



CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
August 5, 2019
7:30 PM

PRAYER

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES: July 1 and 15, 2019

PUBLIC HEARINGS

1. AN ORDINANCE APPROPRIATING \$5,000,000 FOR THE CITY OF NORWICH INFRASTRUCTURE IMPROVEMENT PROGRAM (2019) AND AUTHORIZING THE ISSUE OF \$5,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE
2. Relative to the disposition of property at 18 Falls Ave.

SECOND READING AND ACTION ON THE ORDINANCE LISTED ABOVE

PETITIONS AND COMMUNICATIONS

1. Report from the Commission on the City Plan of the City of Norwich, exercising the authority of the Planning Commission pursuant to Section 8-24 of the General Statutes and Chapter XV, Section 4 of the Norwich City Charter, An Ordinance Appropriating \$5,000,000 For The City Of Norwich Infrastructure Improvement Program (2019) And Authorizing The Issue Of \$5,000,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose
2. Report from the Commission on the City Plan of the City of Norwich regarding the disposition 18 Falls Avenue.
3. Report from the Harbor Commission regarding the disposition of property at 18 Falls Ave.

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

1. Relative to City Manager being authorized to apply for the Lead Based Paint Hazard Control Grant Program.
2. Relative to the sale of 29 Boswell Ave.
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. (August 19, 2019).
4. Relative to appointments to the Southeastern CT Regional Resource Recovery Authority.
5. Relative to the disposition of property at 18 Falls Ave.
6. Relative to use of space in the parking lot at 82-84 Franklin Street for an event.
7. Relative to an appointment of a regular member to the Commission for Persons with Disabilities.
8. Relative to a reappointment of an alternate member to the Personnel and Pension Board.
9. Relative to an appointment as an alternate member to the Commission on the City Plan.

NEW BUSINESS-ORDINANCES

1. AN ORDINANCE AMENDING SECTION 14-2(e) OF THE NORWICH CODE OF ORDINANCES WITH RESPECT TO THE SELLING OF FOOD OR DRINK IN MOHEGAN PARK.

City Clerk



Council Ordinance

AN ORDINANCE APPROPRIATING \$5,000,000 FOR THE CITY OF NORWICH INFRASTRUCTURE IMPROVEMENT PROGRAM (2019) AND AUTHORIZING THE ISSUE OF \$5,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Section 1. The sum of \$5,000,000 is appropriated for the planning, acquisition and construction of the City of Norwich Infrastructure Improvement Program (2019) (the “Project”). The Project shall consist of the improvement or new construction of roads, bridges and bridge structures, sidewalks, piers and wharves, and appurtenant areas throughout the City of Norwich (the “City”). The specific improvements shall be determined from time to time by the Public Works Director and City Manager. Project improvements may consist of, but are not limited to, blasting, horizontal and vertical realignment, drainage installation, paving, curbing, milling, capping, landscaping and reclamation and for improvements to structures or utilities, incidental, appurtenant or encountered in the course of such improvements and for engineering, design, traffic control, administrative, consulting, advertising, printing, legal and financing costs related thereto. Said appropriation shall be in addition to grant funding and all prior and future appropriations for said purpose.

Section 2. The total estimated cost of the Project is \$5,000,000. No portion of the Project cost is expected to be paid from other sources other than the proposed bond issue. The estimated useful life of the Project is twenty (20) years. The Project is a general benefit to the City and its general governmental purposes.

Section 3. To meet said appropriation \$5,000,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller, 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, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and

transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite 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 the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, 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 City Manager and the Comptroller in accordance with the requirements of the General Statutes of Connecticut, as amended (the "Statutes"). In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b of the Statutes, including the authority to enter into agreements managing interest rate risk. The City Manager and Comptroller, on behalf of the City, shall execute and deliver such reimbursement agreements, letter of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of such bonds or notes.

Section 4. 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 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City.

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the Statutes, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the “Issuer”) hereby expresses its official intent pursuant to §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 ordinance 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 that 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 or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by Section 3-20e of the General Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose.

Section 10. It is hereby found and determined that the issue of 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, is in the public interest. The City Manager and the Comptroller are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law.

Section 11. The City Manager and Comptroller are hereby authorized to prepare and distribute preliminary and final Official Statements of the City, to execute and deliver on behalf of the City all such other documents, and to take all action, necessary and proper for the sale, issuance and delivery of any bonds or notes relating to the Project in accordance with the provisions of the Statutes and the laws of the United States.

Section 12. This ordinance shall not take effect unless and until adopted by the City Council and approved at referendum.

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash

PUBLIC HEARING #2

WHEREAS, the City of Norwich owns the property identified as 18 Falls Avenue (map 101/block 4/lot 63) which property is located along the west channel of the Yantic River and adjacent to the Intermodal Transportation Center; and

WHEREAS, this property is used in connection with the Intermodal Transportation Center to provide one handicapped parking space and two shoreline access parking spaces for a public access walkway running along the bank on the west channel of the Yantic River; and

WHEREAS, the property at 18 Falls Avenue including the parking area for shoreline public access and the Transfer Station Bridge used to provide access to the upper floors of the Intermodal Transportation Center use the same roadway off Falls Avenue for entering and exiting; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich to sell 18 Falls Avenue, subject to its present public access parking and continuing use for public shoreline access, by a competitive bid process to be conducted by the city purchasing agent pursuant to sections 7-39 to 7-53 of the Norwich Code of Ordinances; and

WHEREAS, the Council finds that the fair market value of the property and current and continuing use for public access are such as to require compliance with the provision of Connecticut General Statute § 7-163e as to notice by publication and the posting of a sign on the property concerning the conduct of a public hearing on the sale.

NOW, THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF NORWICH, CONNECTICUT that City Manager John Salomone be and hereby is authorized and directed to arrange, through the purchasing agent, City Clerk, and Public Works Department, and such individual(s) or department(s) as he may utilize to arrange to sell the property at 18 Falls Avenue, subject to the public access and parking conditions referenced in this resolution, to the highest responsible bidder by a competitive bid process.

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash
Alderwoman Stacy Gould

RESOLUTION #1

WHEREAS, the City of Norwich has an abundance of aging housing stock where lead-based paint continues to be a hazard, especially for children residing in such housing, and

WHEREAS, children, particularly those under the age of six, can have multiple health risks and permanent damage from elevated blood lead levels, and

WHEREAS, Uncas Health District, the Norwich Property Rehab Program and official data compiled by government agencies confirm that there are children in Norwich that are diagnosed with elevated blood lead levels, and

WHEREAS, the Norwich Office of Community Development is writing a grant to be filed with the Department of Housing and Urban Development (HUD) not to exceed \$4 million from the Lead-Based Paint Hazard Control Grant Program in order to reduce the occurrence of elevated blood lead levels, and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the City Manager is authorized to apply for a grant from the Department of Housing and Urban Development's Lead-Based Paint Hazard Control Grant program in an amount not to exceed \$4 million.

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash

RESOLUTION #2

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 29 Boswell Avenue 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 has received 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 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 29 Boswell Avenue, 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.

President Pro Tem Bill Nash
Alderwoman Stacy Gould

RESOLUTION #3

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	Owner Cost
Gretchen Philbrick	27 Sturtevant Avenue	\$ 4,515.00
Broadway Soulor LLC	143-145 Rockwell St.	\$ 6,640.00
Burman Sq. Development LLC	19 North Cliff St.	\$ 1,816.00

BE IT FURTHER RESOLVED that the cost of this project be funded from the existing capital budget line item for sidewalks, Capital Improvement Fund #3602 and the Sidewalk Fund, #2858, and that a public hearing be set at the second meeting of the City Council in August 2019.

The estimated city’s cost for curbing and miscellaneous construction items is \$6,775.00.

Alderwoman Stacy Gould

RESOLUTION #4

BE IT RESOLVED that the below named be appointed as **regular members** of the Southeastern CT Regional Resource Recovery Authority with a term to expire on December 31, 2020 or until a successor is appointed:

Patrick McLaughlin
Brian Long (Alternate)

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash

RESOLUTION #5

WHEREAS, the City of Norwich owns the property identified as 18 Falls Avenue (map 101/block 4/lot 63) which property is located along the west channel of the Yantic River and adjacent to the Intermodal Transportation Center; and

WHEREAS, this property is used in connection with the Intermodal Transportation Center to provide one handicapped parking space and two shoreline access parking spaces for a public access walkway running along the bank on the west channel of the Yantic River; and

WHEREAS, the property at 18 Falls Avenue including the parking area for shoreline public access and the Transfer Station Bridge used to provide access to the upper floors of the Intermodal Transportation Center use the same roadway off Falls Avenue for entering and exiting; and

WHEREAS, the Council of the City of Norwich finds it to be in the best interest of the City of Norwich to sell 18 Falls Avenue, subject to its present public access parking and continuing use for public shoreline access, by a competitive bid process to be conducted by the city purchasing agent pursuant to sections 7-39 to 7-53 of the Norwich Code of Ordinances; and

WHEREAS, the Council finds that the fair market value of the property and current and continuing use for public access are such as to require compliance with the provision of Connecticut General Statute § 7-163e as to notice by publication and the posting of a sign on the property concerning the conduct of a public hearing on the sale.

NOW, THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF NORWICH, CONNECTICUT that City Manager John Salomone be and hereby is authorized and directed to arrange, through the purchasing agent, City Clerk, and Public Works Department, and such individual(s) or department(s) as he may utilize to arrange to sell the property at 18 Falls Avenue, subject to the public access and parking conditions referenced in this resolution, to the highest responsible bidder by a competitive bid process.

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash
Alderwoman Stacy Gould

RESOLUTION #6

WHEREAS, These Guys Brewing Company LLC has requested permission to conduct events on September 14, 2019, Halfway to Mardi Gras Creole Fest, and October 12, 2019, Machtoberfest Pig Roast, both of which will involve the serving and consumption of alcoholic beverages on city property at a parking lot located on 82-84 Franklin Street immediately outside These Guys Brew Pub; and

WHEREAS, the events will commence at 10:00 a.m. and last until 11:00 p.m.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that, as required pursuant to section 13.14.2 of the Norwich Code of Ordinances, City Manager John Salomone be and hereby is authorized and directed to grant Raymond J. Albert, Jr., Permittee and the These Guys Brewing Company LLC permission to use a portion of the abutting municipal parking lot at 82-84 Franklin Street for these purposes, subject to their maintaining appropriate insurance coverage, adequate supervision, and their agreement to restore the premises to pre-event condition should a tent or other temporary structure be erected.

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash
Aldерwoman Stacy Gould

RESOLUTION #7

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

Amy Dudek (IT)

Alderman Stacy Gould
Alderman Joanne Philbrick
Alderman Joseph A. DeLucia

RESOLUTION #8

BE IT RESOLVED that the following be reappointed as an **alternate member** to the Personnel and Pension Board for a term to expire on March 01, 2021 or until a successor is appointed;

Richard Morelli (U)

Alderman Stacy Gould
Alderman Joanne Philbrick
Alderman Joseph A. DeLucia

RESOLUTION #9

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, 2021 or until a successor is appointed:

Jason Courter (R)

Alderman Stacy Gould
Alderman Joanne Philbrick
Alderman Joseph A. DeLucia

NEW BUSINESS ORDINANCE #1

AN ORDINANCE AMENDING SECTION 14-2(e) OF THE NORWICH CODE OF ORDINANCES WITH RESPECT TO THE SELLING OF FOOD OR DRINK IN MOHEGAN PARK

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that Section 14-2(e) of the Norwich Code of Ordinances be repealed in its entirety and that a new Section 14-2(e) as set forth herein be adopted:

Section 14-2. Property

~~(e) The selling of food or drink in Mohegan Park, with the exception of the Reynolds Road-Mahan Drive recreation area, is limited to the concession building. No other vendor is allowed to sell food and drink in the park during the period the concession is in operation, unless permitted in writing by the director of public works.~~

The selling of food or non-alcoholic beverages in Mohegan Park shall be permitted at such times and locations as are authorized by permit or other written authorization issued by the Director of Public Works or his designee. Any such permit or other written authorization shall specify the location or locations at which such vending is permitted and may limit the scope and time when such vending is permitted.

- 1) The Director of Public Works shall establish regulations which shall identify the location or locations in Mohegan Park where the vending of food or non-alcoholic beverages is permitted and shall establish limits as to the dates and hours of operation when such vending is permitted. Such regulations may also establish limits as to the number of vendors permitted in the park as well as the number permitted to vend at any location or locations identified for the purpose. Such regulations may also establish rules for any festivals and events with multiple vendors selling food and non-alcoholic beverages.*
- 2) The Director of Public Works may establish a schedule of permit fees applicable to vendors selling food and non-alcoholic beverages in Mohegan Park, which fees shall take into account the operating expenses and other costs to the city, and may differ as a result of the location at which vending is to take place, and the duration of the vending activity. All sums received from the collection of such permitting fees shall be used to defray the operating expenses and costs to the city arising from the sale of food and non-alcoholic beverages in Mohegan Park.*
- 3) The Council shall by resolution approve the permit fees proposed by the director of public works and may by resolution increase or decrease permit fees to reflect any increase or decrease in the operating expenses and other costs to the city associated with the vending of food and non-alcoholic beverages in Mohegan Park.*

- 4) Unless exempted under the statutes of the State of Connecticut, no person shall vend in Mohegan Park without holding a proper license or licenses as may be required for the vending of food or non-alcoholic beverages as determined by the Uncas Health District and the Chief of Police.**
- 5) Vending may be conducted from a properly equipped and licensed motor vehicle or a wheeled vehicle or device, other than a motor vehicle, which may be moved with or without a motor and which does not require registration by the Department of Motor Vehicles.**
- 6) Before any permit, as provided in this section, shall be issued, such vendor who utilizes a motor vehicle shall file with the Director of Public Works a certificate of insurance naming the City of Norwich as an additional insured party. This insurance shall contain the specific policies, and be in the amounts required by the city. The Director of Public Works will provide these requirements to each vendor requesting a permit.**
- 7) All vendors shall, prior to the issuance of a permit, submit an executed agreement to indemnify and hold harmless the City of Norwich and its employees, officers and officials both elected and appointed, and/or agents from any and all claims, actions, injuries, or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of food and non-alcoholic beverages by the vendor in Mohegan Park.**

Mayor Peter Albert Nystrom
President Pro Tem Bill Nash
Alderman Samuel Browning IV