

The regular meeting of the Council of the City of Norwich was held November 18, 2019, at 7:30 PM in Council Chambers. Present: Mayor Nystrom, Ald. Nash, Gould, DeLucia, Browning. City Manager Salomone and Corporation Counsel Michael Driscoll were also in attendance. Ald. Burnham had an excused absence. Mayor Nystrom presided.

President Pro Tem Nash read the opening prayer and Ald. Gould 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](http://norwichct.org)”.**

Ald. DeLucia called for a moment of personal privilege and read a statement from Ald. Burnham stating “due to a death in the family I’m not able to attend tonight. It has been a distinct honor to serve you these past few years. Thank you for trusting me to represent your voice, respectfully Stephanie Burnham”.

Ald. Delucia expressed condolences for Ald. Burnham’s and her family for her loss and will miss her being a fellow council member.

Mayor Nystrom read the following Proclamation:

### PROCLAMATION

**WHEREAS**, Norwich celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

**WHEREAS**, 94% of consumers in the United States value the contributions small businesses make in their community; and

**WHEREAS**, 96% of consumers who plan to shop on Small Business Saturday said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

**WHEREAS**, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

**WHEREAS**, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

**WHEREAS**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW THEREFORE, I, MAYOR PETER ALBERT NYSTROM AND NORWICH CITY COUNCIL PRESIDENT PRO TEM, BILL NASH, ON BEHALF OF THE NORWICH CITY COUNCIL AND THE CITIZENS OF THE CITY OF NORWICH,** do hereby proclaim November 30, 2019 as **Small Business Saturday** and urge all of Norwich to support small business today and throughout the year.

**Dated this Eighteenth Day of November, 2019**

**Peter Albert Nystrom**  
**Mayor**

**Bill Nash**  
**President Pro Tem**

Mayor Nystrom called for citizen comment.

Tark Richard Aouadi, 475 Center Rd Wallingford, expressed concerns on behalf of himself and the Muslim Community about positions taken by an individual having ownership in the CT Tigers organization.

Abdol Haeim Jones, 100 Main St, North Stonington, stated he was sad to see the City's position on the above issue and would like to have their grievances and concerns addressed.

John Levangie, 85 Lawler Ln, expressed concern about losing our baseball teams because the number of teams is being reduced.

Marvin Serruto, 100 Starr St, expressed disagreement with other opinions above and thanked the Mayor for his life saving quick thinking.

Rafid Choudhury, 31 Mopsic St, talked about our tax dollars supporting the above issue which negatively impacts our community.

Jean Santiel, 85 Alice St Ext, talked about the property at 218 Broad St.

Rodney Bowie, 62 Roosevelt Ave, talked about the baseball team owner and stated this topic shouldn't be continually dragged up.

Reaz Ahmed, talked about the negativity against Muslims being upsetting.

Mayor Nystrom declared citizen comment closed.

Mayor Nystrom called for a Public Hearing on **AN ORDINANCE AMENDING SECTION 9-21(a)(3) OF THE NORWICH CODE OF ORDINANCES BY REPEALING AND RESTATING THE SAME, AND SECTION 9-35 OF THE NORWICH CODE OF ORDINANCES BY ADDING A NEW PARAGRAPH TO BE DESIGNATED "(f)" AND CHANGING THE DESIGNATION OF THE EXISTING PARAGRAPH "(f)" IN SUCH SECTION TO "(g)"**

Speaking in favor:

There were no speakers.

Speaking in opposition:

There were no speakers.

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

Mayor Nystrom called for the second reading and action on **AN ORDINANCE AMENDING SECTION 9-21(a)(3) OF THE NORWICH CODE OF ORDINANCES BY REPEALING AND RESTATING THE SAME, AND SECTION 9-35 OF THE NORWICH CODE OF ORDINANCES BY ADDING A NEW PARAGRAPH TO BE DESIGNATED “(f)” AND CHANGING THE DESIGNATION OF THE EXISTING PARAGRAPH “(f)” IN SUCH SECTION TO “(g)”**

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

**AN ORDINANCE AMENDING SECTION 9-21(a)(3) OF THE NORWICH CODE OF ORDINANCES BY REPEALING AND RESTATING THE SAME, AND SECTION 9-35 OF THE NORWICH CODE OF ORDINANCES BY ADDING A NEW PARAGRAPH TO BE DESIGNATED “(f)” AND CHANGING THE DESIGNATION OF THE EXISTING PARAGRAPH “(f)” IN SUCH SECTION TO “(g)”**

**WHEREAS**, the Southeastern Connecticut Regional Resources Recovery Authority (SCRRA) has proposed and approved Amendment No. 5 to the current Waste Disposal Agreement between SCRRA and the City of Norwich; and

**WHEREAS**, Amendment No. 5 will require the City of Norwich to amend Sections 9-21(a)(3) and 9-35 of the existing Norwich Code of Ordinances pertaining to its Solid Waste Management Plan

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH**, that Section 9-21(a)(3) of the Norwich Code of Ordinances be repealed and restated as set out as follows:

~~9-21(a)(3) The city has executed or may execute one or more solid waste management service contracts as determined by the city council, requiring it to cause all or a portion of the solid waste generated within its boundaries to be delivered to various locations as required by the contract; and~~

*9-21(a)(3) The city has executed a Municipal Solid Waste Management Services Contract with Southeastern Connecticut Regional Resources Recovery Authority (SCRRA) including an Amendment No. 5 to such Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA). The MSA defines the System (the SCRRA system) to include the Solid Waste Disposal and Resources Recovery Facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRA Facility as the “Facility” within the SCRRA System. Pursuant to the MSA, the city has agreed to deliver or caused to be delivered all solid waste (as defined in the MSA) generated within the corporate boundaries of the city to the SCRRA System as directed by SCRRA for ultimate delivery to the SCRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.*

**AND BE IF FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH**, that Section 9-35 of the Norwich Code of Ordinances be amended by adding a new paragraph “(f)” to provide as follows:  
*9-35(f) All solid waste generated in the city shall be delivered or caused to be delivered to the SCRRA System for so long as the MSA remains in effect, as directed by SCRRA and for ultimate delivery to the SCRRA Facility. To the extent any such solid waste is not acceptable for disposal at the SCRRA Facility,*

*such unacceptable solid waste shall be delivered or caused to be delivered to such other facility designated by SCRRA, including the city landfill or other waste disposal area. After the MSA is no longer in effect, the city council or the director of public works shall designate the facility for the delivery of solid waste generated in the city. Any person delivering solid waste to the SCRRA Facility or other designated place shall be responsible to pay any applicable disposal charge. All regulations of the city council or the director of public works and any direction or designation by the city council or the director of public works about the disposal of solid waste generated in the city shall be consistent with this paragraph (f) of Section 9-35;*

and by re-identifying the existing paragraph (f) of Section 9-35 as paragraph (g) as follows:

~~(f)~~ (g) Violators of this section and any regulation or order pursuant hereto shall be subject to the penalties provided by Section 1-8 of the Code of Ordinances.

**AND BE IF FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH**, that this ordinance shall take effect on the 10<sup>th</sup> day following its passage and publication as provided in Chapter V of the Charter of the City of Norwich.

The above ordinance passed on a roll call vote of 5-0.

Upon a motion of President Pro Tem Nash, seconded by Ald. Gould, it was unanimously voted to accept the letter of resignation of Christopher B. Dixon from the Norwich Ethics Commission thanking him for his service.

**City Manager Salomone report:**

**To:** Mayor Nystrom and members of the City Council  
**From:** John Salomone, City Manager  
**Subject:** City Manager's Report  
**Date:** November 18, 2019

Congratulations to Alderwoman Gould, and Aldermen DeLucia and Nash for winning re-election and newly elected members Mark Bettencourt, Ella Myles and Derell Wilson. The official swearing in ceremony will take place on Tuesday, December 3<sup>rd</sup> at 7:30 pm with a reception immediately following. The Board of Education members will also be sworn in that evening.

Comptroller, Josh Pothier and I will be meeting with the new Council members this week to give them information they will need for their upcoming term.

My assistant, Jacquie Barbarossa is coordinating the yearly goal setting session for all council members which will be held in early February.

Staff and I met with the City's municipal advisors to review our bond rating and we have maintained a strong AA rating with Standard and Poor.

The Human Resources Department has coordinated *Mandatory Sexual Harassment Prevention Training* for all employees. Sessions will take place throughout the month of November and is required by law for all employees to complete by October 1, 2020 or within six month of hire.

I hope you had the opportunity to watch the Hallmark movie "Holiday for Heroes" that was filmed in Norwich and the surrounding areas. City Hall and the Ice Rink looked great and it was interesting and entertaining to see the completed movie after watching the crew film here.

The 11<sup>th</sup> annual *O'tis a Festival* will be held at Otis Library on Saturday, November 23<sup>rd</sup>, from 10 am to 3 pm where City staff will participate as "Celebrity Parkers".

I would like to thank Corinne Renaldi of Norwich for her holiday tree donation which should arrive this week. The tree is in memory of her neighbor David Huntley who passed away in 1998. Ms. Renaldi asked his young son Dale to help her plant the small tabletop tree in honor of his father. Dale helped water and take care of the tree and now, 21 years later, it will be placed in the City Hall Plaza and will be officially lighted at the "Light Up City Hall" event on Friday, December 6<sup>th</sup>.

I have attached the Treasurer's Report from Michael Gualtieri, for quarter ended September 30, 2019 for your review.

Mayor Nystrom called for citizen comment.

Marvin Serruto, 100 Starr St, spoke in favor of Resolution #1 and against Resolution #7.

H. Tucker Braddock, spoke on behalf of the Harbor Commission regarding putting this property back on the tax rolls in Resolution #2.

Mayor Nystrom declared citizen comment closed.

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

**WHEREAS**, an agreement between the City of Norwich and the Norwich Golf Course Authority entered into at the time of the acquisition of the golf course by the City provided that the Norwich Golf Course Authority might not expend more than \$100,000 in any one year without the approval of the Council of the City of Norwich; and

**WHEREAS**, the Norwich Golf Course Authority has annually advised the Council of the City of Norwich of its expected revenues and expenses for the upcoming calendar year; and

**WHEREAS**, the Norwich Golf Course Authority will need to expend more than \$100,000 during the calendar year 2020 to meet operating and capital improvement expenses; and

**WHEREAS**, the adopted operational and capital budget of the Norwich Golf Course Authority for 2020 anticipates receiving revenue of \$997,266 from operations during 2020 and having budgeted expenditures of \$993,786.04.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH** that the Norwich Golf Course Authority be and hereby is authorized to expend up to \$997,266 during calendar year 2020 from revenues received from operations and other available funds; provided this limitation on expenditures shall not apply to or restrict its use and expenditure of funds available through a bond issue for the establishment of a pond, course water supply system, and other purposes.

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

The following resolution passes on a vote of 4-1 with Ald. Browning voting in opposition.

**WHEREAS**, on July 1, 2019 the Council of the City of Norwich received a resolution authorizing the City Manager to arrange to sell the property at 18 Falls Avenue, subject to public access and parking restrictions as described in the resolution, and voted to refer the resolution to the Commission on the City Plan and the Harbor Commission, and to set a public hearing to be held on August 5, 2019 pursuant to Connecticut General Statute § 7-163e; and

**WHEREAS**, on August 5, 2019 the Council received a favorable recommendation from the Commission on the City Plan recommending a sale of the property finding it consistent with the Plan of Conservation and Development to provide economic development strategies and growth; and received a report from the Harbor Management Commission favorably recommended disposition of the property with the understanding that the future use will be in support of a water-dependent use as in the Harbor Management area; and

**WHEREAS**, on August 19, 2019 the Council of the City of Norwich adopted a resolution authorizing the sum of \$5,000 to be appropriated for the purpose of conducting a survey of the property at 18 Falls Avenue to be used to divide the property such that a portion remained owned by the City and a portion could be disposed of subject to additional terms and condition set forth in the resolution, and authorized the City Manager through the purchasing agent and such other individuals or departments as he may wish to issue a Request for Proposals seeking interested parties to renovate and development that portion of 18 Falls Avenue not to be retained by the City; and

**WHEREAS**, the Council by resolution adopted October 21, 2019 extended the date by which any Request for Proposal was to be issued to the second meeting of the Council in November of 2019; and

**WHEREAS**, the Planning Department and the Department of Public Works are continuing to work to identify the portion of the property which may be conveyed without resulting in a non-conforming lot or lots and which may require that any property transferred be merged with adjoining property and any property retained by the City be merged with other city-owned property

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH**, that the time limit for the issuance of Requests for Proposals as set out in the resolutions adopted August 19, 2019 and subsequently amended by the resolution of October 21, 2019 be further amended by being rescinded and deleted, this matter to be returned to the Council for further consideration once the proposed division of the property to permit a transfer of the existing structure to the adjoining property owner together with such other conveyances by or to the City of Norwich as are necessary to maintain public access and parking have been determined.

**Upon a motion of Ald. Gould, seconded by President Pro Tem Nash, it was unanimously voted to adopt the following resolution introduced by City Manager Salomone.**

**WHEREAS**, the City Manager John L. Salomone, has reappointed with Council approval as a **regular member** of the Inland Wetlands, Water Courses and Conservation Commission for a term to expire on June 15, 2021 or until a successor is appointed:

Douglas Lee (R)

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Norwich hereby acknowledges the reappointment of the above named to the Inland Wetlands, Water Courses and Conservation Commission.

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

**WHEREAS**, the Council of the City of Norwich, by a resolution adopted July 15, 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 21 Whitaker 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 \$9,444, 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 \$9,444 to Soraya Cambridge-Aubele 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 Soraya Cambridge-Aubele or her designee for the property known as 21 Whitaker 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 of President Pro Tem Nash, seconded by Ald. Gould, it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, President Pro Tem Nash and Ald. Gould.

**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 23 Whitaker 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 \$9,444, 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 \$9,444 to Soraya Cambridge-Aubele 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 Soraya Cambridge-Aubele or her designee for the property known as 23 Whitaker 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 of President Pro Tem Nash, seconded by Ald. Gould, it was unanimously voted to adopt the following resolution introduced by President Pro Tem Nash and Ald. Gould.

**WHEREAS**, Linda Cabral has offered to convey to the City of Norwich by a deed in lieu of foreclosure a parcel of land carried on the land records of the City's Tax Assessor's office as Map 118, Block 3, Lot 10 (15 Rogers Avenue) more particularly described in Schedule A attached hereto; and

**WHEREAS**, Linda Cabral has offered said deed in lieu of foreclosure in full and final satisfaction of all real estate taxes due the City of Norwich assessed with respect to 15 Rogers Avenue; and

**WHEREAS**, the taxes due as of November 30, 2019 are \$389.52 and said property is assessed at a value of \$400.00.

**NOW THEREFORE BE IT RESOLVED**, that the City of Norwich hereby accepts the tender of the deed in lieu of foreclosure by Linda Cabral, conveying to the City of Norwich title to 15 Rogers Avenue in full and final satisfaction of said taxes assessed with respect to said property; and

**BE IT FURTHER RESOLVED**, that City Manager John Salomone be and hereby is authorized to accept said deed on behalf of the City of Norwich, subject to the approval of the Corporation Counsel, and to cause it and any other necessary documents to be filed or recorded.

That certain tract or parcel of land situated on the easterly side of Laurel Hill Avenue and the westerly side of Rogers Avenue in the Town of Norwich, County of New London and State of Connecticut and being more particularly bounded and described as follows:

Beginning at a point on the easterly side of Laurel Hill Avenue and the northwest corner of the herein described tract, said point being the southwest corner of land now or formerly of Tzurmina A. Ribeiro, thence running southerly along the easterly line of Laurel Hill Avenue 210' more or less to land now or formerly of John G. Syragakis; thence running southeasterly 46.4' more or less to the westerly line of Rogers Avenue abutting southerly on land of said Syragakis; thence running northerly 230' more or less along the westerly line of Rogers Avenue to land of said Ribeiro; thence running westerly along said Ribeiro land 25' more or less to the point and place of beginning.

All distances in Tracts One and Two being more or less.

Upon a motion of President Pro Tem Nash, seconded by Ald. Gould, it was voted to put the following resolution introduced by Mayor Nystrom on the floor.

The following resolution passes on a vote of 3-2 with Ald. DeLucia and Browning voting in opposition.

**NOW THEREFORE BE IT RESOLVED** the meeting of the Norwich City Council scheduled to be held on December 2, 2019 is hereby canceled.

Upon a motion of President Pro Tem Nash, seconded by Ald. Gould, it was unanimously voted to waive the full reading of the text, send a referral to the Commission on the City Plan and set a public hearing on January 6, 2020 for the second reading and action for the following ordinance introduced by Mayor Nystrom, President Pro Tem Nash and Ald Gould.

**COUNCIL ORDINANCE**

AN ORDINANCE APPROPRIATING \$750,000 FOR THE PLANNING, ACQUISITION, AND CONSTRUCTION OF A WATER MAIN AND SERVICE LINES FOR THE COUNTRYSIDE DRIVE ASSOCIATION AND AUTHORIZING THE ISSUANCE OF \$750,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND DEPARTMENT OF PUBLIC UTILITIES TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A JOINT RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO

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

**Section 1.** The sum of \$750,000 is appropriated for the planning, design, acquisition, and construction of (i) a water main on Lawler Lane from the existing Norwich Public Utilities water main on Canterbury Turnpike and Lawler Lane, (ii) a water main on Sunrise Street and Evergreen Street looping back onto Canterbury Turnpike, and (iii) service lines from the new mains to the premises currently served by the Countryside Drive Association community well system which will be abandoned as part of the project, including, but not limited to, all site work, easements, land acquisition, materials, installation and deployment costs, and such additional improvements as may be accomplished within said appropriation provided herein, and including all administration, advertising, printing, legal, and financing costs (hereafter the "Project") as shall be determined by the Norwich Department of Public Utilities (the "Department"). Said appropriation shall be inclusive of state and federal grants in aid thereof. The Department is authorized to enter into contracts, expend the appropriation and implement the Project herein authorized.

**Section 2.** The estimated useful life of the Project is twenty years. The total estimated cost of the Project is \$750,000. \$750,000 of the total Project cost is estimated to be financed by or through the State of Connecticut pursuant to its Clean Water Fund Program (as hereinafter defined), through grants and a subsidized interest loan. The Project is a general benefit to the City of Norwich and its general governmental purposes.

**Section 3.** To meet said appropriation:

(i) bonds of the City or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date (or such longer term as may be authorized). Said bonds may be issued in one or more series as determined by the City Manager, the Comptroller - acting on behalf of the City herein - and General Manager City of Norwich Department of Public Utilities - acting on behalf of the Department and the Board of Public Utilities Commissioners (hereafter the "Board") herein - (the "Issuer Officials") and the amount of bonds of each series to be issued shall be fixed by the Issuer Officials in the amount necessary to meet the Issuer's share of the cost of the Project determined after considering the estimated amount of the State and Federal grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, 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, or, be combined with other bonds of the Issuer and such combined issue shall be in the denomination per aggregate maturity 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 facsimile or manual signatures of the Issuer Officials bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Issuer Officials, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Issuer Officials and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Issuer Officials. The issuance of such bonds in one or more series, the aggregate principal amount of bonds to be issued, the 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 Issuer Officials, in accordance with the Joint Resolution. In the case of Parity Indebtedness as defined in the Joint Resolution between the City of Norwich and the Board (as hereinafter defined as the “Joint Resolution”), the Issuer Officials, shall also determine the revenues and property to be pledged for payment of such Parity Indebtedness; or

(ii) temporary notes of the City may be issued in one or more series pursuant to Section 7-244a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by the Issuer Officials, and they are hereby authorized to determine the date, maturity, interest rate, form and other details and particulars of such notes, and to sell, execute and deliver the same; or

(iii) interim funding obligations and project loan obligations or any other obligations of the City (hereinafter “Clean Water Fund Obligations”) evidencing an obligation to repay any portion of the costs of the Project determined by the State of Connecticut Department of Environmental Protection, Public Health or other department as applicable to be eligible for funding under Section 22a-475 et seq. of the Connecticut General Statutes, as the same may be amended from time to time (the “Clean Water Fund Program”). The General Manager City of Norwich Department of Public Utilities (the “General Manager”) is authorized in the name and on behalf of the City and the Board to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith to contract in the name of the Department with engineers, contractors and others. The City may issue Clean Water Fund Obligations in one or more series and in such denominations as the Issuer Officials shall determine, provided that the total of all such Clean Water Fund Obligations, bonds and notes issued and appropriation expended pursuant to this ordinance shall not exceed \$750,000. The Issuer Officials are hereby authorized to determine the amount, date, maturity, interest rate, form and other details and particulars of such interim funding obligations and project loan obligations, subject to the provisions of the Clean Water Fund Program, and to execute and deliver the same. Clean Water Fund Obligations shall be secured solely from a pledge of water system revenues; or

(iv) promissory notes, bonds or other obligations made payable to the United States of America to meet any portion of the costs of the Project determined by the federal government, including acting through the Rural Utility Service of the United States Department of Agriculture (“USDA”) or other federal program or agency, to be eligible for loan and/or grant monies; or

(v) any combination of bonds, temporary notes, notes, or obligations as set forth in the preceding subsections may be issued, provided that the total, aggregate principal amount thereof outstanding, and including the amount of grant funding obtained pursuant to a Project Grant and Project Loan Agreement, at any time shall not exceed \$750,000.

#### **Section 4.**

(i) Bonds, temporary notes, or water assessment notes, Clean Water Fund Obligations and federal obligations all as set forth in Section 3 are hereafter referred to as “Bonds.” The Bonds shall be water revenue bonds of the City, the payment of principal and interest on which shall be secured solely by revenues derived from the operation of the water system, including use

charges, connection charges, benefit assessments or any combination thereof, investment income derived there from, or other property of the water system or revenue derived from the operation of the water system in accordance with the Joint Resolution. Each of the Bonds shall recite to the effect 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 such Bond does not constitute a general obligation of the City for which its full faith and credit is pledged, and that such Bond is payable solely from revenues, assessments, charges or property of the water system specifically pledged therefore.

(ii) The bonds authorized to be issued by Section 3 shall be, issued and secured pursuant to the Joint Resolution approved by the City Council on August 7, 2000, and the Board on July 17, 2000, as amended, and as supplemented by various supplemental Resolutions adopted pursuant to the Joint Resolution, and which is hereby ratified, confirmed and approved in its entirety, including without limitation, the rate and revenue covenants therein. The Board irrevocably agrees to comply with the provisions of the Joint Resolution, including Supplemental Resolutions, including but not limited to: to set, establish and collect and maintain rates and revenue as necessary to continually comply with the terms, conditions and covenants of the General Resolution. The City irrevocably agrees to comply with the provisions of the General Resolution. In order to implement the provisions of the Joint Resolution the City and the Board may enter into an indenture of trust with a bank and trust company which indenture may contain provisions customarily included in revenue bond financings, including provisions of a similar nature to those in the Joint Resolution and which are necessary, convenient or advisable in connection with the issuance of the Bonds and their marketability. The Issuer Officials are hereby authorized to execute and deliver on behalf of the City and the Board an indenture in such final form and containing such terms and conditions as they shall approve, and their signatures on any such indenture shall be conclusive evidence of their approval as authorized hereby.

(iii) The Issuer Officials on behalf of the City and the Board are authorized to agree to additional terms and to delete or change existing terms and otherwise amend the form of Joint Resolution in order to obtain State or federal funding, provide better security for the bonds, correct any matter, cure any ambiguity or defect or otherwise benefit the Issuer in their judgment. Such additional or different terms may include restrictions on the use of water funds or fund balance or water operations, coverage ratios, additional or changed reserve requirements, identification and pledge of revenues securing the Bonds, providing for the form of the Bonds, conditions precedent to the issuance of Bonds and additional Bonds, the establishment and maintenance of funds and the use and disposition there from, including but not limited to accounts for the payment of debt service, the payment of operating expenses, debt service reserve and other reserve accounts, providing for the issuance of subordinated indebtedness, defining an event of default and providing for the allocation of revenues in such event, credit enhancement, providing for a pledge and allocation of water revenues to pay for obligations issued by third parties, and provisions of a similar and different nature to those in the Joint Resolution and which are necessary, convenient or advisable in connection with the issuance of the Bonds and their marketability, and to obtain the benefits of any state or federal grant or low interest loan program, including but not limited to the Clean Water Fund and Federal Department of Agriculture Programs. The Issuer Officials are hereby authorized, in addition to the General Resolution, to execute and deliver on behalf of the Issuer and the Board an indenture of trust in such final form and containing such terms and conditions as they shall

approve, and their signatures on any such indenture shall be conclusive evidence of their approval as authorized hereby.

**Section 5.** 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 6.** Said Bonds shall be sold by the Issuer Officials in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the Bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest not or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the Bonds are sold by negotiation, the Issuer Officials, are authorized to execute a purchase agreement on behalf of the City and Board containing such terms and conditions as they deem appropriate and not inconsistent with this Ordinance.

**Section 7.** Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City of Norwich (the "Issuer") hereby expresses its official intent pursuant to Section 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 Resolution 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 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, and General Manager City of Norwich Department of Public Utilities or their designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

**Section 8.** It is hereby found and determined that it is in the public interest to issue 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. The Issuer Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal government pursuant to law, including but not limited to any "tax credit bond," or "tax advantaged bond".

**Section 9.** The General Manager is authorized on behalf of the Board and the City to enter into a loan and subsidy agreement and such other contracts and agreements necessary to implement the Project herein authorized, including, but not limited to, any water service or benefit assessment agreement with a maximum term of not more than 20 years, with such additions, revisions and deletions as in his judgment are in the best interest of the Board and the City, including the addition of information, completion of schedules, or such other changes as may facilitate the Project and its financing.

**Section 10.** This Ordinance shall be effective upon adoption by the City Council and its approval by the Board.

Ald. Browning called for a moment of personal privilege thanking family, friends, colleagues and many other people for supporting his position as Alderman. He also talked about turning City owned property into taxable income.

Upon a motion by Ald. Gould, seconded by President Pro Tem Nash, it was unanimously voted to go into Executive Session pursuant to Connecticut General Statute Section 1-200(6) for the purpose of discussing proceedings concerning a sale or lease of real estate or interests in real estate as well as the acquisition or disposition of real estate or interest in real estate when publicity regarding the same would adversely impact the price of the same. City Manager John Salomone, and Corporation Counsel Michael E. Driscoll shall be asked to participate during all or portions of the Executive Session at the request of the City Council.

I hereby further move pursuant to Connecticut General Statute Section 1-200(6) that the members of the Norwich City Council continue in Executive Session for the purpose of discussing strategy and negotiations with respect to pending claims and litigation. City Manager John Salomone and Corporation Counsel Michael E. Driscoll 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 8:32 pm to 8:50 pm, at which time Mayor Nystrom, stated no votes were taken.

Upon a motion of Ald. Gould, seconded by President Pro Tem Nash, it was unanimously voted to return to regular session.

Upon motion of Ald. Gould, seconded by President Pro Tem Nash, it was unanimously voted to adjourn at 8:52 pm.



Betsy M. Barrett  
City Clerk