalf of the Borough of Naugatuck to execute the ELUR application and Subordination Documents, as if read:

WHEREAS, pursuant to the terms of an Environmental Undertaking Agreement, dated September 3, 2015, and amended by a First Amendment to Environmental Undertaking Agreement, dated February 14, 2024, the Borough of Naugatuck (the “BON”) must remediate certain environmental conditions on the real property located at 58 Maple Street, Naugatuck, Connecticut (the “Property”); and

WHEREAS, in order to comply with the State of Connecticut remediation regulations, the BON must submit an application to the Connecticut Department of Energy and Environmental Protection (“DEEP”) for a Declaration of Environmental Land Use Restriction and Grant of Easement (the “ELUR”). The ELUR is a legal interest in the Property that will restrict usage of the Property so that certain contaminated soils will not be disturbed and residential uses cannot take place on certain portions of the Property, as are further described in the ELUR; and

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WHEREAS, upon the approval of the ELUR application, the ELUR will be recorded on the land records of the BON; and

WHEREAS, the owners of the Property are Heritage Downtown LLC and J2 Holdings LLC (the “Owners”); and

WHEREAS, the BON holds easement interests over and through the Property, which must be subordinated to the ELUR; and

WHEREAS, the BON intends to enter into an Agreement to Subordinate and a Subordination (collectively, the “Subordination Documents”), approved by DEEP, in order to subordinate the BON easements to the ELUR.

NOW, THEREFORE BE IT RESOLVED THAT:

- (i) The foregoing recitals are true and correct and are incorporated herein by this reference as if fully set forth.
- (ii) The Board of Mayor and Burgesses hereby consents to and authorizes the Mayor of the BON to (a) submit the ELUR application to DEEP on behalf of the BON and the Owners; (b) submit the Subordination Documents to DEEP on behalf of the BON; and (c) submit any other documents required in connection with the ELUR and the remediation of the Property.
- (iii) The Mayor, pursuant to the authority granted under the BON Charter and this Resolution, is authorized on behalf of the BON to execute and deliver to DEEP the ELUR application, the ELUR, the Subordination Documents, and any such other documents, certificates or agreements that the Mayor, in his judgment and after consultation with counsel, may deem to be necessary or desirable to effectuate the foregoing resolution, in the name of the BON and to do any and all other acts to effectuate the foregoing, including the recording of the approved ELUR and Subordination on the land records of the BON.
- (iv) This resolution shall take effect upon its adoption.

ROLL CALL VOTE:

- 5. Motion by Burgess _____ that the Board of Mayor and Burgesses adopt the following resolution authorizing the Borough of Naugatuck to undertake programs and projects, authorized under the **Connecticut City and Town Development Act**, to assume and to exercise, as appropriate, all of the rights, powers, obligations and privileges under said act and authorizing such other actions as may be necessary to implement the purposes of the act, as if read:

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WHEREAS, on August 8, 1975, the Connecticut General Assembly passed the Connecticut City and Town Development Act (hereinafter, the “Act”), which Act is set forth in Chapter 114 of the Connecticut General Statutes; and

WHEREAS, the Act provides that municipalities which have found and determined that conditions substantially as described in Conn. Gen. Stats. Section 7-481 exist in the municipality, are continuing and may be ameliorated by the exercise of the powers granted under the Act; and

WHEREAS, conditions substantially as described in Conn. Gen. Stats. Section 7-481 exist in the Borough of Naugatuck (the “Borough”), are continuing and may be ameliorated by the exercise of the powers granted under the Act; and

WHEREAS, it is in the interest of the Borough to implement the provisions of the Act as soon as possible in order to take advantage of the provisions of the Act.

NOW THEREFORE, BE IT HEREBY RESOLVED:

1. That the Board of Mayor and Burgesses of the Borough makes the following findings and legislative determinations:
 - a. Conditions substantially as described in Conn. Gen. Stats. Section 7-481 exist in the Borough, are continuing and may be ameliorated by the exercise of the powers granted under the Act;
 - b. An unreasonable number of Borough residents are subject to hardship in finding employment and adequate, safe and sanitary housing;
 - c. Conditions of blight and deterioration exist in parts of the Borough and the Borough would substantially benefit from the renovation, rehabilitation or construction of commercial or residential properties within its territorial limits;
 - d. Private enterprise is not meeting such need for employment, housing, the reduction of blight and deterioration, or the renovation, rehabilitation or construction of commercial or residential properties in the Borough; and
 - e. The need for employment and adequate, safe and sanitary housing will be lessened and the Borough will be revitalized by the exercise of the powers granted under the Act.
2. That the Borough shall be afforded all of the powers enumerated in Conn. Gen. Stats. Section 7-483, including but not limited to, the power (i) to acquire, receive by gift or otherwise, purchase, acquire options to purchase, own and hold as lessee or lessor any development property which is located within its borders; (ii) to construct,

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- reconstruct, rehabilitate, improve, alter, equip, maintain or repair or provide for the construction, reconstruction, improvement, alteration, equipment or maintenance or repair of any development property and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto upon such terms and conditions as the Borough shall determine to be reasonable, including but not limited to reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of any such development property and the settlement of any claims arising therefrom and the establishment and maintenance of reserve funds with respect to the financing of such development property; (iii) to sell, lease as lessor or lessee, grant options to purchase or to renew a lease, assign, exchange, mortgage as security for notes or bonds issued pursuant to Conn. Gen. Stats. Section 7-491 or otherwise dispose of or encumber and to manage or operate any development property; (iv) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers in furtherance of the purposes of the Act, including contracts and agreements with sponsors; and, (v) in connection with any application or commitment for assistance under the Act, to make and collect such fees and charges as the Borough shall determine to be reasonable.
3. That the Board of Mayor and Burgesses sets the following standards for the implementation of the powers granted under the Act and declares that no action(s) will be taken by the Borough under the powers conferred by the Act unless the following conditions have been met:
- a. Adequate provisions shall be made for the payment of the cost of acquisition, construction, operation, maintenance and insurance of all development property;
 - b. A feasible method exists and shall be utilized for the relocation into safe and sanitary dwellings of comparable rent of families and individuals displaced as a consequence of the exercise of any power granted under the Act and such families and individuals shall not suffer disproportionate injuries as a result of actions authorized by the Act for the public benefit;
 - c. Development property shall not be acquired or disposed of without due consideration of the environmental and economic impact of such acquisition or disposition and the adequacy of existing or proposed municipal services; and
 - d. The acquisition or disposition of all development property shall advance the public interest, general health, safety and welfare, and development, growth and prosperity of the Borough.

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BE IT FURTHER RESOLVED that this Resolution shall become effective upon its approval by a majority of the members of this Board of Mayor and Burgesses and shall remain effective for a period of five (5) years.

ROLL CALL VOTE:

6. Tarpon Towers, Conrad Street, Naugatuck, CT term sheet regarding **Removal of Obsolete Water Tanks and Related Matters** – discussion/possible action.
7. Mayor Hess shall appoint **Jack Gunnoud**, 99 Clearview Circle, Naugatuck, CT 06770 as a member of the **Naugatuck Housing Authority**, filling the unexpired term of M. Fidalgo, term to expire October 1, 2027.
8. Motion by Burgess _____ to recess to Executive Session at _____ **p.m.** for discussion on the following: **Real Estate** (Naugatuck Industrial Park – Section III, Riverview Mobile Home Park, Parcels A, B, C) and **Pending Litigation** inviting in _____.

Mayor Hess will reconvene the meeting at _____ **p.m.**

9. Discussion/possible action on matters emanating from Executive Session.
10. Motion by Burgess _____ to adjourn the special meeting at _____ **p.m.**