

The regular meeting of the Council of the City of Norwich was held September 3, 2019, at 7:30 PM in Council Chambers. Present: Mayor Nystrom, Ald. Gould, Philbrick, DeLucia, Browning and Burnham. Corporation Counsel Michael Driscoll was also in attendance. Ald. Nash and City Manager Salomone were absent. Mayor Nystrom presided.

Ald. Browning read the opening prayer and Ald. DeLucia led the members in the Pledge of Allegiance.

Upon a motion of Ald. Gould, seconded by Ald. DeLucia, it was unanimously voted to adopt the minutes of August 5 and 19, 2019.

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 a Public Hearing on **AN ORDINANCE REGARDING ADDITIONAL FISCAL YEAR 2018-19 APPROPRIATIONS FOR THE GENERAL FUND AND CITY CONSOLIDATION DISTRICT**

Speaking in favor:

Linda Theodoru, 37 Taftville Occum Rd, questioned how you can say there were higher than anticipated expenses and not fund them. She stated that under funding is poor financial management.

Speaking in opposition:

David Crabb, 47 Prospect St, opposed and talked about past practices in the budget process.

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

Mayor Nystrom called for the second reading and action on **AN ORDINANCE REGARDING ADDITIONAL FISCAL YEAR 2018-19 APPROPRIATIONS FOR THE GENERAL FUND AND CITY CONSOLIDATION DISTRICT**

Upon a motion Ald. Gould, seconded by Ald. Philbrick, it was unanimously voted to waive the reading of the full text and incorporate it into the minutes this ordinance being given its second reading.

Upon a motion Ald. Gould, seconded by Ald. Philbrick, to adopt the following ordinance introduced by Mayor Nystrom and President Pro Tem Nash.

AN ORDINANCE REGARDING ADDITIONAL FISCAL YEAR 2018-19 APPROPRIATIONS FOR THE GENERAL FUND AND CITY CONSOLIDATION DISTRICT

WHEREAS, Norwich Public Schools expended approximately \$1,400,000 in excess of its fiscal year 2018-19 General Fund appropriation as a result of higher than anticipated special education tuition and transportation costs; and

WHEREAS, \$572,000 of the \$1,400,000 overage was offset by transfers of unexpended appropriations from other General Fund departments– leaving a net spending deficit of \$828,000; and

WHEREAS, the City Consolidation District’s (“CCD”) wages, overtime, replacement costs, and fringe benefits for fiscal year 2018-19 are \$420,000 higher than anticipated compared to the adopted 2018-19 budget for the CCD; and

WHEREAS, the General Fund and CCD have adequate levels of unrestricted fund balance (“UFB”) to absorb the impact of the budget variances described above; and

WHEREAS, the CCD will have a fund deficit of approximately \$220,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH THAT the fiscal year 2018-19 appropriations for the General Fund and CCD be, and hereby are, increased by the sums of \$828,000 and \$420,000, respectively, for the reasons set forth above.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH THAT if, during the fiscal year 2020-21 budget development process, the City Consolidation District fund is projected to be in a deficit position at the end of fiscal year 2019-20, then an additional amount will be included in the 2020-21 tax levy for the City Consolidation District to restore such deficit.

On a roll call vote of 6-0 the above ordinance passes.

Upon a motion of Ald. Gould, seconded by Ald. Burnham, it was unanimously voted to accept the letter of resignation from Kevin Saythany from Zoning Board of Appeals thanking him for his service.

Upon a motion of Ald. Philbrick, seconded by Ald. Gould, it was unanimously voted to accept the letter removing Angelo Yeitz from the Golf Course Authority.

Upon a motion of Ald. Gould, seconded by Philbrick, it was unanimously voted to refer the [Fire Apparatus report](#) from the City Manager to the Public Safety Committee.

City Manager Salomone report:

To: Mayor Nystrom and members of the City Council
From: John Salomone, City Manager
Subject: City Manager’s Report
Date: September 3, 2019

The Mayor, Council members Gould and Nash and I, along with local dignitaries meet with Lieutenant Governor Susan Bysiewicz and took a walking tour of downtown. Several stops were made at new businesses so she could see the economic climate of the downtown. We also visited Atlantic Linen Service in the Business Park who received a state low interest loan for the acquisition of machinery

and equipment and a \$100,000 grant-in-aid for employee training to add 10 new positions and retain 110 others.

Informational Parking Discussions were held on Tuesday, August 20th in Council Chambers. The two workshop sessions had approximately 18 attendees and included city officials, downtown business representatives and residents to discuss the current and future parking needs in the City and trends around the country.

Six qualification proposals for a modern roundabout for Franklin Square were opened on August 27th. This is the first step in enhancing and updating the intersection to create a two-way traffic pattern from Franklin Square to Main Street.

My office has received notification from the State of Connecticut Department of Revenue Services of the 2019 Approved Neighborhood Assistance Act Programs. The 15 Norwich applications with requests that totaled \$1,037, 281 have been notified via email by my assistant, Jacquie Barbarossa. Businesses requesting a tax credit under the Neighborhood Assistance Act must complete a separate form NAA-02 for each program it wishes to sponsor on or after September 15, 2019 but not later than October 1, 2019. A list of all the approved programs is available on the DRS website.

Numerous events will be taking place in Norwich in the next two weeks. *"Discover your HeaARTist"* will be held First Friday, September 6th. The *44th Annual Greek Food Festival* will be held at Holy Trinity Greek Orthodox Church from September 5th to 8th, the *28th Annual Taste of Italy* will be held on Saturday, September 7th at Brown Park, the *16th Annual Norwich Family Day* takes place on Sunday, September 15th at Mohegan Park along with the *Harry "O" Fun Run* and the *Cup of Nations Soccer Event* will also take place that same weekend. *Celebrate Cultural Diversity* will be held for the 7th year on Monday, September 16th at Brown Park. Please visit any or all of these upcoming events.

The Fire Apparatus Study needs analysis and replacement schedule that was requested per the Council in February, 2019 has been handed out. Thank you to all the Fire Chiefs and Comptroller for their assistance with the report.

Mayor Nystrom called for citizen comment.

David Crabb, 47 Prospect St, spoke in opposition of Resolution #1 stating the absence of transparency.

Mayor Nystrom declared citizen comment closed.

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

WHEREAS, on August 23, 2019 the City of Norwich Police Department notified the Council of the City of Norwich and City Manager John Salomone that it had applied for funds in the amount of \$15,825 under the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program established within the United States Department of Justice, said funding to be used for the purchase of a Mobile Data and Evidence Recovery Initiative using Cellebrite technology to allow officers to properly and effectively extract and

analyze data secured from mobile devices, computers, and tablets and provides on-line training for Police Department investigators; and

WHEREAS, federal guidelines require that all JAG applicants make any JAG application “available for review by the governing body or organization designated by the body”; and

WHEREAS, this JAG application was posted on the Norwich Police Department website for public comment; and

WHEREAS, the Norwich Police Department has been awarded the grant but release of funding under this grant requires confirmation of satisfactory completion of the Governing Body Review which has been performed by the Council of the City of Norwich; and

WHEREAS, the Council of the City of Norwich finds this grant application, and the receipt of funds by the Police Department of the City of Norwich for the purpose described in the application to be in the best interest of the City of Norwich.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that it go on record as fully supporting this application, the award of the grant pursuant to the same, the receipt of funding, and, if required, authorizes, currently and retroactively, City Manager John Salomone to execute, enter into, and submit on behalf of the City of Norwich and the Norwich Police Department any and all materials, communications, or authorizations required by the application and/or in connection with the receipt of any funds approved under the application to be used by the City of Norwich Police Department for the purposes stated in the application and grant.

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

WHEREAS, the City of Norwich is a defendant in a foreclosure suit entitled the *Connecticut Housing Finance Authority v. Zachary Barr, et al* pending in the Superior Court in New London and assigned docket no. KNL-CV-19-6038977-S; and

WHEREAS, the mortgage being foreclosed encumbers the property at 218 Broad Street and secures a loan made by Bank of America on June 4, 2009 in the original amount of \$93,279, the Mortgage recorded at Volume 2555, Page 89 of the Norwich Land Records and assigned to the Connecticut Housing Finance Authority by an Assignment recorded on June 4, 2009 at Volume 2555, Page 96; and

WHEREAS, the Connecticut Housing Finance Authority also made a loan of \$4,500 on June 4, 2009 which is secured by 218 Broad Street by a Mortgage recorded at Volume 2555, Page 97; and

WHEREAS, the City of Norwich, through the Office of Community Development, which administers the Community Development Block Grant Program as well as the Lead Based-Paint Hazard Control Program, provided funding in 2010 for rehabilitation and lead-abatement of 218 Broad Street which loans are secured by two Mortgages, one for \$40,000 for rehabilitation of the property executed

February 17, 2010 and recorded at Volume 2604, Page 132, and one securing a lead-abatement loan in the amount of \$26,000, also executed February 17, 2010 and recorded at Volume 2604, Page 138; and

WHEREAS, the amount actually used for rehabilitation was \$39,165 and the amount used for lead-abatement was \$19,625; and

WHEREAS, the property owner made payments totaling \$10,115.40 in repaying the rehabilitation loan, the last payment received November 26, 2018; and

WHEREAS, the lead-abatement loan is forgiven at a rate of 10% per year; and

WHEREAS, the sum of \$29,049.60 is due on the rehabilitation loan and the amount of \$1,926.50 due on the lead-abatement loan which final installment is to be forgiven on February 27, 2020; and

WHEREAS, in the foreclosure suit, on June 17, 2019 the court found the debt due to the Connecticut Housing Finance Authority on the first mortgage to be \$89,936.85 together with costs and fees in the amount of \$3,315, a total debt of \$93,251.85; and

WHEREAS, the per diem interest due on the debt on and after June 1, 2019 is \$9.82; and

WHEREAS, the debt found by the court includes escrow advances of \$7,000 for taxes and expenses, which advances do not include the July 2019 tax installment of \$2,075.57 which was paid by the Connecticut Housing Finance Authority on July 30, 2019 and will increase the debt by that amount; and

WHEREAS, the Committee of Sale has been authorized to incur fees and costs since August 7, 2019 with signs to be posted by September 1, 2019 and publication to commence on September 8, 2019 all of which fees and costs will be subsequently awarded by the court; and

WHEREAS, on June 17, 2019 the court found the fair market value of the property to be \$110,000, \$20,000 for land and \$90,000 for improvements; and

WHEREAS, at the time of the commencement of the foreclosure an appraisal was prepared effective March 18, 2019 which concluded the value of the property was \$75,000; and

WHEREAS, on January 24, 2019 the property was listed for sale through a realtor and, soon after the initiation of the foreclosure, efforts have been made to arrange a short sale of the property to include a payment to the City of Norwich in the amount of \$10,000 for a release of its mortgages.

WHEREAS, given the increasing amount due to the Connecticut Housing Finance Authority by virtue of its mortgages which are prior in right to the City of Norwich mortgages, the likely costs and fees to be incurred by the Committee of Sale in conducting a sale, and doubt as to the fair market value given the differences in values assigned by the two appraisals, the Council of the City of Norwich finds that accepting a payment of \$10,000 to release its mortgages as part of a short sale is in the best interest of the City; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and empowered for and behalf of the City of Norwich to enter into negotiations with the parties and representatives pursuing a short sale and, if negotiations are successful and satisfactory to him and include a payment of \$10,000 to the City, to execute and deliver releases of the mortgages securing the City's interests identified in this resolution, together with such other documents as are necessary on the City's part to effectuate the short sale and deliver all of the same as appropriate.

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

WHEREAS, the City of Norwich has acquired the property located at 8 Garfield Avenue, Map 118, Block 3, Lot 75 through a foreclosure of tax liens; and

WHEREAS, said property is improved by a structure; and

WHEREAS, the Council of the City of Norwich has determined it to be in the best interest of the City of Norwich to attempt to dispose of this property by a negotiated sale using the services of Allyn & Associates Realtors, listing the property at a price recommended to it by Allyn & Associates Realtors.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into an individual real estate listing agreement satisfactory to him with Allyn & Associates Realtors offering to sell the properties at 8 Garfield Avenue at a proposed sale price recommended by Allyn & Associates Realtors; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that, upon receipt of a Purchase and Sales Agreement from a prospective purchaser containing the proposed sales price recommended by Allyn & Associates Realtors and containing such terms and conditions as are satisfactory to City Manager John Salomone, then, City Manager John Salomone shall be and hereby is authorized and directed to notify the Council of the City of Norwich of the proposed Purchase and Sales Agreement, which the Council may then approve by a resolution authorizing City Manager John Salomone to enter into a Purchase and Sales Agreement as presented for the subject property on behalf of the City of Norwich and, upon timely tender of the purchase price subject to standard adjustments, to execute and deliver a deed of conveyance for said property and to execute, receive and deliver 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.

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

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

WHEREAS, the City of Norwich has acquired the property located 48 Hinckley Street, Map 110, Block 3, Lot 27 through a tax collector sale; and

WHEREAS, said property is improved by a structure; and

WHEREAS, the Council of the City of Norwich has determined it to be in the best interest of the City of Norwich to attempt to dispose of this property by a negotiated sale using the services of Allyn & Associates Realtors, listing the property at a price recommended to it by Allyn & Associates Realtors.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into an individual real estate listing agreement satisfactory to him with Allyn & Associates Realtors offering to sell the properties at 48 Hinckley Street at a proposed sale price recommended by Allyn & Associates Realtors; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that, upon receipt of a Purchase and Sales Agreement from a prospective purchaser containing the proposed sales price recommended by Allyn & Associates Realtors and containing such terms and conditions as are satisfactory to City Manager John Salomone, then, City Manager John Salomone shall be and hereby is authorized and directed to notify the Council of the City of Norwich of the proposed Purchase and Sales Agreement, which the Council may then approve by a resolution authorizing City Manager John Salomone to enter into a Purchase and Sales Agreement as presented for the subject property on behalf of the City of Norwich and, upon timely tender of the purchase price subject to standard adjustments, to execute and deliver a deed of conveyance for said property and to execute, receive and deliver 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 of Ald. Gould, seconded by Ald. Philbrick, it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom and Ald. Gould.

WHEREAS, the City of Norwich has acquired the property located at 87 Fifth Street, Map 86, Block 3, Lot 70 through a foreclosure of tax liens; and

WHEREAS, said property is improved by a structure; and

WHEREAS, the Council of the City of Norwich has determined it to be in the best interest of the City of Norwich to attempt to dispose of this property by a negotiated sale using the services of Allyn & Associates Realtors, listing the property at a price recommended to it by Allyn & Associates Realtors.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into an individual real estate listing agreement satisfactory to him with Allyn & Associates Realtors offering to sell the properties at 87 Fifth Street at a proposed sale price recommended by Allyn & Associates Realtors; and

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that, upon receipt of a Purchase and Sales Agreement from a prospective purchaser containing the proposed sales price recommended by Allyn & Associates Realtors and containing such terms and conditions as are satisfactory to City Manager John Salomone, then, City Manager John Salomone shall be and hereby is authorized and

directed to notify the Council of the City of Norwich of the proposed Purchase and Sales Agreement, which the Council may then approve by a resolution authorizing City Manager John Salomone to enter into a Purchase and Sales Agreement as presented for the subject property on behalf of the City of Norwich and, upon timely tender of the purchase price subject to standard adjustments, to execute and deliver a deed of conveyance for said property and to execute, receive and deliver 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.

Ald. Philbrick asked for a moment of personal privilege and submitted her resignation letter.

Upon a motion by Ald. Gould, seconded 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 strategy and negotiations with respect to pending claims and litigation. Comptroller and Acting City Manager Joshua Pothier, Corporation Counsel Michael E. Driscoll and Attorney Thomas Gerarde shall be asked to attend during all or portions of this Executive Session at the request of the City Council.

The council was in Executive Session from 8:45 pm to 9:40 pm, at which time Mayor Nystrom, stated no votes were taken.

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

Upon motion of Ald. Gould, seconded by Ald. Philbrick, it was unanimously voted to adjourn at 9:41 pm.


Bret W. Baur
City Clerk