



AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
June 17, 2019
7:30 PM

PRAYER

PLEDGE OF ALLEGIANCE

CITIZEN COMMENT GENERAL (30 Minutes)

PUBLIC HEARINGS

1. Relative to holding a public hearing on the Neighborhood Assistance Act.
2. Relative to holding a public hearing on the Community Development Block Grant allocation recommendations.

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

1. Relative to approving the list of applicants under the Neighborhood Assistance Act.
2. Relative to reappointments as regular members to the Commission for Persons with Disabilities.
3. Relative to participation in a Cost Sharing Program with The City of Norwich to construct concrete sidewalks and to set a public hearing date. (July 1, 2019)
4. Relative to create the Norwich 2020 Census Complete Count Committee.
5. Relative to the sale of 43-45 Fountain Street.

6. Relative to approving an amendment permitting transfer regarding Assessment Deferral Agreement for The Hills at River View, LLC.
7. Relative to default under a lease and development agreement to JCM Norwich Marina Acquisitions LLC.

EXECUTIVE SESSION- property acquisition

City Clerk

Bob Bann

WHEREAS, the R.E. Van Norstrand Neighborhood Assistance Act, Chapter 228a of the Connecticut General Statutes (C.G.S. 12-630aa-12-638) offers certain benefits to municipalities desiring to obtain the same and is administered by the State Department of Revenue Services (Commission of Revenue Services); and

WHEREAS, the Neighborhood Assistance Act provides a tax credit for business firms which sponsor local programs; and

WHEREAS, such programs must be proposed and conducted by private non-profit agencies or municipalities and be approved by the local legislative body;

WHEREAS, a public hearing has been duly noticed and held on applications submitted to the City Manager's office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that it approves the following program proposals under the Neighborhood Assistance Act:

1. Arc New London County, Inc. – Energy efficiency improvements at residence in Norwich for women with intellectual and developmental disabilities
2. United War Veterans Grand Army of the Republic Buckingham Memorial Association Inc. – replacement of 36 year old furnaces – Energy Upgrades – Insulation replacement
3. CRIS-Audio Access for People who are Blind or Print Challenged
4. Norwich Historical Society, Inc. -Energy Upgrades for the c. 1783 Dr. Daniel Lathrop Schoolhouse
5. Norwich Historical Society, Inc. – Energy Upgrades to the c. 1759 David Greenleaf House
6. Norwich Historical Society, Inc. - Energy Related Upgrades to the c. 1789 East District School Schoolhouse
7. United Community & Family Services – Governor Samuel Huntington Mansion Energy Efficiency Upgrades – Phase 2
8. Women's Institute of Housing and Economic Development – Reid & Hughes Energy efficiency improvements
9. St. Vincent de Paul Place, Norwich, Inc. – Window replacement
10. St. Vincent de Paul Place, Norwich, Inc. – Energy efficient Dishwashing System
11. St. Vincent de Paul Place, Norwich, Inc. – Energy Efficient Heating, Cooling and Ventilation System
12. LifeFAQS.org – Mentoring and Coaching for at risk 8th graders.
13. Thames River Community Service, Inc. – Siding with Insulation, Gutter Replacement Project
14. Montessori Discovery School, Inc. – Energy Upgrades
15. Otis Library – Energy Conservation Measures

Mayor Peter Albert Nystrom
Aldерwoman Stacy L. Gould
Alderman Samuel Browning IV

PUBLIC HEARING #2

WHEREAS, the City of Norwich is an entitlement community receiving U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) dollars of \$836,068; \$8,722.35 Recaptured funds and \$11,356.40 anticipated return of loan (administration) for program year (PY) 2019; and

WHEREAS, the Community Development Advisory Committee (CDAC) has held public meetings and voted on their recommendations for CDBG allocations in the month of March; and

WHEREAS, the allocation process is subject to a 30-day comment period prior to being placed into effect and the Council of the City of Norwich must hold a public hearing regarding the recommendations prior to the final vote on the allocation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the Council shall meet on the subject of Community Development Block Grant allocation recommendations for PY 2019.

CDBG Requests - PY 45 (2019-2020)			
Anticipated PY 2019 Allocation	\$ 836,068.00		
PY 44 Recapture	\$ 8,722.35		
	\$ 844,790.35		
		CDAC	
	PY 2019 Request	Recommendation	Council Recommendation
CD Office - Administration	\$ 167,213.60	\$ 167,213.60	
20% of Grant Funds and ROL	\$ 11,356.40	\$ 11,356.40	
Public Services			
NHS Norwich Works	\$ 50,000.00	\$ 50,000.00	
NHS Rapid Rehousing & Shelter Diversion	\$ 15,000.00	\$ 15,000.00	
Children in Placement	\$ 10,000.00	\$ -	
Safe Futures	\$ 15,000.00	\$ 15,000.00	
TVCCA Home Again	\$ 20,000.00	\$ 20,000.00	
OIC of NL County	\$ 25,000.00	\$ -	
NPD Community Policing	\$ 316,461.00	\$ -	
Total Public Services	\$ 451,461.00	\$ 100,000.00	
Non-Public Services			
NHA Rosewood Manor Phase III	\$ 100,000.00	\$ 100,000.00	
Norwich Rec. Taftville Basketball Courts	\$ 96,000.00	\$ 90,000.00	
Norwich CD Demolition	\$ 100,000.00	\$ -	
Norwich CD Property Rehabilitation	\$ 200,000.00	\$ 200,000.00	
DPW Taftville Park Gazebo	\$ 41,800.00	\$ 40,000.00	
DPW Greeneville Playground	\$ 135,057.00	\$ 76,400.00	
DPW ADA Ramps	\$ 82,300.00	\$ 71,176.75	
Total Non-Public Services	\$ 755,157.00	\$ 577,576.75	
Public Service	\$ 451,461.00	\$ 100,000.00	
Non-Public Service	\$ 755,157.00	\$ 577,576.75	
CD Administration / ROL	\$ 178,570.00	\$ 178,570.00	
Total All Requests	\$ 1,385,188.00	\$ 856,146.75	

City Manager John L. Salomone

RESOLUTION #1

WHEREAS, the R.E. Van Norstrand Neighborhood Assistance Act, Chapter 228a of the Connecticut General Statutes (C.G.S. 12-630aa-12-638) offers certain benefits to municipalities desiring to obtain the same and is administered by the State Department of Revenue Services (Commission of Revenue Services); and

WHEREAS, the Neighborhood Assistance Act provides a tax credit for business firms which sponsor local programs; and

WHEREAS, such programs must be proposed and conducted by private non-profit agencies or municipalities and be approved by the local legislative body;

WHEREAS, a public hearing has been duly noticed and held on applications submitted to the City Manager's office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that it approves the following program proposals under the Neighborhood Assistance Act:

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Mayor Peter Albert Nystrom
Aldерwoman Stacy L. Gould
Alderman Samuel Browning IV

RESOLUTION #2

BE IT RESOLVED that the below named be reappointed as a regular members to the Commission for Persons with Disabilities with a term to expire on March 16, 2021 or until a successor is appointed:

Kevin Harkins (D)
Cynthia Litton (U)

Alderman Stacy L. Gould
Alderman Joanne Philbrick
Alderman Joseph A. DeLucia

RESOLUTION

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	Location	Cost
Steven R. Smigiel	131 Broadway	\$ 2,560.00
Dora Green & John Singleton	18 Clairmont Ave.	\$ 2,475.00
Andrea J Cleary	95 McKinley Ave.	\$ 4,725.00
Stephen T. Zapolsky	89 Lafayette St.	\$ 1,775.00
Gilbert E. & Anna M. Hurlock	123 Oakridge St.	\$ 3,815.00
James Ireland Equity Co. Inc.	167 Broadway	\$ 7,005.00
Mateen Hanania	680 Boswell Ave.	\$ 7,305.00
Marilyn L. Coleman	3-5 Chelsea Parade South	\$ 7,950.00
Warren A. & Carmina G. Gohacki	135-137 Rockwell St.	\$ 3,920.00

BE IT FURTHER RESOLVED that the cost of this project be funded from the Sidewalk Assessment Fund in account 28584305-57413, and that a public hearing be set at the second meeting of the City Council in June 2019.

The estimated city's cost for curbing and miscellaneous construction items are estimated to be \$22,110.00.

Mayor Peter Albert Nystrom

RESOLUTION #4

WHEREAS, field offices for the 2020 census count have opened; and

WHEREAS, the goal of the census is to count every person living in the United States once, and only once, and in the right place; and

WHEREAS, communities and their residents rely on census statistics in many ways, and their reliance is better placed if the census is derived from an accurate and complete count; and

WHEREAS, communities are encouraged to create a Complete Count Committee made up of individuals committed to increasing census participation.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that a committee to be known as the Norwich 2020 Census Complete Count Committee be and hereby is established to encourage full participation in the 2020 census, said Committee to remain in existence until December 31, 2020; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the following be and hereby are appointed as members of the Norwich 2020 Census Complete Count Committee to serve as members of such until December 21, 2020:

Al Daniels, Board of Education

Jody Lefkowitz, Director of Adult Education

Jeff Arn, Norwich Housing Authority

Elanah Sherman, Commission on Persons with Disabilities

Suki Lagrito, Global City Norwich Liaison

Lee-Ann Gomes, Human Services

Bassem Gayed, Multicultural Services Coordinator

Rebecca Melucci, Senior Affairs Committee, Docent Program

Patrick Daley, Chief of Police

Pamela Kinder, UCFS

Kathryn Crees, Community Development

Jon-Paul Mandelburg, TVCCA

Zachary St. John, TVCCA

Mayor Peter Albert Nystrom
Alderman Samuel Browning IV

RESOLUTION #5

WHEREAS, the Council of the City of Norwich, by a resolution adopted January 7, 2019, authorized City Manager John Salomone to enter into an individual Real Estate Listing Agreement with Allyn and Associates Realtors offering to sell the property at 43-45 Fountain Street at a price to be recommended by Allyn and Associates Realtors; and

WHEREAS, the Council further resolved that upon receipt of a Purchase and Sales Agreement containing an offer to purchase at a price recommended by Allyn and Associates Realtors and containing such terms and conditions as were satisfactory to the City Manager, he was to notify the Council of the proposed Purchase and Sales Agreement for its consideration and possible approval; and

WHEREAS, Allyn and Associates Realtors recommended listing the property at a price of \$35,000; and

WHEREAS, an appraisal prepared April 17, 2018 in connection with the city's foreclosure of said property had listed it as having a market value as of April 11, 2018 of \$35,000; and

WHEREAS, an offer of \$45,000.00 was received and, by resolution adopted April 15, 2019, the Council authorized and directed City Manager John Salomone to enter into a Purchase and Sales Agreement to sell the property to a prospective purchaser for \$45,000.00; and

WHEREAS, the prospective purchaser, having entered into a Purchase and Sales Agreement with the City of Norwich, has decided not to purchase this property with the deposit of \$1,000.00 paid to the City of Norwich under the terms of the Purchase and Sales Agreement; and

WHEREAS, Allyn and Associates Realtors has received a number of offers to purchase the property, the highest offer being the sum of _____, the property to be conveyed in as is condition.

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 a Purchase and Sales Agreement acceptable to him on behalf of the City of Norwich to sell said property at a price of \$ _____ to _____ pursuant to the terms of said Purchase and Sales Agreement and, upon timely tender of the purchase price subject to standard adjustments, to execute and deliver a deed of conveyance to _____ or its designee for the property known as 43-45 Fountain Street, and to execute, deliver, and receive such other documents as are necessary to complete the transfer of title in keeping with the terms and conditions of the Purchase and Sales Agreement.

Alderwoman Stacy L. Gould

RESOLUTION #6

WHEREAS, on January 30, 2013, the City of Norwich and The Hills at River View, LLC did enter into an Assessment Deferral Agreement under Section 12-65e of the Connecticut General Statutes; and

WHEREAS, the Assessment Deferral Agreement (the "Agreement") provides, inter. alia, that the Agreement may not be amended without the written consent of the parties to the Agreement, but only upon the prior approval of the City Council; and

WHEREAS, the Agreement provides that the Agreement terminates in the event of a sale or transfer of the land, facility, any of the improvements, or any part thereof, or any estate thereon; and

WHEREAS, The Hills at River View, LLC proposes to transfer Buildings 1 – 11 to a newly established limited liability company known as The Hills Eleven, LLC in connection with a financing transaction in which a requirement is that Buildings 1 – 11 be owned by an entity separate from The Hills at River View; and

WHEREAS, it has been demonstrated to the satisfaction of the City, that members of The Hills at River View, LLC are the same as The Hills Eleven, LLC, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Norwich that it does approve of an amendment to the Assessment Deferral Agreement if required and if satisfactory to the Assessor in connection with the proposed transfer of Buildings 1 – 11 to The Hills Eleven, LLC such that the Agreement shall remain in full force and effect, including as part of the deferral, Buildings 1 – 11.

Mayor Peter Albert Nystrom

RESOLUTION #7

WHEREAS, on January 21, 1987 the City of Norwich entered into an Indenture of Lease (“Ground Lease” or “Lease”), as “Landlord”, with the American Wharf Development Corporation, as “Tenant” and a Development Agreement, as “Owner”, with the American Wharf Development Corporation, as “Developer” pursuant to which the American Wharf Development Corporation would develop certain parcels of land located on the southern end of Hollyhock Island and certain adjacent properties; and

WHEREAS, the Ground Lease is for a term of 99 years, the Development Agreement for a coterminous term; and

WHEREAS, the Ground Lease provides for the payment of a Base Rent commencing on the Rent Commencement Date, defined to be June 30, 1987, the base rent to be \$1.00 per year in years 1-5, \$5,000 per year in years 6-39, \$230,000 in year 40 and \$1.00 per year from years 41-99; and

WHEREAS, the Base Rent payable in the 6th – 39th year is payable in two equal semi-annual installments on the last day of each June and the last day of each October; and

WHEREAS, the Ground Lease provides that upon Tenants failure to pay an installment of the Base Rent or Additional Rent the same shall be due and payable and the continuance of such a failure for a period of 30 days after receipt by Tenant of a notice in writing from the Landlord specifying in reasonable detail the nature of such failure shall constitute an Event of Default of the Lease; and

WHEREAS, a Tenant’s material failure to perform any of the other covenants, conditions, or agreements contained in the Lease on the Tenant’s part to be kept or performed, and the continuance of such failure without the curing of the same for a period of 45 days after receipt by Tenant of a notice in writing from that Landlord specifying in reasonable detail the nature of the failure shall be an Event of Default, with similar provisions in the Development Agreement; and

WHEREAS, in 2011 the American Wharf Development Corporation proposed to convey its interest in the Norwich Marina to JCM Norwich Marina Acquisitions, LLC to which it would assign its rights and obligations pursuant to the Lease and Development Agreement; and

WHEREAS, the transfer of the American Wharf Development Corporation’s interest in the Development Agreement required the consent of the City of Norwich which consent was given by City Manager Alan Bergren, following authorization by the Council of the City of Norwich, on October 28, 2011; and

WHEREAS, an assignment of the Lease and an assignment of the Development Agreement was then made by the American Wharf Development Corporation to JCM Norwich Marina Acquisitions, LLC on October 31, 2011, said Assignments recorded in the Norwich Land

Records on November 1, 2011 at volume 2701, page 3 and volume 2701, page 12 respectively; and

WHEREAS, Phases I and II of the Development Agreement were to be commenced within 4 years of the date of the Development Agreement and substantially completed within 5 years of the date of the Development Agreement; and

WHEREAS, the Phase I development was defined to include the construction of a marina, public space and certain ancillary improvements as described in Exhibit D1 attached to the Agreement and the Phase II development was defined to include the construction of a café, pavilion, and pool as more particularly described in Exhibit D2 attached to the Agreement; and

WHEREAS, Exhibit D1 and D2 are attached to this resolution as Exhibit D1 and D2; and

WHEREAS, the Development Agreement also calls for a Phase III development defined to include the construction of a restaurant and/or office building as more particularly described in Exhibit D3, the Phase III development to be substantially completed before the 40th anniversary date of the Agreements, a copy of said Exhibit D3 being attached to this resolution as Exhibit D3; and

WHEREAS, the Development Agreement refers to the improvements which the Developer was obligated to construct in accordance with the Phase I through Phase IV Development obligations as the “Mandatory Development” and further provides that the level of initial development upon completion of all Phase Development will be generally maintained throughout the term of the Ground Lease and that the Developer acknowledges that such level of continued development is the policy of Owner. The Developer further agrees that in the event an improvement deteriorates or is demolished then the provisions of Article Six section 6.02(c) of the Ground Lease will apply with respect to repairs, maintenance, and replacement; and

WHEREAS, the Council finds that JCM Norwich Marina Acquisitions, LLC has failed to pay the Base Rent for a sustained period of time including the payments due on the last day of June and October of 2018; and

WHEREAS, the Council is of the opinion that the level of maintenance called for in the Development Agreement and Ground Lease, including repairs, maintenance, and replacement where required, is currently insufficient and inadequate.

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 issue a written notice from the City of Norwich to JCM Norwich Marina Acquisitions, LLC that it has failed to pay installments of rent when same have been due and payable, and, should this failure continue for a period of 30 days after its receipt of this notice, to advise the Council of the occurrence of Event of Default under the Lease; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, City Manager John Salomone shall, pursuant to Articles Five and Ten of the Development

Agreement and Article Six and Sixteen of the Ground Lease issue a written notice to JCM Norwich Marina Acquisitions, LLC of its material failure to perform its obligations of maintenance, repair, and replacement as contained in a Development Agreement and Ground Lease and should these specifically identified conditions continue without cure for a period of 45 days after receipt of this notice so notify the Council.

Mayor Peter Albert Nystrom
Alderwoman Stacy L. Gould
Alderman Samuel Browning IV

EXHIBIT D-1

Phase I

Parcel: MARINA PROPER

1. Demolition of existing structures.
2. Utility Enhancements.
 - a. Electrical for park area and general electrical service.
 - b. City water brought on to the site for park irrigation, fire hydrant, fire hose stations, public restrooms.
 - c. City gas lines.
 - d. Sewage and pump station for public access.
3. Construction of park area consisting of grass and landscaped areas, park benches, fireplaces, walkways and period lighting. Area: approximately 1 acre.
4. Construction of parking areas to include space for approximately 80 automobiles.
5. Construction of dock space to include spaces for approximately 30 to 40 boat slips.
6. Installation of gasoline and diesel fuel tanks and dispensers.

EXHIBIT D-2

Phase II

Parcel: MARINA PROPER

1. Construction of out door gazebo cafe' approximately 25ft. by 25 ft. or larger. (optional)
2. Construction of marina pavilion building approximately 30 ft. by 50 ft. or larger accompanied with platformed swimming pool approximately 30 ft. by 40 ft. or larger.
3. Construction of public restrooms, mailroom, laundry room, shower area, storage area for boaters, and storage area for ground keeping equipment.
4. Additional utility services. Construction of approximately 30 to 40 additional boat slips (as need arises).

EXHIBIT D-3

Phase III

Parcel: MARINA PROPER

Construction of restaurant building approximate size of 8000 sq. ft. or larger and or office complex of approximately 45,000 sq. ft. or larger.

1770,