CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
November 7, 2016
7:30 PM

PRAYER

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES: October 3 & 17, 2016

PROCLAMATION: Extra Mile Day

PUBLIC HEARINGS

1. Relative to participation in a Cost Sharing Program with The City of Norwich to construct concrete sidewalks.

2. AN ORDINANCE AMENDING SECTION 4-8 OF THE NORWICH CODE OF ORDINANCES TO PERMIT THE CITY MANAGER TO WAIVE THE REQUIREMENTS OF SECTION 4-8 WHEN THE CITY MANAGER HAS RECEIVED ADEQUATE ASSURANCES DOING SO WILL RESULT IN THE PAYMENT OF DELINQUENT TAXES WITHIN A REASONABLE PERIOD OF TIME

3. AN ORDINANCE EXEMPTING IGLESIA HISPANA DE NORWICH FROM THE PAYMENT OF TAXES ON CERTAIN PROPERTY LOCATED AT 230 HUNTERS ROAD

SECOND READING AND ACTION ON THE PROPOSED ORDINANCES LISTED ABOVE

PETITIONS AND COMMUNICATIONS

1. Report from the Commission on the City Plan per Chapter XV Section 4 of the City Charter relative to a resolution to provide an easement to Algonquin Gas Transmission LLC for a permanent right of way and easement over 145 Old Salem Road for the purpose of constructing and maintaining an expanded gate station.

2. Letter of resignation from Erin M Wood on the Youth Advisory Board.

CITY MANAGER'S REPORT

OLD BUSINESS-RESOLUTIONS

1. Relative to participation in a Cost Sharing Program with The City of Norwich to construct concrete sidewalks.

2. Relative to approving a grant of easement at 145 Old Salem Road.

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

1. Relative to an appointment as an alternate member of the Senior Affairs Commission.

2. Relative to an appointment as an alternate member of the Commission on the City Plan.

3. Relative to an appointment as a regular member of the Historic District Commission.

4. Relative to convey said 105 and 122 Chestnut Street to the 105 and 122 Chestnut Street LLC.

5. Relative to the Norwich Fire Department Storage Facility and Other Improvements project.

6. Relative to City Manager, John Salomone be authorized to sign an agreement entitled "Master Municipal Agreement for Preliminary Engineering Projects".

7. Relative to amending an agreement with Southeastern Connecticut Regional Resources Recovery Authority.

8. Relative to ongoing Ethics Training.

City Clerk

R E S O L U T I O N

WHEREAS, the property owners listed below want to participate in a cost sharing program with the City of Norwich to construct concrete sidewalks along their property; and

WHEREAS, the City of Norwich wants to improve sidewalks throughout the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that: granite curbing and concrete sidewalks will be constructed at the following locations where the property owners will pay for an assessment for the cost of the sidewalks and the City of Norwich will pay for the cost of the curbing and miscellaneous items.

Name	Address	Owners Cost
Patricia N. Gerfin	97 McKinley Avenue	$ 2,250.00
Laura & Michael Lieske	28 Division Street	$ 2,525.00
67 Crescent St. LLC	67 Crescent Street	$ 7,070.56

BE IT FURTHER RESOLVED that the cost of this project be funded from the existing capital budget line item for sidewalks, Construction Account #81000 and the Special Assessment Fund, Fund #40000.

The estimated city's cost for curbing and miscellaneous construction items are estimated to be $8,120.00.

Alderman H. Tucker Braddock Jr.

AN ORDINANCE AMENDING SECTION 4-8 OF THE NORWICH CODE OF ORDINANCES TO PERMIT THE CITY MANAGER TO WAIVE THE REQUIREMENTS OF SECTION 4-8 WHEN THE CITY MANAGER HAS RECEIVED ADEQUATE ASSURANCES DOING SO WILL RESULT IN THE PAYMENT OF DELINQUENT TAXES WITHIN A REASONABLE PERIOD OF TIME

WHEREAS, Section 4-8 of the Norwich Code of Ordinances, authorized pursuant to Connecticut General Statute Section 7-148(c)(2)(B) as establishing a procedure for the withholding of approval of building application when taxes are delinquent for the property for which the application is made, and was adopted February 21, 2006 to promote the collection of delinquent taxes; and

WHEREAS, the Council of the City of Norwich finds that, as a result of economic circumstances, in certain instances Section 4-8 has prevented the restoration or development of properties such that delinquent taxes due on said properties remain unpaid and continue to increase; and

WHEREAS, Section 4-8 currently provides that approval and issuance of a building permit shall not be withheld when in the opinion of the building official to do so would endanger public safety or public health; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich in promoting economic development to permit the city manager to suspend the application of Section 4-8 of the Code of Ordinances when as to a property the city manager determines that to do so will permit restoration as an improvement of the property on which municipal taxes are delinquent, will stabilize or increase the value of the property, and is reasonably likely to result in a payment of any delinquent taxes owed on said property.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Section 4-8 of the Norwich Code of Ordinances entitled "Issuance or Approval of a Building Application Contingent on the Payment of Taxes" be and hereby is amended as follows:

Sec. 4-8. Issuance or approval of a building application contingent on the payment of taxes.

No building application, including but not limited to, any building permit or any certificate of occupancy shall be issued, and no application for a subdivision shall be approved, when municipal taxes for the property for which an application is made are delinquent; except that:

[1] approval and issuance shall not be withheld in the case of a building permit when in the opinion of the building official to do so would endanger public safety or public health ***or***

[2] when in the opinion of the city manager the issuance of a building permit, certificate of occupancy or the acceptance of other building application will result in the payment of delinquent taxes due on said property and will be reasonably likely to permit stabilization of the property or an increase to the value of said property. In such instance he shall advise the building official of his determination and the building official may issue any building permit or any certificate of occupancy as he determines to be required and appropriate. Nothing contained herein however, shall authorize the city manager to suspend the provisions of Section 4-8 so as to permit the approval of an application for a subdivision of property on which taxes are delinquent.

Mayor Deberey Hinchey
Alderwoman Stacy Gould

AN ORDINANCE EXEMPTING IGLESIA HISPANA DE NORWICH FROM THE PAYMENT OF TAXES ON CERTAIN PROPERTY LOCATED AT 230 HUNTERS ROAD

WHEREAS, that certain property located at 230 Hunters Road, Norwich, Connecticut was purchased by Iglesia Hispana De Norwich on April 8, 2016 to be used for charitable purposes; and,

WHEREAS, said property since April 8, 2016 has been used for charitable purposes by Iglesia Hispana De Norwich; and,

WHEREAS, said property was tax exempt as a religious organization prior to the current owners purchase of said property; and,

WHEREAS, the tax assessor pro-rated taxes on the October 1, 2015 Grand List in the amount of $10,587.02, which represented taxes owed from the date of acquisition to September 30, 2017; and,

WHEREAS, said property owners have applied for tax exempt status with the Assessor, in accordance with Connecticut General Statutes, Sections 12-81 and 12-87 as a charitable organization; and,

WHEREAS, said property would not be tax exempt on the Grand List of October 1, 2015; and,

WHEREAS, the tax assessor has approved the property owners application for tax exempt status, thereby making them tax exempt from the date of acquisition; and,

WHEREAS, Connecticut General Statute Section 12-81(b) provides that any municipality may, by ordinance, provide that the property tax exemption authorized by any of subdivisions (7-16), inclusive, of section 12-81 shall be effective as of the date of acquisition of the property to which the exemption applies and shall, in such ordinance, provide procedure for reimbursement of the tax-exempt organization for any tax paid by it for a period subsequent to said date; and,

WHEREAS, Connecticut General Statute Section 12-81(7) provides that real property, owned by an corporation organized exclusively for charitable purposes and used for charitable purposes, shall be exempt from taxation; and,

WHEREAS, if Iglesia Hispana De Norwich paid the taxes, it would be entitled to a reimbursement in the amount of $10,587.92; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that such property at 230 Hunters Road be and hereby is exempted from the payment of any real estate taxes, interest or penalty due on the Grand List of October 1, 2015, or until said premises are no longer used by Iglesia Hispana De Norwich for charitable purposes and if said taxes in the amount of $10,587.92 are paid by Iglesia Hispana De Norwich, the City of Norwich shall reimburse Iglesia Hispana De Norwich for any City of Norwich real estate taxes paid by it on the Grand List of October 1, 2015 for the period subsequent to April 8, 2016; which reimbursement shall be in the sum of $10,587.92.

Mayor Deberey Hinchey
City Manager John L. Salomone

R E S O L U T I O N

WHEREAS, the property owners listed below want to participate in a cost sharing program with the City of Norwich to construct concrete sidewalks along their property; and

WHEREAS, the City of Norwich wants to improve sidewalks throughout the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that: granite curbing and concrete sidewalks will be constructed at the following locations where the property owners will pay for an assessment for the cost of the sidewalks and the City of Norwich will pay for the cost of the curbing and miscellaneous items.

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BE IT FURTHER RESOLVED that the cost of this project be funded from the existing capital budget line item for sidewalks, Construction Account #81000 and the Special Assessment Fund, Fund #40000.

The estimated city's cost for curbing and miscellaneous construction items are estimated to be $8,120.00.

Alderman H. Tucker Braddock Jr.

OLD BUSINESS RESOLUTION #2

WHEREAS, the City of Norwich, acting by and through the Norwich Department of Public Utilities, owns and has utilized certain property identified as 145 Old Salem Road located off Salem Turnpike for gas services and has been requested to provide an Easement to Algonquin Gas Transmission LLC providing it a permanent right of way and easement over said property for the purpose of constructing and maintaining an expanded gate station thereon thereby allowing improved natural gas services for the City of Norwich through the Algonquin Transmission System; and

WHEREAS, Exhibit A, attached hereto, depicts the location where the proposed easement is to be granted; and

WHEREAS, the Board of Public Utilities Commissioners has authorized John Bilda, General Manager of the Norwich Department of Public Utilities, to execute such documents and agreements as are necessary to grant such easement; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich that such easement as described herein be granted to Algonquin Gas Transmission LLC to permit the expansion of a gate station and the installation and maintenance of necessary pipes and equipment to permit the functioning thereof.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, City Manager John Salomone and/or Norwich Public Utilities General Manager John Bilda be and hereby are authorized on behalf of the City of Norwich to enter into a Grant of Easement with Algonquin Gas Transmission Inc. as described herein and, subject to the approval of the corporation counsel, to execute such documents as are requested by Algonquin Gas Transmission LLC for this purpose.

Mayor Deberey Hinchey

Exhibit A

REVISION TABLE
Norwich Public Utilities
145 OLD SALEM RD
PROPOSED METER STATION SITE

RESOLUTION #1

BE IT RESOLVED that the below named be appointed as an **alternate member** of the Senior Affairs Commission with a term to expire on September 01, 2017 or until a successor is appointed:

Laurieann M. Messore (U)

Alderwoman Stacy Gould
Alderman H. Tucker Braddock

RESOLUTION #2

BE IT RESOLVED that the below named be appointed as an **alternate member** of the Commission on the City Plan with a term to expire on February 28, 2017 or until a successor is appointed:

Jason M. Arndt (L)

Alderwoman Stacy Gould
Alderman H. Tucker Braddock

RESOLUTION #3

BE IT RESOLVED that the below named be appointed as a **regular member** of the Historic District Commission with a term to expire on December 31, 2018 or until a successor is appointed:

Richard D. Guidebeck (R)

Alderwoman Stacy Gould
Alderman H. Tucker Braddock

RESOLUTION #4

WHEREAS, the City of Norwich entered into a Developer Agreement dated March 16, 2015 with Wiese Construction Inc. to develop the properties at 105 Chestnut Street and 122 Chestnut Street; and

WHEREAS, said Agreement provides that upon completion of the development, as evidenced by the issuance of a Certificate of Occupancy for 105 Chestnut Street including adequate off street parking at 122 Chestnut Street, the city shall convey its rights, titles and interest in 105 Chestnut Street and 122 Chestnut Street by quit claim deed to Wiese Construction Inc. or to a newly formed entity under the control of Mel Wiese; and

WHEREAS, on October 25, 2016 the city building department issued a Certificate of Occupancy for 105 Chestnut Street.

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, to convey said 105 Chestnut Street and 122 Chestnut Street to 105 and 122 Chestnut Street LLC an entity under the control of Mel Wiese by quit claim deed including execution and delivery of the same and such other documents as may be necessary to effectuate the transfer.

Alderman H. Tucker Braddock Jr.

RESOLUTION #5

WHEREAS, pursuant to Connecticut General Statutes (CGS) §4-66(c), 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 City of Norwich make an application to the State for $85,000 in order to undertake Norwich Fire Department Storage Facility and Other Improvements project and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH,

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by CGS §4-66(c).

2. That the filing of an application for State financial assistance by the City of Norwich in an amount not to exceed $85,000 is hereby approved and that City Manager John Salomone 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 City of Norwich.

City Manager John L. Salomone

RESOLUTION #6

WHEREAS, the State of Connecticut Department of Transportation has introduced a Master Municipal Agreement for Preliminary Engineering Projects (MMAPE) to be utilized in conducting business with municipalities; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich to enter into said Agreement with the Connecticut Department of Transportation.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John L. Salomone be and hereby is authorized to sign the Agreement entitled "Master Municipal Agreement for Preliminary Engineering Projects".

Mayor Deberey Hinchey

RESOLUTION #7

WHEREAS, the City of Norwich and the Southeastern Connecticut Regional Resources Recovery Authority entered into an Agreement made and dated as of November 13, 1985 to provide solid waste management services for the City of Norwich; and

WHEREAS, said Agreement has been amended three (3) times, most recently on January 31, 2013 to extend the Agreement to and through February 17, 2017; and

WHEREAS, the City of Norwich and the Southeastern Connecticut Regional Resources Recovery Authority proposed to extend the Agreement through June 30, 2027 in accordance with a Fourth Amendment to Agreement, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich to enter into said Fourth Amendment to the Agreement.

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, to enter into such Agreement on behalf of the City of Norwich including the execution of sufficient copies and to arrange to deliver and receive the same.

Alderman H. Tucker Braddock Jr.
Alderwoman Stacy Gould

EXHIBIT A

FOURTH AMENDMENT TO AGREEMENT BETWEEN SOUTHEASTERN CONNECTICUT REGIONAL RESOURCES RECOVERY AUTHORITY AND CITY OF NORWICH A MUNICIPALITY OF THE STATE OF CONNECTICUT TO PROVIDE SOLID WASTE MANAGEMENT SERVICES.

This Agreement, made and dated as of the _____ day of _____, 2016 by and between the **SOUTHEASTERN CONNECTICUT REGIONAL RESOURCES RECOVERY AUTHORITY** (hereinafter sometimes referred to as the "Authority"), a body politic and corporate, constituting a public instrumentality and political subdivision of the State of Connecticut (hereinafter referred to as the "State"), and the **CITY OF NORWICH**, a municipality and political subdivision of the State of Connecticut (hereinafter sometimes referred to as the "Municipality") acting by and through its local legislative body, the municipal authority having legal jurisdiction over solid waste management within the corporate limits of the Municipality.

WHEREAS, the Authority and Municipality entered into a Municipal Solid Waste Services Agreement (hereinafter sometimes referred to as the "Agreement"), made and dated as of November 13, 1985; and

WHEREAS, said Agreement was amended by Amendment No. 1 dated as of April, 1994 dealing with Minimum Commitments; Amendment No. 2 dated as of December 1, 1998, dealing with the definition of "Processed Waste"; and Amendment No. 3 dated as of January 31, 2013 which Amendment extended the Agreement to and through February 17, 2017; and

WHEREAS, said Agreement provided, among other things, for the construction and financing of the Facility (the solid waste disposal and resources recovery facility located in Preston, Connecticut), through the issuance of Bonds; and

WHEREAS, said Agreement recognized the role of the Connecticut Resources Recovery Authority (now, the Materials and Innovation Recycling Authority, "MIRA") ("hereinafter sometimes referred to as "CRRA"); and

WHEREAS, said Bonds were in fact financed through CRRA with the Bond Indenture providing for all funds generated on the Authority's behalf to flow through a Trustee and CRRA; and

WHEREAS, the Bonds were fully paid off on November 15, 2015; and

WHEREAS, as a result of such payment of the Bonds the Trustee has no further authority or involvement with regard to the Facility and said Agreement; and

WHEREAS, since the Bonds have been paid, CRRA (MIRA) no longer has authority with regard to the Authority's and/or the Municipality's funds as set forth in the Agreement; and

WHEREAS, the Bridge and Management Agreement which, among other things, set forth the respective rights and obligations between the Authority and CRRA regarding the financing and development of the Facility was released and terminated by the parties by a document dated as of September 6, 2016; and

WHEREAS, the Authority and Municipality agree that it is in best interest of both parties to extend said Agreement in order to continue the beneficial relationship which they have enjoyed; and

NOW THEREFORE, based upon the parties' mutual promises and covenants, they hereby agree as follows:

1. All references to the "Connecticut Resources Recovery Authority" or the "Trustee" as set forth in the Agreement are hereby deleted.
2. All references to the "Bonds", the "Bond Resolution" and all references to the "Minimum Commitment" and "Aggregate Minimum Commitment" are hereby deleted.
3. "System" shall mean the Waste to Energy Facility located in Preston, Connecticut or any other equipment, structures, site or sites for processing or disposal of Solid Waste generated by the Municipality and as provided by the Authority. It may also include any other equipment, structures, site or sites for the processing of Municipality generated items to be recycled as required by statute or regulation or as the Authority's Board of Directors may determine.
4. The Agreement, in accordance with Section 514 thereof, is hereby extended to and through June 30, 2027.
5. All other terms and provisions of the Agreement shall otherwise remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by their duly authorized officials as of the day and year first hereinabove set forth.

WITNESS:

_____

_____

CITY OF NORWICH

By_____

Its _____

SOUTHEASTERN CONNECTICUT REGIONAL RESOURCES RECOVERY AUTHORITY

_____

_____

By_____
John Phetteplace,
Its President

RESOLUTION #8

WHEREAS, the Council of the City of Norwich believes it to be in the best interest of the City of Norwich that all officers, officials and employees of the City of Norwich, including members of all departments, boards, commissions or other agencies of the City of Norwich, to include the city council, receive a copy of the Code of Ethics for the City of Norwich at the time of election, hire or appointment and that some form of periodic ethics training is appropriate.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby requested, assisted by such individuals and utilizing such resources as he may deem appropriate to continue a program of ethics training for all officers, officials or employees of the city including members of all departments, boards, commissions, committees or other agencies of the city including the city council to be given at the time of their initial involvement with the city and periodically thereafter.

Alderman Gerald Martin
Alderman Peter Nystrom