



CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
January 3, 2017
7:30 PM

PRAYER

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES: December 5 and 19, 2016

“STATE OF THE CITY ADDRESS”: Mayor Debercy A. Hinchey

PROCLAMATIONS AND SPECIAL OBSERVANCES

1. Hot Cocoa to be the official hot drink of Norwich, CT

CITY MANAGER’S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

1. Relative to appointing the accounting firm of Blum Shapiro PC to perform the regular general audit for fiscal year 2016-2017.
2. Relative to the City Manager, John L. Salomone, be and authorized and directed to execute a Purchase and Sales Agreement of property at 165 Prospect St.
3. Relative to the City Manager, John L. Salomone, be and authorized and directed to execute a Purchase and Sales Agreement of property at 181 Hamilton Ave.
4. Relative to amending the Rules of Procedure to include Section XXV.
5. Relative to a motion to permit reconsideration of AN ORDINANCE APPROPRIATING \$2,900,000 FOR UPGRADES TO THE DEPARTMENT OF PUBLIC UTILITIES’ WATER METERING SERVICES, AUTHORIZING THE ISSUANCE OF \$2,900,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO.

POSSIBLE RECONSIDERATION AND ACTION ON THE ORDINANCE LISTED BELOW

1. AN ORDINANCE APPROPRIATING \$2,900,000 FOR UPGRADES TO THE DEPARTMENT OF PUBLIC UTILITIES' WATER METERING SERVICES, AUTHORIZING THE ISSUANCE OF \$2,900,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO.

City Clerk

Betsy Bennett

WHEREAS, the Finance Department selected the proposal by the certified public accounting firm of Blum Shapiro PC with request for proposals number 12-15 to perform the audits for the fiscal years ending June 30th 2013 through 2017; and

WHEREAS, Connecticut General Statutes §§7-391 through 397 require each municipality to file financial statements prepared in accordance with generally accepted accounting principles and audited by an independent public accountant in accordance with generally accepted auditing standards by December 31st; unless an extension is granted by the Connecticut Office of Policy & Management; and

WHEREAS, the independent auditor must be appointed by the “appointing authority” on or before May 31st; and

WHEREAS, the Council of the City of Norwich is the appointing authority for the City of Norwich.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the accounting firm of Blum Shapiro PC be and hereby is, appointed to perform the regular general audit for the City of Norwich for fiscal year 2016-2017.

City Manager John Salomone

WHEREAS, by resolution adopted September 6, 2016, the Council of the City of Norwich directed the disposition of certain properties by negotiated sale using the services of Allyn and Associates Realtors; and

WHEREAS, the property at 165 Prospect Street, which the city had acquired by a tax foreclosure, was included on the list; and

WHEREAS, Allyn and Associates Realtors has presented a Purchase and Sales Agreement to sell the property at 165 Prospect Street to Doris Groner Hamill and Conrad Hamill for a price of \$25,021;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, City Manager John Salomone be and hereby is authorized and directed to execute a Purchase and Sales Agreement satisfactory to him pertaining to the property at 165 Prospect Street agreeing on behalf of the City of Norwich to sell the property to Doris Groner Hamill and Conrad Hamill at a price of \$25,021 subject to customary adjustments.

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager John Salomone be and hereby is authorized and directed, upon Doris Groner Hamill and Conrad Hamill timely tender of the purchase price of \$25,021 as increased or decreased by appropriate adjustments, to execute a deed satisfactory to him and such other documents as are necessary to complete the transaction conveying said property to Doris Groner Hamill and Conrad Hamill and to receive and deliver all documents necessary for the completion of this transaction.

Alderman H. Tucker Braddock Jr.
Alderwoman Stacy Gould

RESOLUTION #3

WHEREAS, the City of Norwich acquired the property located at 181 Hamilton Avenue by a tax collector's deed recorded on June 6, 2016 at volume 2964, page 36 of the Norwich Land Records; and

WHEREAS, said property at 181 Hamilton Avenue was listed on a resolution presented to the Council of the City of Norwich on September 6, 2016 to authorize City Manager John Salomone to enter into a Listing Agreement with Allyn and Associates Realtors for this property and certain other properties; and

WHEREAS, prior to the adoption of this resolution on September 6, 2016 the property at 181 Hamilton Avenue was improvidently removed from the list; and

WHEREAS, Allyn and Associates Realtors has received an offer on behalf of the City of Norwich to purchase said property from Jeffrey R. Venturini at a price of \$31,000 as a cash sale without mortgage contingencies; and

WHEREAS, the Council finds that selling said property at a price of \$31,000 would be in the best interest of the City of Norwich;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into a Real Estate Listing Agreement satisfactory to him with Allyn and Associates Realtors offering to the sell the property at 181 Hamilton Avenue at a price of \$31,000;

AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, upon receipt of a Purchase and Sales Agreement listing a purchase price of \$31,000 and containing such terms and conditions as are satisfactory to him, City Manager John Salomone, he be and hereby is authorized and directed to enter into said Purchase and Sales Agreement between the buyer Jeffrey R. Venturini and the City of Norwich and upon timely tender of such sum subject to adjustments to the City of Norwich to execute, and deliver a deed of conveyance for the property known as 181 Hamilton Avenue, Norwich and to execute, receive and deliver such other documents as are necessary to complete the transfer of title in keeping with the terms of the Purchase and Sales Agreement.

Alderwoman Stacy Gould
Alderman H. Tucker Braddock Jr.

RESOLUTION #4

WHEREAS, the Council of the City of Norwich, by resolution presented December 1, 2015 adopted the Rules of Procedure for the council for the term of the council from 2015-2017; and

WHEREAS, said Rules of Procedure provide at Rule XXIV that the council may amend any of the Rules of Procedure by a majority vote of four votes of the council; and

WHEREAS, Rule XIX provides that the rules contained in Roberts Rules of Orders, as amended, shall govern the council in all cases to which they are applicable; and

WHEREAS, Roberts Rules of Order permits reconsideration of action taken on a motion or question when raised by a motion made on the same day or in certain circumstances, particularly involving legislative bodies, on the next day within the session at which business is conducted; and

WHEREAS, the sponsor of this resolution proposes to file a resolution to permit the Council to take up a motion to reconsider the action taken on an ordinance entitled:

“AN ORDINANCE APPROPRIATING \$2,900,000 FOR UPGRADES TO THE DEPARTMENT OF PUBLIC UTILITIES’ WATER METERING SERVICES, AUTHORIZING THE ISSUANCE OF \$2,900,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO”

at the council meeting on December 19, 2016, and proposes by this resolution to eliminate any ambiguity as to his doing so, by amending the Rules of Procedure of the Council of the City of Norwich to add Section XXV whereby a motion or resolution to reconsider prior action taken by the council, including votes on all motions, resolutions or ordinances, may be acted upon if such reconsideration is sought at the same meeting on which the prior action was taken or before the adjournment of the next regularly scheduled meeting of the Council of the City of Norwich, said amendment to have prospective and retroactive effect as to the time when reconsideration may be sought but not to otherwise affect the Rules of Procedure with respect to a motion for reconsideration.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, the Rules of Procedure of the Council of the City of Norwich adopted December 1, 2015 be amended to include a Section XXV as set out herein:

XXV

A motion or resolution to reconsider prior action taken by the council, including votes on all motions, resolutions, and ordinances, it may be made on the same day on which the action is taken or at and before the adjournment of the next regularly scheduled meeting of the Council of the City of Norwich. This amendment shall have prospective and retroactive effect as to the time in which a motion or resolution for reconsideration may be made but shall otherwise not amend the Rules of Procedure with respect to a motion or resolution for reconsideration.

Alderman Gerald Martin

RESOLUTION #5

WHEREAS, the Council of the City of Norwich, by resolution presented December 1, 2015 adopted the Rules of Procedure for the council for the term of the council from 2015-2017; and

WHEREAS, said Rules of Procedure provide at Rule XXIV that the council may amend any of the Rules of Procedure by a majority vote of four votes of the council; and

WHEREAS, the Council of the City of Norwich has amended its Rules of Procedure by adding Section XXV to permit reconsideration of a prior action upon motion made at the meeting at which the action was taken or before the adjournment of the next regular meeting of the Council of the City of Norwich; and

WHEREAS, the Council of the City of Norwich has received additional information regarding the ordinance entitled:

“AN ORDINANCE APPROPRIATING \$2,900,000 FOR UPGRADES TO THE DEPARTMENT OF PUBLIC UTILITIES’ WATER METERING SERVICES, AUTHORIZING THE ISSUANCE OF \$2,900,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO”

which was voted upon but not adopted by the council at its meeting of December 19, 2016; and

WHEREAS, this is the next regularly scheduled meeting of the Council of the City of Norwich following this vote and the council finds it to be in the best interest of the City of Norwich to reconsider said ordinance.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that having amended its Rules of Procedure for purposes of clarification, it will accept a motion to reconsider such ordinance if made by a member of the Council of the City of Norwich who voted on the prevailing side being one of the three members of the Council of the City of Norwich who voted against adoption of the ordinance on December 19, 2016 and to take up the ordinance by way of reconsideration.

Alderman Gerald Martin

Council Ordinance

AN ORDINANCE APPROPRIATING \$2,900,000 FOR UPGRADES TO THE DEPARTMENT OF PUBLIC UTILITIES' WATER METERING SERVICES, AUTHORIZING THE ISSUANCE OF \$2,900,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. The sum of \$2,900,000 is appropriated for the planning, upgrade and installation of the Norwich Department of Public Utilities' (the "Department") water metering services to an integrated meter reading and recording system known as Advanced Metering Infrastructure (AMI), including, but not limited to, materials, installation and deployment costs, and such additional improvements as may be accomplished within said appropriation provided herein, and including administration, advertising, printing, legal, and financing costs (hereafter the "Project") as shall be determined by the Department. Said appropriation shall be inclusive of state and federal grants in aid thereof. The Department is authorized to enter into contracts, expend the appropriation and implement the Project herein authorized.

Section 2. The estimated useful life of the Project is twenty years. The total estimated cost of the Project is \$2,900,000. \$2,900,000 of the total Project cost is estimated to be financed by or through the State of Connecticut pursuant to its Clean Water Fund Program (as hereinafter defined), through a subsidized interest loan. The Project is a general benefit to the City of Norwich and its general governmental purposes.

Section 3. To meet said appropriation:

(i) bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date (or such longer term as may be authorized). Said bonds may be issued in one or more series as determined by the City Manager, the Comptroller - acting on behalf of the City herein - and General Manager City of Norwich Department of Public Utilities - acting on behalf of the Department and the Board of Public Utilities Commissioners (hereafter the "Board") herein - (the "Issuer Officials") and the amount of bonds of each series to be issued shall be fixed by the Issuer Officials in the amount necessary to meet the Issuer's share of the cost of the Project determined after considering the estimated amount of the State and Federal grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said

bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Issuer and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the facsimile or manual signatures of the Issuer Officials bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Issuer Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Issuer Officials and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Issuer Officials. The issuance of such bonds in one or more series, the aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Issuer Officials, in accordance with the Joint Resolution. In the case of Parity Indebtedness as defined in the Joint Resolution between the City of Norwich and the Board (as hereinafter defined as the "Joint Resolution"), the Issuer Officials, shall also determine the revenues and property to be pledged for payment of such Parity Indebtedness; or

(ii) temporary notes of the City may be issued in one or more series pursuant to Section 7-244a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Issuer Officials, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same; or

(iii) interim funding obligations and project loan obligations or any other obligations of the City (hereinafter "Clean Water Fund Obligations") evidencing an obligation to repay any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection, Public Health or other department as applicable to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the "Clean Water Fund Program"). The General Manager City of Norwich Department of Public Utilities is authorized in the name and on behalf of the City and the Board to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the Department with engineers, contractors and others. The City may issue Clean Water Fund Obligations in one or more series and in such denominations as the Issuer Officials shall determine, provided that the total of all such Clean Water Fund Obligations, bonds and notes issued and appropriation expended pursuant to this ordinance shall not exceed \$2,900,000. The Issuer Officials are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to

execute and deliver the same. Clean Water Fund Obligations shall be secured solely from a pledge of water system revenues; or

(iv) promissory notes, bonds or other obligations made payable to the United States of America to meet any portion of the costs of the Project determined by the federal government, including acting through the Rural Utility Service of the United States Department of Agriculture (“USDA”) or other federal program or agency, to be eligible for loan and/or grant monies; or

(v) any combination of bonds, temporary notes, notes, or obligations as set forth in the preceding subsections may be issued, provided that the total, aggregate principal amount thereof outstanding, and including the amount of grant funding obtained pursuant to a Project Grant and Project Loan Agreement, at any time shall not exceed \$2,900,000.

Section 4.

(i) Bonds, temporary notes, or water assessment notes, Clean Water Fund Obligations and federal obligations all as set forth in section 3 are hereafter referred to as “Bonds.” The Bonds shall be water revenue bonds of the City, the payment of principal and interest on which shall be secured solely by revenues derived from the operation of the water system, including use charges, connection charges, benefit assessments or any combination thereof, investment income derived there from, or other property of the water system or revenue derived from the operation of the water system in accordance with the Joint Resolution. Each of the Bonds shall recite to the effect that every requirement of law relating to its issue has been duly complied with, that such Bond is within every debt and other limit prescribed by law, that such Bond does not constitute a general obligation of the City for which its full faith and credit is pledged, and that such Bond is payable solely from revenues, assessments, charges or property of the water system specifically pledged therefore.

(ii) The bonds authorized to be issued by section 3 shall be, issued and secured pursuant to the Joint Resolution approved by the City Council on August 7, 2000, and the Board on July 17, 2000, as amended, and as supplemented by various supplemental Resolutions adopted pursuant to the Joint Resolution, and which is hereby ratified, confirmed and approved in its entirety, including without limitation, the rate and revenue covenants therein. The Board irrevocably agrees to comply with the provisions of the Joint Resolution, including Supplemental Resolutions, including but not limited to: to set, establish and collect and maintain rates and revenue as necessary to continually comply with the terms, conditions and covenants of the General Resolution. The City irrevocably agrees to comply with the provisions of the General Resolution. In order to implement the provisions of the Joint Resolution the City and the Board may enter into an indenture of trust with a bank and trust company which indenture may contain provisions customarily included in revenue bond financings, including provisions of a similar nature to those in the Joint Resolution and which are necessary, convenient or advisable in

connection with the issuance of the Bonds and their marketability. The Issuer Officials are hereby authorized to execute and deliver on behalf of the City and the Board an indenture in such final form and containing such terms and conditions as they shall approve, and their signatures on any such indenture shall be conclusive evidence of their approval as authorized hereby.

(iii) The Issuer Officials on behalf of the City and the Board are authorized to agree to additional terms and to delete or change existing terms and otherwise amend the form of Joint Resolution in order to obtain State or federal funding, provide better security for the bonds, correct any matter, cure any ambiguity or defect or otherwise benefit the Issuer in their judgment. Such additional or different terms may include restrictions on the use of water funds or fund balance or water operations, coverage ratios, additional or changed reserve requirements, identification and pledge of revenues securing the Bonds, providing for the form of the Bonds, conditions precedent to the issuance of Bonds and additional Bonds, the establishment and maintenance of funds and the use and disposition there from, including but not limited to accounts for the payment of debt service, the payment of operating expenses, debt service reserve and other reserve accounts, providing for the issuance of subordinated indebtedness, defining an event of default and providing for the allocation of revenues in such event, credit enhancement, providing for a pledge and allocation of water revenues to pay for obligations issued by third parties, and provisions of a similar and different nature to those in the Joint Resolution and which are necessary, convenient or advisable in connection with the issuance of the Bonds and their marketability, and to obtain the benefits of any state or federal grant or low interest loan program, including but not limited to the Clean Water Fund and Federal Department of Agriculture Programs. The Issuer Officials are hereby authorized, in addition to the General Resolution, to execute and deliver on behalf of the Issuer and the Board an indenture of trust in such final form and containing such terms and conditions as they shall approve, and their signatures on any such indenture shall be conclusive evidence of their approval as authorized hereby.

Section 5. The issue of the Bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law.

Section 6. Said Bonds shall be sold by the Issuer Officials in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the Bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest not or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the Bonds are sold by negotiation, the Issuer Officials, are authorized to execute a purchase agreement on behalf of the City and Board containing

such terms and conditions as they deem appropriate and not inconsistent with this Ordinance.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City of Norwich (the “Issuer”) hereby expresses its official intent pursuant to section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the “Regulations”), to reimburse expenditures paid sixty days prior to and after the date of passage of this Resolution in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations (“Bonds”) authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller, and General Manager City of Norwich Department of Public Utilities or their designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. It is hereby found and determined that it is in the public interest to issue all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation. The Issuer Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal government pursuant to law, including but not limited to any “tax credit bond,” or “Build America Bonds” including Direct Payment and Tax Credit Versions.

Section 9. This Ordinance shall be effective upon adoption by the City Council and its approval by the Board.

Alderman Gerald Martin