

**ORDINANCE 1723  
ADOPTED 11/16/2015  
PUBLISHED 11/18/2015  
REPEALS ORD. 1700 & 1701**

**Council's Amending Ordinance**

AN ORDINANCE INCREASING THE APPROPRIATION FROM \$5,500,000 TO \$6,000,000 FOR IMPROVEMENT TO THE DEEP RIVER RESERVOIR, INCREASING THE AUTHORIZATION FROM \$5,500,000 TO \$6,000,000 FOR THE ISSUANCE OF REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, 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, AND REPEALING PRIOR ORDINANCES Nos. 1700 and 1701 FINANCING DEEP RIVER RESERVOIR IMPROVEMENTS AND CONSOLIDATING AND EXPANDING THOSE IMPROVEMENTS WITHIN ONE ORDINANCE HEREIN

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

**Section 1.** An Ordinance adopted April 6, 2015, entitled "AN ORDINANCE APPROPRIATING \$5,500,000 FOR IMPROVEMENT TO THE DEEP RIVER RESERVOIR, AUTHORIZING THE ISSUANCE OF \$5,500,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, 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, AND REPEALING PRIOR ORDINANCES Nos. 1700 and 1701 FINANCING DEEP RIVER RESERVOIR IMPROVEMENTS AND CONSOLIDATING AND EXPANDING THOSE IMPROVEMENTS WITHIN ONE ORDINANCE HEREIN," (the "Prior Ordinance"), which ordinance is hereby ratified, confirmed and adopted, is amended to increase the appropriation and bond authorization therein by \$500,000, from \$5,500,000 to \$6,000,000. The changed portions of the Prior Ordinance set forth in cross marks representing deletions and bold representing additions is as follows:

**Section 2.** The title of the Ordinance is amended to read as follows:

AN ORDINANCE **INCREASING THE APPROPRIATION FROM \$5,500,000 TO \$6,000,000** APPROPRIATING ~~\$5,500,000~~ FOR IMPROVEMENT TO THE DEEP RIVER RESERVOIR, **INCREASING THE AUTHORIZATION FROM \$5,500,000 TO \$6,000,000** FOR AUTHORIZING THE ISSUANCE OF ~~\$5,500,000~~ REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, 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, AND REPEALING PRIOR ORDINANCES Nos. 1700 and 1701 FINANCING DEEP RIVER RESERVOIR IMPROVEMENTS AND CONSOLIDATING AND EXPANDING THOSE IMPROVEMENTS WITHIN ONE ORDINANCE HEREIN

**Section 3.** The first sentence of Section 1 of the Prior Ordinance is amended to read as follows:

“Section 1. The sum of ~~\$5,500,000~~ **\$6,000,000** is appropriated for the planning, acquisition and construction of the improvements to the Deep River Reservoir and water delivery structures associated therewith (the “Project”).”

**Section 4.** Section 2 of the Prior Ordinance is amended to read as follows:

“Section 2. The estimated useful life of the Project is thirty years. The total estimated cost of the Project is ~~\$5,500,000~~ **\$6,000,000**. ~~\$805,016.06~~ **\$878,199.36** of the total Project cost is estimated to be grant funded, and ~~\$4,694,983.94~~ **\$5,121,800.64** financed by or through the State of Connecticut pursuant to its Clean Water Fund Program (as hereinafter defined), through a subsidized interest loan. The Project is a general benefit to the City of Norwich and its general governmental purposes.”

**Section 5.** Subsection (iv) [third sentence] and (vi) of Section 3 of the Prior Ordinance are amended to read as follows:

“(iv) . . . .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 ~~\$5,500,000~~ **\$6,000,000**. . . .”

“(vi) 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 ~~\$5,500,000~~ **\$6,000,000**.”

**Section 6.** The amount of \$6,000,000 is substituted for the amount \$5,500,000 in the Prior Ordinance unless otherwise provided herein.

**Section 7.** The City Clerk shall cause an ordinance incorporating all amendments into one complete text to be prepared, labeled “As Amended” at the top, and filed with the minutes of the Meeting at which the Amending Ordinance is adopted.

**Section 8.** This Amending Ordinance shall be effective upon adoption by the City Council and its approval by the Board.

**AS AMENDED**

AN ORDINANCE APPROPRIATING \$6,000,000 FOR IMPROVEMENT TO THE DEEP RIVER RESERVOIR, AUTHORIZING THE ISSUANCE OF \$6,000,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, 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, AND REPEALING PRIOR ORDINANCES Nos. 1700 and 1701 FINANCING DEEP RIVER RESERVOIR IMPROVEMENTS AND CONSOLIDATING AND EXPANDING THOSE IMPROVEMENTS WITHIN ONE ORDINANCE HEREIN

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

**Section 1.** The sum of \$6,000,000 is appropriated for the planning, acquisition and construction of the improvements to the Deep River Reservoir and water delivery structures associated therewith (the "Project"). The Project shall include but not be limited to rehabilitation, repair or replacement of all or any portions of the existing transmission main, and pump, drive and tank storage systems, site work, easements, land acquisition, under drain system, flow control meters and valves, rapid mix tank, piping, meters, water delivery infrastructure, environmental remediation, related and appurtenant improvements, or so much thereof, or such additional improvements as may be accomplished within said appropriation provided herein, and including 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 thirty years. The total estimated cost of the Project is \$6,000,000. \$878,199.36 of the total Project cost is estimated to be grant funded, and \$5,121,800.64 financed by or through the State of Connecticut pursuant to its Clean Water Fund Program (as hereinafter defined), through 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 thirtieth (or such longer term as may be authorized) year after their date. 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) Intentionally left blank; or

(iv) 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 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 \$6,000,000. 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

(v) 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

(vi) 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 \$6,000,000.

(vii) 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.

(viii) 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.

(ix) 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 4.** The issue of the Bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law.

**Section 5.** Said Bonds shall be sold by the 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 net 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 6.** 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 7.** 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 “Build America Bonds” including Direct Payment and Tax Credit Versions.

**Section 8.** This Ordinance shall be effective upon adoption by the City Council and its approval by the Board.

**Section 9.** Simultaneously upon effectiveness of this Ordinance, Ordinances 1700 and 1701 shall be repealed. The expenses paid from, debt issued, funding agreements and contracts entered into and projects undertaken pursuant to Ordinances 1700 and 1701, shall remain in full force and effect, shall be funded from, issued, entered into, and enforceable against the City and Board of Public Utilities Commissions, pursuant to the authorization of this Ordinance and the terms thereof.

**ORDINANCE 1724  
ADOPTED 11/16/2015  
PUBLISHED 11/18/2015  
REPEALS ORD. 1680 & 1681**

**Council Ordinance**

AN ORDINANCE APPROPRIATING \$6,100,000 FOR IMPROVEMENT TO THE STONY BROOK NORTH AND SOUTH TRANSMISSION MAIN, INCLUDING THE INSTALLATION OF A MICRO TURBINE, AUTHORIZING THE ISSUANCE OF \$6,100,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY WATER REVENUE TO MEET SAID APPROPRIATION, 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, AND REPEALING PRIOR ORDINANCES Nos. 1680 and 1681 FINANCING THE STONY BROOK TRANSMISSION MAIN AND CONSOLIDATING AND EXPANDING THOSE IMPROVEMENTS WITHIN ONE ORDINANCE HEREIN

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

**Section 1.** The sum of \$6,100,000 is appropriated for the planning, acquisition and construction of the rehabilitation and or replacement of the Stony Brook North and South transmission main located in Montville, Connecticut and Norwich, Connecticut, including the rehabilitation, repair or replacement of all or any portions of the existing transmission main system, including installation of a micro turbine, site work, easements, land acquisition, related and appurtenant improvements, or so much thereof, or such additional improvements as may be accomplished within said appropriation provided herein, and including 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 thirty years. The total estimated cost of the Project is \$6,100,000. \$5,492,824 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 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 thirtieth (or such longer term as may be authorized) year after their date. 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 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 \$6,100,000. 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 \$6,100,000.

#### **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. 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 “Build America Bonds” including Direct Payment and Tax Credit versions.

**Section 9.** This Ordinance shall be effective upon adoption by the City Council and its approval by the Board.

**Section 10.** Simultaneously upon effectiveness of this Ordinance, Ordinances 1680 and 1681 shall be repealed. The expenses paid from, debt issued, funding agreements and contracts entered into and projects undertaken pursuant to Ordinances 1680 and 1681, shall remain in full force and effect, shall be funded from, issued, entered into, and enforceable against the City and Board, pursuant to the authorization of this Ordinance and the terms thereof.



**ORDINANCE 1725**  
**ADOPTED 11/16/2015**  
**PUBLISHED 11/18/2015**  
**AMENDED: SEE LIST BELOW**

**AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF NORWICH**

**WHEREAS**, pursuant to Connecticut Public Act 86-97, the Council of the City of Norwich adopted Ord. No. 1120 on June 1, 1987 to create a special tax district for the purpose of creating a volunteer firefighters' relief fund plan ("Plan") and adopted Ord. No. 1129 on November 9, 1987 which created the Plan effective January 1, 1988. The Plan has been revised and amended as follows:

Ord. No. 1305 on March 6, 1995  
Ord. No. 1443 on January 8, 2001  
Ord. No. 1547 on July 17, 2006  
Ord. No. 1648 on January 3, 2011  
Ord. No. 1711 on January 5, 2015

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH**, that the current language contained in Article IV of Chapter 8 of the Code of Ordinances of the City of Norwich be amended in its entirety and replaced by the new Article IV as hereinafter set forth.

## Article IV. Volunteer Firefighters

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### 8-71 Volunteer firefighters' relief fund plan

Pursuant to Connecticut Public Act 86-97, the Council of the City of Norwich adopted Ord. No. 1120 on June 1, 1987 to create a special tax district for the purpose of creating a volunteer firefighters' relief fund plan and adopted Ord. No. 1129 on November 9, 1987 which created the volunteer firefighters' relief fund plan effective January 1, 1988. The Plan codified in §§ 8-71 through 8-89 has been revised and amended as follows:

Ord. No. 1305 on March 6, 1995  
Ord. No. 1443 on January 8, 2001  
Ord. No. 1547 on July 17, 2006  
Ord. No. 1648 on January 3, 2011  
Ord. No. 1711 on January 5, 2015

### 8-72 Definitions

When used in §§ 8-71 through 8-89, the following terms have the meanings set forth below unless a different meaning is plainly required by the text.

- a) *Active Member* – A member of any Department who meets the call and training requirements enumerated in § 8-74.
- b) *Anniversary Date* – January 1 of each Plan Year.
- c) *Beneficiary* – Any one or more individual, trust, estate, or other recipient designated to receive death benefits payable hereunder, on either a primary or contingent basis.
- d) *Break in Service* – Failure of a volunteer to earn Credited Service during a Plan Year.
- e) *Cadet* – An Active Member who is aged 16 or 17.
- f) *City* – The City of Norwich in the State of Connecticut.
- g) *Committee* – The Volunteer Firefighters’ Relief Fund Committee.
- h) *Credited Interest* – Interest on Plan Member’s contributions calculated at the following rates:
  - Calculations for refunds or repayments of contributions prior to January 3, 2011 - 5% from the end of the year of deposit per annum compounded annually.
  - Calculations for refunds or repayments of contributions on or after January 3, 2011 - 3% per annum compounded monthly.
- i) *Credited Service* – All years for which a Plan Member has earned and purchased credited service time.
- j) *Departments* – The following individual volunteer fire departments: East Great Plain, Laurel Hill, Occum, Taftville, and Yantic.
- k) *Department-related Injury* – An injury sustained in the course of performing Fire Duties for one of the Departments.
- l) *District* – The Town Consolidation District, as described in Chapter II, § 2 of the Charter of the City of Norwich
- m) *Fire Duties* – Shall have the same meaning as set out in Connecticut General Statutes §§ 7-308, 7-314, and 7-314a and judicial and administrative decisions interpreting the same.
- n) *Fiscal Year* – Each 12-month period ending on June 30.
- o) *Fund* – The Volunteer Firefighters’ Relief Fund
- p) *Plan* – The Volunteer Firefighters’ Relief Fund Plan, as codified in §§ 8-71 through 8-89
- q) *Plan Member* – An Active Member who has purchased one or more years of Credited Service.
- r) *Plan Year* – Each 12-month period ending on December 31.
- s) *Qualified Spouse* - A spouse who had been married to the deceased Plan Member for at least two consecutive years immediately prior to his/her death
- t) *Retired Member* – A Plan Member who is receiving retirement benefits

#### 8-73 Eligibility for participation

- a) *Becoming a Plan Member* – An Active Members who has at least 12 months of continuous volunteer service as of the Anniversary Date may apply to be a Plan Member. Such application shall be completed under time and format prescribed by the Committee and shall be certified by the chief of the Plan Member’s Department.

- b) Declining membership – If an Active Member declines Plan Membership when first eligible, such Active Member forfeits that year of Credited Service and any other years of Credited Service until becoming a Plan Member. The Active Member may apply for membership as of any subsequent Anniversary Date, however all benefits pursuant to this Plan shall be determined by reference to the Credited Service earned after becoming a Plan Member.
- c) Limitations on membership – Each of the Departments shall be limited to the following maximum number of Active Members shown herein:

- East Great Plain – 60
- Laurel Hill – 50
- Occum – 55
- Taftville – 60
- Yantic – 70

#### 8-74 Service

- a) Annual purchase of Credited Service time – any Plan Member who is aged 18 years or older as of the end of the Plan Year may purchase a year of Credited Service by meeting the following requirements:
  - i) Emergency call requirement – Performs Fire Duties for the benefit of the District responding to at least 20% of his/her Department’s emergency calls or 150 emergency calls during the Plan Year, and
  - ii) Training requirement – Attends at least 20% of his/her Department’s training sessions and drills or 20 hours of training or drills during the Plan Year, unless
  - iii) Disability during Plan Year
    - (1) Department-related Injury – A Plan Member who cannot perform Fire Duties as a result of a Department-related Injury shall have his/her percentages in i) and ii) adjusted to account for the time lost, but
    - (2) Non-Department-related injury – Any injuries unrelated to Fire Duties for one of the Departments do not qualify for any adjustments for time lost.
  - iv) Certification by Chief of Department – the chief of each Department shall certify the summary of emergency calls and training attended by each volunteer.
  - v) Contribution rate – A Plan Member shall contribute the following amounts for purchase of Credited Service during the following periods:
    - (1) \$60 for Plan Years prior to January 1, 1995.
    - (2) \$84 for Plan Years on or after January 1, 1995 but prior to January 1, 2000
    - (3) \$120 for Plan Years on or after January 1, 2000 but prior to January 1, 2006
    - (4) \$180 for Plan Years on or after January 1, 2006 but prior to January 1, 2011
    - (5) \$216 for Plan Years on or after January 1, 2011 but prior to January 1, 2014
    - (6) \$264 for Plan Years on or after January 1, 2014
- b) Buyback of prior service time
  - i) Cadets – Within the first 12 months following the Anniversary Date following his/her 18<sup>th</sup> birthday, an Active Member may purchase up to two years of Credited Service earned while

he/she was a Cadet at the current contribution rate as long as he/she meets all other requirements in a) above.

- ii) Military Service – A Plan Member with at least 16 years of Credited Service may purchase up to four years of Credited Service for time in which he/she was drafted, enlisted, or commissioned with one or more branches of the United States Armed Forces at the current contribution rate.
- iii) Limited periods of prior service buybacks
  - (1) Volunteers with service prior to January 1, 1988 will be eligible to elect to buyback up to 20 years of Credited Service by April 30, 1988. The entire amount of contribution, calculated at \$60 for each year of Credited Service, shall be paid to the Fund by September 30, 1988.
  - (2) 90 day period following adoption of Ord. No. 1305 on March 6, 1995 – Plan Members who continue to earn Credited Service as of January 1, 1995 will be eligible to buy back up to 10 additional years of Credited Service on a 50% basis (1 year of Credited Service for each two years of actual service) at the rate of \$60 per year plus Credited Interest and a \$25 fee.
  - (3) 90 day period following adoption of Ord. No. 1443 on January 8, 2001 – Plan Members with 20 years of Credited Service and who continue to earn Credited Service as of January 1, 2000 will be eligible to buy back up to 10 additional years of Credited Service for a maximum of 30 years of Credited Service at the rate of \$120 per year. Also during this 90-day period, Plan Members who continue to earn Credited Service as of January 1, 2000 will be eligible to buy back up to 10 additional years of Credited Service on a 50% basis (1 year of Credited Service for each two years of actual service) at the rate of \$120 per year plus Credited Interest and a \$25 fee.
  - (4) 90 day period following adoption of Ord. No. 1547 on July 17, 2006 – Plan Members with 20 years of Credited Service and who continue to earn Credited Service as of January 1, 2006 will be eligible to buy back up to five additional years of Credited Service for a maximum of 35 years of Credited Service at the rate of \$180 per year. Also during this 90-day period, Plan Members who continue to earn Credited Service as of January 1, 2006 will be eligible to buy back up to 10 additional years of Credited Service on a 50% basis (1 year of Credited Service for each two years of actual service) at the rate of \$180 per year plus Credited Interest and a \$25 fee.
  - (5) 90 day period following adoption of Ord. No. 1648 on January 3, 2011 – Plan Members with 35 years of Credited Service and who continue to earn Credited Service as of January 1, 2006 will be eligible to buy back up to five additional years of Credited Service for a maximum of 40 years of Credited Service at the rate of \$216 per year.

#### 8-75 Retirement benefits

##### a) Normal retirement

- i) For Members joining the Plan prior to January 1, 2015, the Plan Member's Normal Retirement Date shall be the first day of the month in which such member has attained age 55 and has completed at least 20 years of Credited Service.

- ii) For Members joining the Plan on or after January 1, 2015, the Plan Member's Normal Retirement Date shall be the first day of the month in which such member has attained age 55 and has completed at least 25 years of Credited Service.
- b) Deferred retirement – a Plan Member who is satisfactorily able to perform Fire Duties may remain an Active Member and continue to earn Credited Service beyond his/her Normal Retirement Date while he/she continues to collect benefits. The first day of the calendar month following such deferred retirement shall be known as his/her Deferred Retirement Date.
- c) Calculation of retirement benefits – the monthly amount of retirement benefits payable to a Plan Member shall be calculated as follows:
  - i) For Retired Members with a Break in Service prior to January 1, 1995, \$7 times 20 years of service, for a maximum of \$140.
  - ii) For Retired Members with a Break in Service on or after January 1, 1995 but prior to January 1, 2000, \$8 times number of years of Credited Service, with a maximum of 30 years, or \$240.
  - iii) For Retired Members with a Break in Service on or after January 1, 2000 but prior to January 1, 2006, \$10 times number of years of Credited Service, with a maximum of 30 years, or \$300.
  - iv) For Retired Members with a Break in Service on or after January 1, 2006 but prior to January 1, 2011, \$15 times number of years of Credited Service, with a maximum of 35 years, or \$525.
  - v) For Retired Members with a Break in Service on or after January 1, 2011 but prior to January 1, 2015, \$18 times number of years of Credited Service, with a maximum of 40 years, or \$720.
  - vi) For Retired Members with a Break in Service on or after January 1, 2015, \$22 times number of years of Credited service, with a maximum of:
    - (1) 40 years, or \$880, for Members who joined the Plan prior to January 1, 2015
    - (2) 30 years, or \$660, for Members who joined the Plan on or after January 1, 2015
- d) Break in Service - If a Retired Member has a Break in Service and later becomes an Active Member, such Retired Member may earn years of Credited Service and enhance his/her retirement benefits. The retirement benefits for Credited Service earned prior to the Break in Service shall be calculated at the applicable rate prior to the Break in Service and the retirement benefits for Credited Service earned after becoming an Active Member shall be calculated at the rate applicable at that time.
- e) Form and Timing of Payment – Retired Members shall receive monthly benefit payments equal to 1/12<sup>th</sup> of his/her annual benefit until the Retired Member's death. All Retired Members retiring on or after January 1, 2011 shall receive payments via direct deposit with electronic delivery of payment notifications. Payments may be made on a less frequent basis at the discretion of the Committee.

8-76 Disability benefits

- a) Any Plan Member who is determined to have a disability as described in b) herein shall commence receiving his/her benefits six months after the date of the determination of the disability. The disability benefits will be calculated using both the maximum years of Credited Service and the rate applicable in § 8-75c) as of the date that disability has been determined.

- b) Determination of disability - A Plan Member who has sustained a Department-related Injury and such injury is the primary cause for his/her being permanently and totally incapable of engaging in Fire Duties for the City for physical reasons shall be deemed disabled for purposes of this section, if
  - i) Plan Member covered by Social Security Act – A Plan Member will be deemed to be disabled if he/she begins to receive disability benefits under the Social Security Act and the City’s worker’s compensation records corroborate that the Department-related Injury was the primary cause of the disability, or
  - ii) Plan Member not covered by Social Security Act – A Plan Member will be deemed to be disabled if two licensed physicians approved by the Committee both certify the disability and the City’s worker’s compensation records corroborate that the Department-related Injury was the primary cause of the disability.
  - iii) The Committee may require proof of continuous disability.
- c) Duration of disability – Any benefits under § 8-76 shall terminate upon the last payment due preceding the earlier of:
  - i) The date of death of the disabled Plan Member, or
  - ii) The date which the disabled Plan Member is deemed to be no longer permanently and totally incapable of engaging in any service as a volunteer firefighter for the City.

8-77 Death benefits

- a) Designation of a Beneficiary – Each Plan Member may designate a Beneficiary or Beneficiaries on a form prescribed by the Committee which beneficiary shall be entitled to receive any benefits to which such Beneficiary may be entitled in accordance with the Plan. The Plan Member may change such designation by submitting a new form.
- b) Failure of a Beneficiary to Survive – In the event that there is a death benefit under this plan and there are no designated Beneficiaries surviving the Plan Member, the death benefit shall be payable in a lump sum to the Plan Member’s estate.
- c) Death prior to Normal Retirement Date
  - i) Generally – Unless a death benefit is payable in accordance with ii) herein, the Beneficiary of the Plan Member shall be entitled to receive a death benefit equal to the contributions into the Plan by the deceased Plan Member with Credited Interest calculated through the date of death of the deceased Plan Member.
  - ii) Death of a Plan Member in the course of performing Fire Duties for a Department – The Qualified Spouse of such Plan Member shall receive a death benefit calculated in the same manner as Disability benefits in § 8-76 until such Qualified Spouse dies or remarries. On or after January 8, 2001, in the event that a Plan Member who dies and leaves no Qualified Spouse, or whose Qualified Spouse dies or remarries, the death benefits under this subsection shall be remitted to the surviving children per capita until the earlier of death or attaining age 18.
- d) Death after retirement
  - i) Qualified Spousal & Child Benefits – A Plan Member who is under the age of 65 as of January 8, 2001 and is an Active Member is entitled to have benefits pass onto his/her

Qualified Spouse and child(ren), subject to the restrictions and calculations described herein.

(1) Qualified Spouse is entitled to death benefits until death or remarriage, calculated as follows:

- (a) Plan Member who died between January 8, 2001 and July 16, 2006 – 50% of the deceased Plan Member's retirement benefit, or
- (b) Plan Member who died after July 16, 2006 – 90% of the deceased Plan Member's retirement benefit

(2) Child(ren) – In the event that a Plan Member who died on or after January 8, 2001 leaves no Qualified Spouse, or the Qualified Spouse dies or remarries, payments totaling 50% of the deceased Plan Member's retirement benefit shall be remitted to the surviving children until the earlier of death or attaining age 18. If there are multiple children who have not attained age 18 then the survivorship benefit will be split per capita based on the number of children eligible for payment for the month.

8-78 Refund of contributions

- a) A Plan Member whose services with a Department have ended for any reason other than death, retirement, or transferring to another Department, may request a refund of all of his/her contributions to the Plan with Credited Interest. Such request shall be reviewed by the Committee at its next regular meeting.
- b) If a former Plan Member who had received a refund as described in a) resumes service with a Department, he/she shall be considered a new Plan Member subject to the requirements of § 8-73a). Such Plan Member may buy back his previously refunded Credited Service within two years after resuming by repaying his contributions plus Credited Interest calculated through the date of repayment.

8-79 Administration of the plan

- a) Volunteer firefighters' relief fund committee – the general administration of the Plan and the responsibility for carrying out the provisions of the Plan shall be placed with the Committee. Members of the Committee shall serve without compensation for acting as such.
  - i) The Committee shall be made up of 11 voting members and one non-voting member, as follows:
    - (1) Chiefs of each Department or their designees
    - (2) Human Resources Director or his/ her designee
    - (3) Comptroller or his/her designee
    - (4) City Manager or his/her designee
    - (5) One member of the Personnel & Pension Board designated by it
    - (6) Two citizens from the District appointed by the Council of the City of Norwich
    - (7) Immediate past Chairperson, as the non-voting member
  - ii) The Committee shall construe this Plan and the construction hereof, make recommendations to correct any defect, supply any omission, or reconcile any inconsistency in such manner and to such extent as it shall deem reasonable and required.

- iii) The Committee may provide rules, regulations, and forms not inconsistent with the terms and provisions hereof for the administration of the Plan and, from time to time, may amend or supplement such rules, regulations, and forms.
  - iv) The Committee may retain employees, agents, or actuarial advisors to assist in its duties.
  - v) The Committee shall establish what constitutes a quorum and majority in its bylaws.
  - vi) The Committee shall set investment policies and procedures with regard to the administration of the Plan.
  - vii) The Committee shall make the Actuarial valuation report available to the Council.
  - b) Trust fund – All contributions to the Plan made by the City and Plan Members shall be held and administered by the Trustee in trust for use in accordance with the Plan.
    - i) The Committee shall select a qualified bank, trust company, insurance company, or individual, as Trustee of the Plan and enter into a written agreement with the same.
    - ii) The Trustee shall hold and invest all funds sent to it by the City Treasurer in accordance with the written agreement between the Committee and the Trustee and the investment policies and procedures established by the Committee.
    - iii) No part of the corpus or income of the Fund shall be used for, directed, or diverted to any purpose other than the payment of the benefits and expenses of the Plan except as provided in § 8-81.
  - c) Actuarial valuation – The Committee shall follow the requirements of Article VI, § 7-132.
  - d) City contribution
    - i) The City shall make contributions to the Fund as follows:
      - (1) For Fiscal Years ended June 30, 1988 through June 30, 1995 - \$75,000
      - (2) For Fiscal Years ended June 30, 1996 through June 30, 2001 - \$100,000
      - (3) For Fiscal Years ended June 30, 2002 through June 30, 2006 - \$120,000
      - (4) For Fiscal Years ended on or after June 30, 2007 – the amount determined to be necessary and appropriate pursuant to the actuarial valuation to maintain the Plan’s fiscal viability.
      - (5) For Fiscal Years ended after June 30, 2015, the Committee shall follow Article VI, § 7-132
    - ii) The City shall not receive any refund of any contribution made by it into the Plan unless the terms of § 8-81 have been met.
- 8-80 Plan Amendment
- a) The Council of the City of Norwich may amend the Plan at any time, provided that no amendment shall:
    - i) Cause or permit any portion of the Fund to become the property of the City except pursuant to §8-81; or
    - ii) Deprive any Plan Member or his/her Beneficiary of any benefits already accrued under the Plan
  - b) Any proposal which will change the benefits payable or Plan Member contributions shall be accompanied by an estimate by an actuary of the impact on the City’s contribution.
- 8-81 Plan Termination – The Council of the City of Norwich shall have the right to terminate the Plan at any time, provided that:

- a) If, upon the termination of the Plan, the assets of the Fund exceed the total liabilities of the Plan, the Fund shall be used to pay all Plan Member and Beneficiary benefits and expenses of the Plan before assets of the Plan are expended or encumbered for any other purpose. Once sufficient Fund assets have been set aside to cover all liabilities of the Plan, any remaining assets may be returned to the City.
- b) If, upon the termination of the Plan, the total liabilities of the Plan exceed the assets of the Fund, then the assets of the Fund shall be applied in the following order:
  - i) Provide each Plan Member and Beneficiary thereof an amount equal to his/her contributions, with Credited Interest thereon, to the earlier of his/her Benefit Date or the Date of Termination, reduced by the amount of any benefit payments or refunds previously made to such Plan Member; which amount shall reduce the amounts necessary to provide benefit payments set forth in ii) and iii) herein.
  - ii) Provide benefit payments to Retired Members or their Beneficiaries
  - iii) Provide benefit payments to all remaining Plan Members and Beneficiaries
  - iv) If upon the application of the assets of the Fund in i) through iii) herein is insufficient to satisfy such liabilities in full, the assets available for the applicable level of priority in the order shall be applied on the basis of the proportion which the available assets bear to the present values of the accrued benefits of all Plan Members or their beneficiaries in that level of priority
- c) Upon termination of the Plan, the Fund may
  - (1) continue in existence and the assets applied for the benefit of the levels of priority set forth herein; or
  - (2) the assets of the Fund may be distributed in the levels of priority set forth herein by:
    - (a) Distributing to each Plan Member or his/her Beneficiary the present value that he/she is entitled to receive, either in one lump sum or in installments over a period of not more than five years; or
    - (b) Purchasing annuity contracts of such types as the Committee shall determine for the Plan Members or their Beneficiaries from an insurance company or companies

8-82 Miscellaneous provisions

- a) Minors and incompetents – Payments will be made to a parent or a duly appointed guardian, conservator, or legal representative of any minor or incompetent Plan Member or Beneficiary. In the absence of a duly appointed guardian, conservator, or legal representative, the Committee shall withhold payments until one is duly appointed. Any such payment shall be a complete discharge of any liability for such payment under the Plan.
- b) Non-Assignability of Benefits – Unless otherwise required by Federal or State of Connecticut law, Plan Members and Beneficiaries shall not assign, pledge, accelerate, or in any other way redirect their benefits from this Plan.
- c) Non-Liability of City – All benefits under the Plan shall be paid or provided for solely from the Fund and the City assumes no liabilities or responsibilities therefore.
- d) Volunteer Status – Neither the action of the City in the establishment of the Plan or any action taken by it or by the Committee hereunder shall be construed as giving any Plan Member or any

other member from any of the Departments the right to be retained in such status or any other right whatsoever except to the extent of the benefits provided by the Plan.

- e) Separability of Provisions – If any provisions of the Plan shall be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the Plan, but the Plan shall be construed and endorsed as if said illegal or invalid provisions had been removed.
- f) Unclaimed benefits – Except as otherwise directed by the Connecticut General Statutes, whenever reasonable efforts fail to locate any Plan Member or Beneficiary entitled to benefits under the Plan within seven years from the time notice is first received that he/she is no longer located at the last recorded address, the Committee may direct that any benefits to which he/she may be entitled shall be cancelled and no payment shall be made thereafter to anyone with respect to the benefits so cancelled.
- g) Applicable Law – The validity of the provision of the Plan shall be determined under and shall be construed according to the laws of the State of Connecticut.

- 8-83 Reserved
- 8-84 Reserved
- 8-85 Reserved
- 8-86 Reserved
- 8-87 Reserved
- 8-88 Reserved
- 8-89 Reserved

**Purpose:** To codify all of the existing ordinances related to the Volunteer Firefighters’ Relief Fund Plan.

**Mayor Debercy Hinchey**

**ORDINANCE 1726**  
**ADOPTED 11/16/2015**  
**PUBLISHED 11/18/2015**  
**AMENDS ORD 1437 & 1650**

**AN ORDINANCE AMENDING NORWICH CODE OF ORDINANCES SECTION 7-26 –  
“TAX ABATEMENT FOR VOLUNTEER FIREFIGHTERS”**

WHEREAS, ordinance 1437, as later amended by ordinance 1650, adopted by the Council of the City of Norwich in accordance with Connecticut General Statutes §12-81w on December 4, 2000 and codified as §7-26 of the Norwich Code of Ordinances, provides up to \$1,000 abatement of taxes on the residential and/ or personal property owned by volunteer firefighters who meet certain service and training requirements; and

WHEREAS, the Volunteer Firefighters’ Relief Fund Committee has recommended the amendments detailed below in an effort to clarify and modernize the language and make the training requirements of the tax abatement for volunteer firefighters consistent with those of the Volunteer Firefighters’ Relief Fund Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norwich, that the following amendments to §7-26 of the Norwich Code of Ordinances be and hereby are adopted.

Sec. 7-26. - Tax abatement for volunteer firefighters.

- (a) Any member seeking an abatement must have ~~attended a minimum of 20 percent of the years emergency calls and meets the training requirements as prescribed by the bylaws of the individual volunteer fire company (both calculated from January 1 – December 31 of each year)~~ met the emergency call and training requirements set forth in §§8-74 (a)(i) and (ii).
- (b) A member who cannot perform his/her duty as a result of a department-related injury, as defined in §8-72, shall have their percentage of attendance adjusted according to time lost in the same manner as §8-74(a)(iii).
- (c) The chief of each individual volunteer fire company shall submit a notarized list and an electronic list of all eligible members, as well as their respective level of tax abatement to the Norwich Tax ~~Collector~~ Assessor, or the Tax Collector or Assessor of the municipality which has entered into a an interlocal agreement with the City of Norwich and in which said eligible member resides, no later than March 1st of each year, in order to be eligible for a tax abatement as to taxes due on the following July 1st on the grand list of October 1st of the preceding year.

This tax abatement shall be applied only to residential property tax or personal property tax, whether such property is owned individually jointly or as tenant in common with one or more other persons.

- (d) Nothing in this section shall be construed to imply that if an eligible member has less tax liability than their permitted amount of tax abatement, that they are entitled to receive any additional funds from the city under this section.
- (e) The ~~tax collector~~ Tax Assessor for the ~~Town~~ City of Norwich shall maintain a record of all taxes abated in accordance with this section.
- (f) The city manager is authorized to enter into, create, receive and deliver an interlocal agreement on behalf of the City of Norwich with one or more of the towns showing common boundaries with the City of Norwich to provide reciprocal tax abatements as set forth in this section for eligible members of volunteer fire departments who in a municipality subject to said intergovernmental agreement and provide volunteer services in another municipality subject to said agreement.

Purpose: To update the volunteer tax abatement emergency call and training criteria to match the criteria for the volunteer firefighters' relief fund plan and to correct certain portions of the code of ordinance to match current operating practices.

Mayor Debercy Hinchey