

The regular meeting of the Council of the City of Norwich was held June 17, 2019, at 7:30 PM in Council Chambers. Present: Mayor Nystrom, Gould, Philbrick, DeLucia, Burnham. City Manager Salomone and Corporation Counsel Michael Driscoll were also in attendance. Ald. Browning arrived at 7:35 pm and Ald. Nash had an excused absence. Mayor Nystrom presided.

Ald. Delucia, read the opening prayer and Ald. Burnham led the members in the Pledge of Allegiance.

**Please be advised that meetings of the Norwich City Council can be viewed in their entirety on the City of Norwich website “norwichct.org”.**

Mayor Nystrom called for citizen comment.

Marvin Serruto, 100 Starr St, talked about the completion of the budget.

Brian Kobylarz, 16 Hobart Ave, inquired about the Budget and Finance Committee.

David Crabb, 47 Prospect St, talked about the rank of Connecticut on the National Report Card.

Rodney Bowie, 62 Roosevelt Ave, suggested a source of revenue for the City.

Mario Bekiaris, restaurant/business owner, spoke about the restaurant lease at the marina.

Robert Groner, 89 Lawler Ln, troubled by the deteriorating marina.

Mayor Nystrom declared citizen comment closed.

Mayor Nystrom called for a Public Hearing on reviewing applications and receiving comments relative to the Neighborhood Assistance Act.

Speaking in favor:

Bill Champagne, 7 NW Corner Rd, Preston, President Norwich Historical Society, asked for support on the three historical energy assistance applications.

Andra Ingalls, LifeFAQ.org, asked for support mentoring and coaching at risk 8<sup>th</sup> graders.

Penny Newberry, ARC New London, asked for support with energy efficiency for women with disabilities.

Cathy Allen, Thames River Community Services Affordable, asked to support for the siding and gutters project.

Brian Kobylarz, 16 Hobart Ave, inquired on the St. Vincent de Paul Place applications.

Robert Groner, 89 Lawler Lane, spoke in favor of the St. Vincent de Paul Place applications.

Arthur Mueller, 136 Hunters Rd # 86, asked for support of the CRIS-Audio Access for people who are blind or print challenged.

Speaking in opposition:

There were no speakers.

There being no further speakers Mayor Nystrom declared the public hearing closed.

Mayor Nystrom called for a Public Hearing on receiving comments relative to the Community Development Block Grant allocation recommendations.

Speaking in favor:

Margaret Soussloff, Safe Futures, asked the Council to support their request and thanked them for last year's monies.

Jeffrey Arn, Norwich Housing Authority, asked the Council for support for Rosewood Manor Phase III.

Lee-Ann Gomes, Norwich Human Services, asked for support on Norwich Works, Rapid Rehousing, and the Norwich Recreation Taftville basketball courts.

Speaking in opposition:

There were no speakers.

There being no further speakers Mayor Nystrom declared the public hearing closed.

City Manager Report:

**To:** Mayor Nystrom and members of the City Council  
**From:** John Salomone, City Manager  
**Subject:** City Manager's Report  
**Date:** June 17, 2019

The budget has been approved by the City Council and City Clerk, Betsy Barrett has published the required legal notice.

Staff and I met to discuss Assessment Deferral requests to inform the Council of the procedures in place which was presented by Assessor, Donna Ralston at the Mayors Informational/Workshop meeting on Saturday June, 15<sup>th</sup>.

I attended the monthly Connecticut Conference of Municipalities (CCM) Board Meeting. State of Connecticut Treasurer, Shawn Wooden had a question and answer session regarding the State Budget. We were also provided with a Pass/Fail List of bills that are tracked by the CCM Public Policy & Advocacy Staff.

I attended the Retirement Reception for Superintendent Abby Dolliver. Thank you for your years of service with the City's Board of Education.

The Contract between the UPSEU/Cops Local #24 has been ratified and staff and I met with representative from the Fire Department to discuss the ground rules for their Collective Bargaining Unit.

Spaulding Pond beach at Mohegan Park will be opening June 19<sup>th</sup> for the summer season. I would like to thank the Norwich Sunrise Rotary and Rotary Community Corps for the improvements and donations to the swimming area. Sand, new picnic tables and trash cans, a portable sink and a sign with beach rules were donated by the groups. The beach will be open seven days a week from noon to 6 pm weather permitting.

The "Brought to Light" Ellis Walter Ruley in Norwich Quilt is in the process of being displayed on the second floor of City Hall. Thank you to those that contributed, especially the quilters and committee that worked on this unique piece of art that honors the story of his life and work. The Ellis Ruley Committee will be hosting a reception in the near future to acknowledge and thank the participants.

I would like to thank David Bishop who volunteered to refinish the Buckingham Memorial sign. I have attached a copy of the sign which will be hung this week. Mr. Bishop repainted the Norwichtown Green sign 2 years ago and has also volunteered to repaint the Norwich Harbor Mural.

Thank you also to the volunteers and sponsors of the 31<sup>st</sup> Annual Norwich Juneteenth Celebration which was held on Saturday, June 15<sup>th</sup>.

Upcoming annual summer events in the City are the Rose Arts Festival which will be held on Saturday, June 29<sup>th</sup> at Chelsea Parade during the day and throughout the downtown in the evening. A complete list of entertainment is on their website [www.roseartsfestival.com](http://www.roseartsfestival.com). The annual Norwich Harbor Fireworks will be held on Wednesday, July 3<sup>rd</sup> from 5 pm to 10 pm with a rain date of July 6<sup>th</sup>.

Upon a motion of Ald. Gould, seconded by Ald. Delucia it was voted to suspend the rule. Motion passes on a 5-1 vote with Ald. Browning voting in opposition.

Upon a motion of Ald. Gould, seconded by Ald. Delucia, it was voted to add the below resolution and renumber it as resolution #7. Motion passes on a 5-1 vote with Ald. Browning voting in opposition.

Upon a motion of Ald. Gould, seconded by Ald. Delucia it was voted to add Ald. Gould as a sponsor to the below resolution. Motion passes on a 5-1 vote with Ald. Browning voting in opposition.

**WHEREAS**, the Council of the City of Norwich, by a resolution adopted March 18, 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 482-492 Norwich Avenue at a price 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**, the city bid \$28,050 for said property at a foreclosure sale and acquired title to the same on January 8, 2018 by a Foreclosure of Sale Committee Deed recorded at volume 3051, page 46 of the Norwich Land Records ; and

**WHEREAS**, Allyn and Associates Realtors has received a number of offers to purchase the property, the highest offer being the sum of \$40,000, which it recommends, 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 \$40,000 to Victor Properties, LLC 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 Victor Properties, LLC or its designee for the property known as 482-492 Norwich 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.

Mayor Nystrom called for citizen comment on resolutions.

Marvin Serruto, 100 Starr St, asked where we go from here on resolution #8.

Gail Ennis, 4 Quinebaug Dr, Preston, Robert Groner, 89 Lawler, Rodney Bowie, 62 Roosevelt Ave, Mario Bekiaris, restaurant owner, Arthur Mueller, 136 Hunters Rd #86, Tammy Kessel, 58 Finley Rd, Marlboro spoke in favor of resolution #8.

Mark Block, 138 Main St, spoke in support of resolution #6.

Cindy Litton, 568 North Main St, spoke in support of resolution #4.

Stephen Rejniak, 85 Toll Gate Rd, Rocky Hill, spoke in support of resolution #7.

David Crabb, 47 Prospect St, spoke on resolution #4 asking to correct the title.

Brian Kobylarz, 16 Hobart Ave, spoke in support of resolution #8 and supports all entities resolution #1.

Mayor Nystrom declared citizen comment on resolutions closed.

Upon a motion of Ald. Gould, seconded by Ald. Burnham, it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, Ald. Gould and Browning.

**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 8<sup>th</sup> 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

Upon a motion of Ald. Gould, seconded by Ald. Delucia, it was unanimously voted to adopt the following resolution introduced by Ald. Gould, Philbrick and DeLucia.

**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)

Upon a motion of Ald. Gould, seconded by Ald. Delucia, it was unanimously voted to set the public hearing on the following resolution on July 1, 2019 at 7:30 pm introduced by Mayor Nystrom.

**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.

<b>Name</b>	<b>Location</b>	<b>Cost</b>
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.

Upon a motion of Ald. Gould, seconded by Ald. Browning, it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom and Browning.

**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 Lefkowicz, 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

Upon a motion of Ald. Gould, seconded by Ald. Delucia, it was unanimously voted to put the following resolution introduced by Ald. Gould on the floor.

Upon a motion Ald. DeLucia, seconded by Ald. Gould, it was unanimously voted to amend the following resolution in paragraph #7 by adding “sum of \$36,000.00” and in paragraph # 8 by adding “price of \$36,000.00 to Wendie Baquero”.

**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 \$36,000.00, 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 \$ 36,000.00 to Wendie Baquero 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 Wendie Baquero 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.

**Motion passes 6-0.**

Upon a motion of Ald. Gould, seconded by Ald. Delucia, it was unanimously voted to put adopt the following resolution introduced by Mayor Nystrom.

**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.

Upon a motion of Ald. Gould, seconded by Ald. Philbrick, it was voted to put the following introduced by Ald. Gould on the floor.

The following resolution passes on a 5-1 vote with Ald. Browning voting in opposition.

**WHEREAS**, the Council of the City of Norwich, by a resolution adopted March 18, 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 482-492 Norwich Avenue at a price 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**, the city bid \$28,050 for said property at a foreclosure sale and acquired title to the same on January 8, 2018 by a Foreclosure of Sale Committee Deed recorded at volume 3051, page 46 of the Norwich Land Records ; and

**WHEREAS**, Allyn and Associates Realtors has received a number of offers to purchase the property, the highest offer being the sum of \$40,000, which it recommends, 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 \$40,000 to Victor Properties, LLC 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 Victor Properties, LLC or its designee for the property known as 482-492 Norwich 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.

Upon a motion by Ald. Gould, second by Ald. Philbrick,, it was unanimously voted to go into Executive Session pursuant to Connecticut General Statute Section 1-200(6), for the purpose of discussing pending claims to which the city is a party as well as the acquisition or disposition of real estate or interest in real estate when publicity regarding the proposed acquisition or disposition would cause a likelihood of an increased price to acquire and a diminish price to dispose of the property. City Manager John Salomone, Comptroller Joshua Pothier, Director of Planning and Neighborhood Services and Michael E. Driscoll shall be asked to attend during all or portions of this Executive Session at the request of the City Council. Attorney Glenn Carberry may be asked to participate during all or portions of the Executive Session at the request of the City Council.

The council was in Executive Session from 9:02 pm to 9:40 pm, at which time Mayor Nystrom, stated no votes were taken.

Upon a motion of Ald. Burnham, seconded by Ald. Gould, it was unanimously voted to return to regular session.

Upon a motion of Ald. Gould, seconded by Ald. DeLucia, it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, Ald. Gould and Browning.

**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 6<sup>th</sup> – 39<sup>th</sup> 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 40<sup>th</sup> 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.

EXHIBIT D-1

Phase I

Parcel: MARINAPROPER

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 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,

DRAFT

EXHIBIT D-2

Phase II

Parcel: MARINAPROPER

1. Construction of outdoor gazebo cafe' approximately 25ft. by 25ft. or larger. (optional)
2. Construction of marina pavilion building approximately 30ft. by 50ft. or larger accompanied with platformed swimming pool approximately 30ft. by 40ft. 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 needed arises).

EXHIBIT D3

*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.

Upon motion of Ald. Gould, seconded by Ald. Philbrick, it was unanimously voted to adjourn at 9:47 P.M.

  
City Clerk