

A regular meeting of the Council of the City of Norwich was held February 4, 2008, at 7:45 PM in Council Chambers. Present: Ald. Bettencourt, Coutu, Desaulniers, Jacaruso, Nash & Zarnetske and Mayor Lathrop. City Manager Bergren and Corporation Counsel Driscoll were also in attendance.

Ald. Bettencourt read the opening prayer and Ald. Zarnetske led the members in the Pledge of Allegiance.

Upon motion of Ald. Jacaruso, seconded by Ald. Nash, it was unanimously voted to adopt the minutes of January 7 & 22, 2008.

Mayor Lathrop called for citizen comments.

David Crabb, 47 Prospect Street, said the resolutions relative to the purchase of developed land, relative to flooring for Dodd Stadium, relative to the sprinkler system at Dodd Stadium and the resolution relative to an amended agreement with 88-98 Chestnut Street LLC should be rejected because they do not follow the Rules of Procedure recently adopted by the Council.

Michael Jewell and Gary Schnip, Baseball Stadium Authority, spoke on the two resolutions pertaining to Dodd Stadium. Mr. Jewell said when the stadium was initially built, the sprinkler system concerning the water pressure barely passed inspection. Mr. Schnip said modifications were done to allow a three minute period for the water to flow from the most remote spot, in lieu of the standard one minute, as required by the State Fire Marshall's office.

Keith Ripley, Meadow Lane, said informational meetings should be posted on the website or in the newspapers. Mr. Ripley also said the resolution relative to an amended agreement with 88-98 Chestnut Street LLC is premature for the Council to act on because there are some gaps in the resolution. Mr. Ripley said he was not in favor of the resolution relative to the hiring of lobbyists because he felt Senator Prague and Representatives Olson & Malone are able to be our connection in Hartford.

Ernie Cohen, 136 Hunters Road, spoke on a 13% increase in the water rates, even though the rates in Norwich are lower than surrounding areas.

Jackie Caron, 5 Treadway Avenue, said she has faith in our elected representatives and Norwich doesn't need to hire a lobbyist firm. Ms. Caron also explained the function of the Connecticut Pardon Team. Information is given to help change lives of people who have been formerly convicted of crimes and are trying to rebuild their lives.

Rodney Bowie, 62 Roosevelt Ave., said the sprinkler system at Dodd Stadium was not up to par when it was installed and the City should not have to bear the burden to repair it.

There being no further speakers, Mayor Lathrop declared the first citizen comment period closed.

Upon motion of Ald. Desaulniers, seconded by Ald. Zarnetske, it was unanimously voted to accept the resignation of Kevin E. Horace from the Mohegan Park Improvement & Development Advisory Committee and the Personnel and Pension Board.

City Manager Bergren gave his report as follows:

To: Mayor and City Council
CC: City Clerk
From: Alan H. Bergren, City Manager
Date: 2/1/2008
Re: City Manager's Report – City Council Meeting February 4, 2008

1. I have enclosed the report from the City of Norwich building official and the fire marshall regarding Ponemah Mill, per the request of Alderman Coutu.
 2. I have enclosed an amended legislative program with some additions that were suggested on January 24, 2008 by members of the Norwich City Council and members of the public. At this time, we must decide on priorities for the legislative agenda. Please complete the attached worksheet regarding priorities and return to my office by February 6 so that we may issue a final letter.
 3. Mayor Lathrop and I attended meetings with Senator Dodd, Senator Lieberman's Chief of staff and Congressman Courtney on January 31, 2008 in Washington D.C.. The legislators committed to seeking \$2 million for the Norwich Regional Wastewater Treatment Project and to continuing their support of the Intermodal Transportation Center.
 4. There is a resolution regarding state lobbying services on this agenda. The tally sheet for response to this RFP lists the following bids:
 - Halloranand Sage LLP: \$20,000
 - Gara & Markowski LLC: \$12,500
 - Hughes & Cronin: \$18,000
 - Panuzio & Giordano: \$22,000
 5. The Office of Community Development filed a pre-application for HOME funds. HOME funds are HUD funds administered through the state Department of Economic and Community Development. The city, with a future Council resolution, will apply for \$450,000 to be expended over a 2-year period. These funds, if secured, will increase community development initiatives by 25-30% by supplementing the Norwich Housing Rehabilitation Program, thereby freeing up some funds to be used for other community projects.
 6. The Assistant City Manager has provided assistance to the Norwich Planning Department, Human Services Department, Recreation Department and Fire Department in their applications for community development block grant funds.
 7. The Assistant City Manager presented the Redevelopment Agency with the final phase III environmental assessment report of 26 Shipping Street, a city-owned property. This report can be viewed by contacting the Director of Planning or the Assistant City Manager. You will be provided with a brief summary of the report.
 8. The Assistant City Manager attended a meeting for local municipal leaders organized by the Southeastern Connecticut Housing Alliance. The attendees received a update from the region's Continuum of Care regarding the progress made on our region's *Ten year Plan to End Homelessness*.
- You have been furnished with a timetable on the stadium sprinkler troubleshooting. There is a Council resolution on this agenda to move that item forward.

Mayor Lathrop called for a public hearing on AN ORDINANCE EXEMPTING EASTER SEALS CONNECTICUT, INC FROM THE PAYMENT OF TAXES ON CERTAIN PROPERTY LOCATED AT 24 STOTT AVENUE.

There were no speakers in favor of the ordinance.

Speaking in opposition:

David Crabb, 47 Prospect St., said the ordinance should be rejected because it would be a loss of tax money.

Rodney Bowie, 62 Roosevelt Avenue, said the Easter Seals should be moved to the Uncas on Thames properties because it doesn't belong in the Industrial Park.

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

Upon motion of Ald. Bettencourt, seconded by Ald. Desaulniers, it was unanimously voted to waive the reading of the following ordinance introduced by City Manager Bergren except for the title:

AN ORDINANCE EXEMPTING EASTER SEALS CONNECTICUT, INC. FROM THE PAYMENT OF TAXES ON CERTAIN PROPERTY LOCATED AT 24 STOTT AVENUE

WHEREAS, that certain property located at 24 Stott Avenue, Norwich, Connecticut was purchased by Easter Seals Connecticut, Inc. on June 1, 2006 to be used for charitable purposes; and,

WHEREAS, said property since June 1,2006 has been used for charitable purposes by the Easter Seals Connecticut, Inc.; and,

WHEREAS, said property would not be tax exempt on the Grand List of October 1, 2005; and,

WHEREAS, Connecticut General Statute Section 12-81 (b) provides that any municipality may, by ordinance, provide that the property tax exemption authorized by any of subdivisions (7-16), inclusive, of section 12-81 shall be effective as of the date of acquisition of the property to which the exemption applies and shall, in such ordinance, provide procedure for reimbursement of the tax-exempt organization for any tax paid by it for a period subsequent to said date; and,

WHEREAS, Connecticut General Statute Section 12-81(7) provides that real property, owned by any corporation organized exclusively for charitable purposes and used for charitable purposes, shall be exempt from taxation; and,

WHEREAS, Easter Seals of Connecticut, Inc., has paid the annual real estate taxes for the property located at 24 Stott Avenue in the total amount of \$54,840.22; and,

WHEREAS, Easter Seals of Connecticut, Inc., owned the property located at 24 Stott Avenue for a period of 122 days on the October 1, 2005 grand list; and,

WHEREAS, the daily taxes for the property located at 24 Stott Avenue are \$1 50.25; and,

WHEREAS, Easter Seals of Connecticut, Inc. would be entitled to a reimbursement in the amount of \$18,330.50; 122 days multiplied by \$150.25.

NOW, THEREFORE, BE IT ORDAINED BY 'THE COUNCIL OF THE CITY OF NORWICH that such property at 24 Stott Avenue be and hereby is exempted from the payment of any real estate taxes, interest or penalty due on the Grand List of October 1, 2005, or until said premises are no longer used by Easter Seals Connecticut, Inc. for charitable purposes and the City of Norwich shall reimburse Easter Seals Connecticut, Inc. for any City of Norwich real estate taxes paid by it on the Grand List of October 1, 2005 for the period subsequent to June 1, 2006; which reimbursement shall be in the sum of \$18,330.50 for real estate taxes paid to the City of Norwich.

Upon motion of Ald. Jacaruso, seconded by Ald. Desaulniers, it was unanimously voted to adopt the above ordinance.

Upon motion of Ald. Bettencourt, seconded by Ald. Jacaruso, it was unanimously voted to adopt the following resolution introduced by Mayor Benjamin P. Lathrop:

BE IT RESOLVED, that Deborah Monahan, be and hereby is appointed to the Uncas Health District for a term to expire on January 9, 2010 or until here successor is appointed.

Upon motion of Ald. Zarnetske, seconded by Ald. Desaulniers, it was unanimously voted to adopt the following resolution introduced by City Manager Bergren and Mayor Benjamin P. Lathrop:

WHEREAS, the Board of Public Utilities Commissioners of the City of Norwich have resolved to purchase certain undeveloped property in the towns of Colchester and Salem, Connecticut to help preserve and protect the watershed of the Deep River reservoir; and

WHEREAS, said property consists of 25.63 acres to be obtained at a price of \$350,000, subject to an appropriate legal description for said property being established; and,

WHEREAS, the Norwich Department of Public Utilities has obtained a grant in a sum not to exceed \$169,000 through the State of Connecticut Department of Environmental Protection Open Space and Watershed Land Acquisition Program to be used toward this purchase, the remaining portion of the purchase price to be paid by funds of the Norwich Department of Public Utilities, and

WHEREAS, title to said property will be held in the name of the City of Norwich.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that said purchase of land by the Board of Public Utilities Commissioners of the City of Norwich for the City of Norwich be and hereby is approved.

Upon motion of Ald. Desaulniers, seconded by Ald. Coutu, it was unanimously voted to adopt the following resolution introduced by City Manager Bergren and Mayor Benjamin P. Lathrop:

WHEREAS, the Council of the City of Norwich has approved an ordinance appropriating \$610,000 for the 2007-2008 capital improvements for the Dodd Stadium project, and;

WHEREAS, the Council of the City of Norwich resolved that no monies be spent on said capital improvements nor any contracts entered into for said capital improvements unless approved by resolution of the Council of the City of Norwich, and,

WHEREAS, the stadium authority proposes to expend the sum of \$43,691.00 for the installation of rubber flooring and carpets in the visitor's locker room, which improvements were contemplated by the stadium authority when it proposed the \$610,000 bond ordinance to the Council of the City of Norwich;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Norwich that the stadium authority be and hereby is authorized to expend the sum of \$43,691.00 for the installation of flooring and carpets as described herein.

Ald. Coutu made a motion, seconded by Ald. Desaulniers, for the adoption of the following resolution introduced by City Manager Bergren and Mayor Benjamin P. Lathrop:

WHEREAS, the sprinkler system at Dodd Stadium is presently not in compliance with applicable state codes; and

WHEREAS, the office of the Fire Marshall for the City of Norwich has indicated it will not permit the stadium to be occupied until the sprinkler system is code compliant; and

WHEREAS, baseball season will open in early April 2008, and

WHEREAS, the Norwich Baseball Stadium Authority proposes to make the sprinkler system code compliant by splitting it into three separate systems, which proposal has been reviewed by the office of the Fire Marshall which is of the opinion that such a modification appears to meet the code requirements with regard to water delivery to the most remote areas of the system, and

WHEREAS, work must start immediately in order to insure the system is code compliant for the opening day of baseball season, and

WHEREAS, the Norwich Baseball Stadium Authority has received a cost estimate of \$46,290.00 from the vendor who services the system to perform such work, and

WHEREAS, going out to bid on this project will in all likelihood delay completion of repairs to the system beyond opening day of the baseball season.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Norwich that the Norwich Baseball Stadium Authority be and hereby is authorized to enter into an agreement with Liberty Mechanical, Inc. of Waterford, Connecticut to modify the existing dry pipe sprinkler system to comply with the time limits for water delivery set forth in NFPA 13 Installation of Sprinkler Systems 2002 Edition to make the sprinkler system code compliant without further bidding on this project, and;

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that the Norwich Baseball Stadium Authority be and hereby is authorized to expend to the sum of \$46,290.00 for this work together with such other monies as may be necessary to pay for reasonable expenses for changes and modifications required during the course of performing said work.

Upon motion of Ald. Bettencourt, seconded by Ald. Coutu, it was unanimously voted to amend the resolution by inserting the following after the dollar amount of \$46,290.00 in the third sentence of the last paragraph: **from the 2007-08 Dodd Stadium Capital Improvement Account 15231-88206.**

The motion to adopt, as amended, was then unanimously voted upon.

Ald. Desaulniers made a motion, seconded by Ald. Jacaruso, for adoption of the following resolution introduced by City Manager Bergren:

WHEREAS, the Council of the City of Norwich by Resolution adopted January 9, 2006 resolved to solicit submissions of qualifications from developers to establish and implement a comprehensive plan of mixed use development of city owned parcels on Chestnut Street which parcels were deemed to be vacant, underutilized and blighted, and

WHEREAS, the Council of the City of Norwich specifically identified the subject parcels as 86 Chestnut Street, 88-98 Chestnut Street, 122 Chestnut Street, 105 Chestnut Street and 93 and 99 Chestnut Street; and

WHEREAS, by Resolution adopted May 1, 2006 the Council designated 88-98 Chestnut Street, LLC the preferred developer of said properties, subject to its entering into a development agreement satisfactory to the city which agreement was entered into on June 22, 2006; and

WHEREAS, Phase One as called for in the agreement was to be the development of 88-98 Chestnut Street which structure has been rehabilitated to a very high standard and conveyed to 88-98 Chestnut Street, LLC; and

WHEREAS, 88-98 Chestnut Street, LLC has proposed certain amendments to the developer agreement as set forth in a First Amended City of Norwich/88-98 Chestnut Street, LLC Developer Agreement setting forth, among other things, certain work to be performed by the city prior to the transfer of 99 Chestnut Street;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager Alan Bergren be and hereby is authorized and directed to enter into, execute and deliver the First Amended City of Norwich/88-98 Chestnut Street, LLC Developer Agreement as presented to the Council at its meeting on February 4, 2008.

Ald. Nash recused himself from discussion and voting on the above resolution because of a personal and professional relationship he has with the developers.

Ald. Zarnetske said although he applauded the efforts the developer has made in completing a difficult project on Chestnut St., he was not in favor of foregoing the competitive bidding

process. Mr. Zarnetske said if this resolution passed, the Council would be saying to the public that the highest bidder for the purchase of city property on Chestnut Street is a bidder who is not giving the City any money at all, and in fact, is asking the Council to give \$40,000 to them for the demolition of the building. Mr. Zarnetske also said the Council should seek new competitive bids for the property at 99 Chestnut St.

Ald. Zarnetske made a motion, seconded by Ald. Bettencourt, to amend the resolution by striking the words in the fifth paragraph from the word agreement, and inserting **that materially change the agreement and the developer's offer to purchase the property**, and by striking in the sixth paragraph after the words directed to and inserting **prepare and publish a request for proposals for the disposition or sale of 99 Chestnut Street. BE IT FURTHER RESOLVED that the Manager is directed to present the proposals submitted on or before April 7, 2008.**

The motion to amend failed on a vote of 1 to 5, with Alderman Nash abstaining, and Alderman Zarnetske voting in favor.

Upon motion of Ald. Jacaruso, seconded by Ald. Bettencourt, it was unanimously voted, with Ald. Nash abstaining from voting, to amend the resolution by adding the following to the last sentence of the last paragraph: **provided said First Amended Agreement be further amended by placing a cap of \$40,000 on the value of the work to be performed by the City prior to the transfer of 99 Chestnut Street.**

The motion to adopt, as amended, carried on a vote of 5 to 1, Ald. Nash abstaining, and Ald. Zarnetske voting in opposition.

Upon motion of Ald. Desaulniers, seconded by Ald. Coutu, the following resolution introduced by City Manager Bergren was defeated, by a vote of 6 to 0, with Ald. Zarnetske abstaining:

WHEREAS, the Council of the City of Norwich desires to enter into a contract with the firm of _____ to represent the City of Norwich as a registered lobbyist,

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Norwich that City Manager Alan H. Bergren be and hereby is authorized and directed to enter into a contract to retain the firm of _____ to provide services as a registered lobbyist for the City of Norwich, which contract shall be in form satisfactory to the City Manager, but to include provisions the compensation for which such services shall not exceed \$_____ for the duration of the agreement, with funds to pay for such services to be taken from Account 01065-80015, Economic Development/Professional Services.

Mayor Lathrop called for citizen comments.

Keith Ripley, Meadow Lane, said he is an advocate for open government, but he thought the Council found themselves in a position tonight where he would understand an executive session. Mr. Ripley asked the Council to look carefully at the demolition budget because his understanding was if any money was spent on the demolition of property, a lien would be placed on that property. Mr. Ripley also said there is no handicap parking currently available for Otis Library.

David Crabb, 47 Prospect Street, said houses are not selling and foreclosures are increasing. Mr. Crabb also said there was an exceptional amount of spending listed on the Council Agenda.

Jerry Martin, 19 Gillette Road, said the City should hire a consultant to examine the city buildings for overall appearances and conditions where these items could be put into a budget so would not have to bond these expenditures.

There being no further speakers, Mayor Lathrop declared citizen comment period closed.

Upon motion of Ald. Bettencourt, seconded by Ald. Jacaruso, it was unanimously voted to adjourn at 10:33 PM.

ATTEST:


City Clerk