



CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH
100 Broadway in Council Chambers

February 6, 2023

7:30 PM

The meeting will be televised on the Public Access Channel and posted on the city website, www.norwichct.org, in real time.

PRAYER

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES: January 3 and 17, 2023

PETITION AND COMMUNICATION

1. Annual report from the Commission for Persons with Disabilities.

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS RESOLUTIONS

1. Relative to authorizing the City of Norwich to exercise an option to purchase leased premises in the Town of Lebanon, Connecticut.
2. Relative to the City of Norwich “opt in” to participate in the new opioid settlements.
3. Relative to purchase and sales agreement for 50 Peck Street.
4. Relative to amendment of existing American Rescue Plan Act allocations.
5. Relative to approval of new American Rescue Plan Act allocations.

NEW BUSINESS ORDINANCE

1. AN ORDINANCE APPROPRIATING \$2,500,000 FOR COSTS OF THE DESIGN AND CONSTRUCTION OF A LEAD COPPER SERVICE LINE REPLACEMENT PROGRAM IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$2,500,000 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.

Betsy Bannard
City Clerk

Commission for Persons with Disabilities

Annual Report 2022

Draft

The Commission was able to meet three times this year. Nine meetings were canceled due to the inability to meet the quorum.

The Commission planned two programs for Disabilities Awareness Week, which was held October 10 – 15, 2022. There was a Legislative Panel Discussion on Tuesday, October 11 at 10:30am at the Rose City Senior Center. State Senator Cathy Osten, State Representative Kevin Ryan, and Mayor Peter Nystrom discussed disability-related legislation and answered topics important to the attendees. There were 25 people in attendance. A workshop on the American with Disabilities Act (ADA) was held on Wednesday, October 12 at 1:30pm in the Otis Library Community Room. Elanah Sherman, a longtime ADA advocate/educator presented the program. The workshop covered the first three titles of the ADA, with Q&A following the program. There were eight people in attendance.

In the upcoming year, the Commission will be continue working towards recruiting new members. We also plan to create programs in October 2023 for Disabilities Awareness Week, along with other disability-related programs for the community. We will continue to work with Norwich Public Utilities on acquiring and setting up wheelchair charging stations at key places around the City.

RESOLUTION #1

WHEREAS, the City of Norwich, Connecticut (the “City”), acting by and through the Department of Public Utilities (“NPU” or “Lessee”) entered into a lease agreement with the Town of Lebanon, Connecticut (the “Town” or “Lessor,” together with NPU, the “Parties”) on April 28, 2014 (the “Lease Agreement”) for the right to use and occupy a certain parcel of real property located in the Town, as more specifically described in the **Exhibit A & A-1** attached hereto (the “Leased Premises”) and to construct certain improvements, including a water tank, and other facilities at the Leased Premises (the “Facility”); and

WHEREAS, section 2(a) of the Lease Agreement states that the lease shall expire on the day before the tenth (10th) anniversary of the commencement date (the “Term”); and

WHEREAS, on January 31, 2015, the Parties entered into a supplement to the Lease Agreement (the “Supplemental Agreement”) which established certain pertinent dates under the Lease Agreement, including May 1, 2014 as the “Commencement Date” of the Lease Agreement; and

WHEREAS, as such, the Lease Agreement is set to expire on the day before the tenth (10th) anniversary of the Commencement Date, which is April 30, 2024, and

WHEREAS, section 2(a) of the Lease Agreement further states that the Lease Agreement will automatically renew for a period of ten (10) years unless the Lessee provides notice to the Lessor of its intent not to renew on or before the date which is one year prior to the expiration of the current Term, which is April 30, 2023 (the “Notice Deadline”); and

WHEREAS, section 2(b) of the Lease Agreement states that “[u]pon the expiration of the Term or sooner termination of the Lease, the City of Norwich may, at its election, purchase the Leased Premises from Lessor for a purchase price of One Dollar (\$1.00) (the “Purchase Option”);” and

WHEREAS, NPU, acting by and through the City, intends to exercise the Purchase Option, and provide written notice of same to the Lessor prior to the Notice Deadline; and

WHEREAS, on December 20, 2022, the NPU Board approved a resolution authorizing NPU to exercise the Purchase Option (the “Resolution”).

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. That City Manager John Salomone acting on behalf of the City herein - and the General Manager of NPU - acting on behalf of NPU herein - (collectively, the “Issuer Officials”) are authorized to exercise the Purchase Option contained in the Lease Agreement, and such Issuer Officials are further authorized to negotiate and execute any other agreements, documents, amendments, supplements, certificates or writings, including, but not limited to, any security or intercreditor agreements in order to accomplish the acquisition of the Leased Premises.

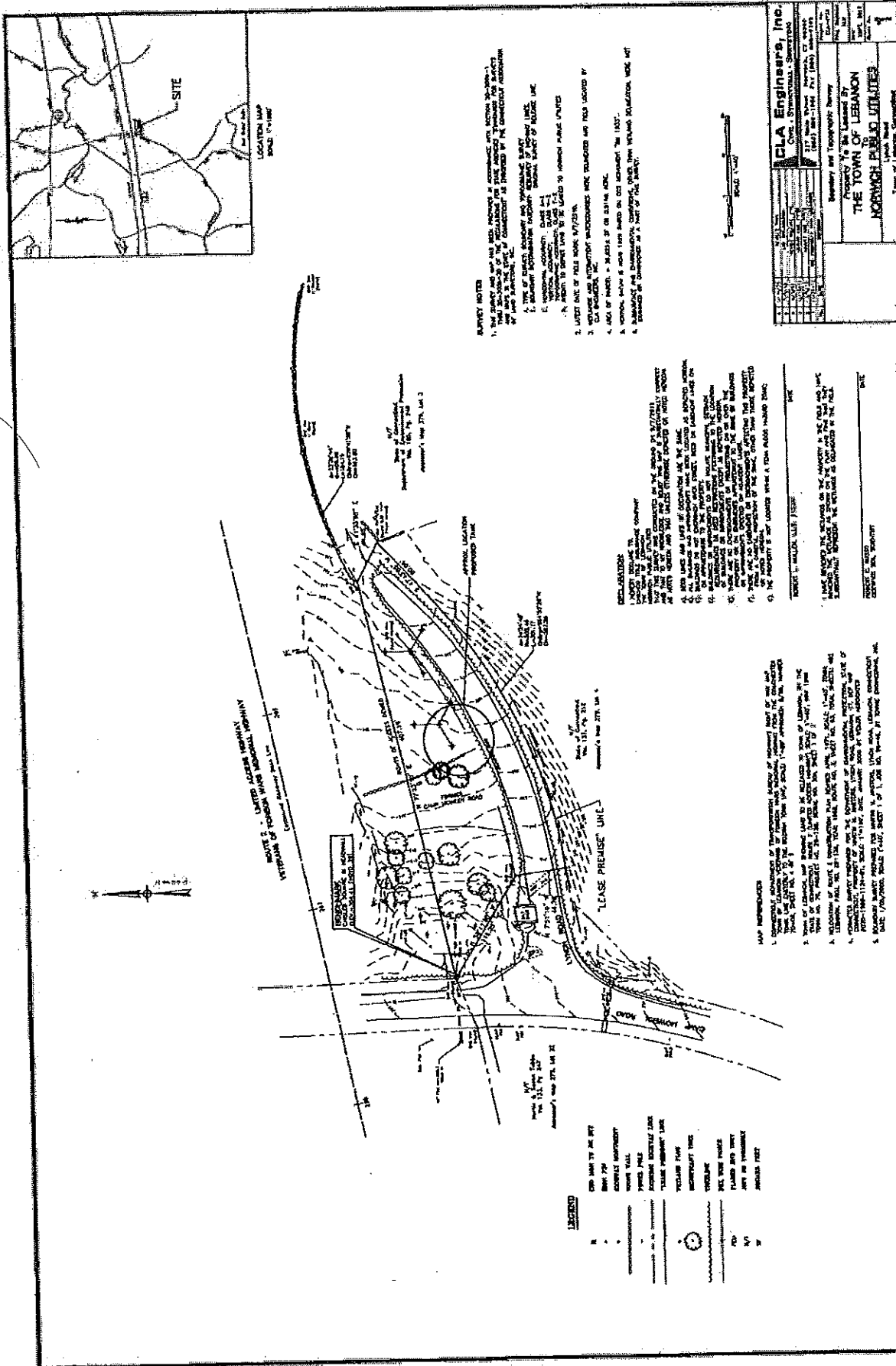
Section 2. That the Issuer Officials shall provide the Lessor with written notice of NPU’s intent not to renew the Lease Agreement and of its intent to exercise the Purchase Option prior to the Notice Deadline.

Section 3. That, in accordance with the Lease and the Charter of the City, the Leased Premises shall be purchased in the name of the City for the benefit of NPU.

Section 4. This Resolution shall be effective upon adoption by the City Council.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Alderwoman Stacy Gould

EXHIBIT A



SURVEY NOTES

1. THIS SURVEY WAS MADE BY THE TOWN ENGINEER AND HIS ASSISTANT ON 10/15/64.
2. THE SURVEY WAS MADE BY THE TOWN ENGINEER AND HIS ASSISTANT ON 10/15/64.
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10. THE SURVEY WAS MADE BY THE TOWN ENGINEER AND HIS ASSISTANT ON 10/15/64.

DECLARATIONS

1. I, THE TOWN ENGINEER, HEREBY CERTIFY THAT THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED SURVEYOR IN THE STATE OF NEW HAMPSHIRE.
2. I HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND MAPS OF THE STATE OF NEW HAMPSHIRE.
3. I HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND MAPS OF THE STATE OF NEW HAMPSHIRE.
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MAP REFERENCES

1. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
2. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
3. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
4. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
5. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
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8. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
9. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.
10. TOWN OF LEBANON, NEW HAMPSHIRE, MAP NO. 100, 1958.

CLA Engineers, Inc.
Civil, Structural, Surveying
217 North Street, Lebanon, N.H. 03756
(603) 533-1400

Surveyed and Topography Survey
THE TOWN OF LEBANON
NORTHWICH PUBLIC UTILITIES
Lebanon, New Hampshire

LEGEND

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EXHIBIT A-1

Legal Description of the Leased Premises

A certain tract or parcel of land to be leased by Norwich Public Utilities, said parcel situated in the Town of Lebanon, County of New London, State of Connecticut, depicted on a plan entitled "Boundary and Topographic Survey, Property to be Leased From the Town of Lebanon to Norwich Public Utilities, Lynch Road, Town of Lebanon, Connecticut, Scale: 1"=40', Project No. CLA-4713, Date: Sept. 2010, Sheet No. 1, Revised to 6/3/13 by CLA Engineers, Inc., Norwich, Connecticut" and being more particularly described as follows:

Beginning at a C.H.D. monument found near a headwall on the easterly line of Camp Moween Road, said monument also marking the intersection of said Camp Moween Road, the southerly line of Route 2 and the northeasterly line of Lynch Road and running thence N 77° 23' 10" E a distance of 407.16 feet by and along the southerly line of Route 2, a limited access highway, to a C.H.D. disc found in concrete; thence S 61° 33' 05" E a distance of 44.65 feet across the former Lynch Road to a point; thence S 47° 43' 05" W a distance of 80.04 feet to a point of tangent curve to the right having a radius of 502.46 feet; thence southwesterly along the arc of said curve a distance of 301.77 feet to a point, these last 2 courses running by and along the southeasterly line of the former Lynch Road, and the last 3 courses bounded northeasterly and southeasterly by land now or formerly of the State of Connecticut, Department of Environmental Protection; thence N 7° 51' 10" W a distance of 49.78 feet across Lynch Road to a C.H.D. monument, found; thence N 58° 11' 00" W a distance of 119.25 feet by and along the northeasterly line of Lynch Road to the monument at the point of beginning.

Containing 39, 825± SF or 0.914± acre.

RESOLUTION #2

WHEREAS, the Connecticut Attorney General recently announced five (5) new national opioid settlements have been reached with Teva, Allergan, CVS, Walgreens, and Walmart and advised that Connecticut cities and towns will be receiving a notification from Rubris, the Implementation Administrator for the national opioid settlements in late January; and

WHEREAS, on January 25, 2023 the City of Norwich received a notice of national opioid settlements and the required actions needed to participate from the Implementation Administrator advising, among other things, that the City of Norwich must “opt in” to participate in the new settlements by signing and returning documentation to be received in the next few weeks with a deadline to return the required documentation of April 18, 2023; and

WHEREAS, the Implementation Administrator also sent a Settlement Overview detailing the amount which Teva, Allergan, CVS, Walgreens, and Walmart shall pay and the period of time over which it will be paid, a copy of which Settlement Overview is attached hereto as Exhibit A and A-1; and

WHEREAS, the Council finds it will be in the best interest of the City of Norwich to “opt in” to each of the five (5) settlements for which it is eligible utilizing the forms provided which will require signing of the Participation Forms as well as any other required documents relative to the five (5) settlements via DocuSign.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that City Manager John Salomone and/or Corporation Counsel Michael Driscoll, or their designee, be and hereby are authorized and directed to enter into, execute and deliver in the form requested the five (5) required Participation Forms for the five (5) settlements with Teva, Allergan, CVS, Walgreens, and Walmart, respectively, and cause the same to be delivered via DocuSign or as otherwise required.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Alderwoman Stacy Gould

EXHIBIT A

National Opioid Settlements: Teva, Allergan, CVS, Walgreens, and Walmart

Norwich city, CT

Reference Number: CL-383665

***TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID SETTLEMENTS.***

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against two pharmaceutical manufacturers, Teva and Allergan (“Manufacturers”), and three pharmacies, CVS, Walgreens, and Walmart (“Pharmacies”). Local political subdivisions and special districts are referred to as “subdivisions.”

The Settlements require the settling Manufacturers and Pharmacies to pay billions of dollars to abate the opioid epidemic. The Settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years; and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

As provided under the Agreements, these figures are net of amounts attributable to prior settlements between the Defendants and certain states/subdivisions, and include amounts for attorneys’ fees and costs.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

EXHIBIT A-1

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the 2021 national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements with the Manufacturers and/or the Pharmacies, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **April 18, 2023** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **April 18, 2023**.

RESOLUTION #3

WHEREAS, the City of Norwich, is utilizing the services of Signature Properties as a realtor, which has listed the property at 50 Peck Street and received an offer to purchase.

WHEREAS, the Council has resolved that upon receipt of a Purchase and Sales Agreement containing an offer to purchase on such terms and conditions as are 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, City Manager John Salomone has received a Purchase and Sales Agreement from Signature Properties containing an offer to purchase 50 Peck Street, the offer being the sum of \$90,000 with 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 \$90,000 to Yanet M. Canessa 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 Yanet M. Canessa or his/her designee for the property known as 50 Peck Street, and to execute, deliver, and receive such other documents as are necessary to complete the transfer of title in keeping with the terms and conditions of the Purchase and Sales Agreement.

Mayor Peter Albert Nystrom
President Pro Tem Joseph A. DeLucia
Alderwoman Stacy Gould

RESOLUTION #4

Relative to amendment of existing American Rescue Plan Act allocations.

RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the American Rescue Plan Act allocations adopted previously, be amended as follows:

Item	Project #	ARPA Exp. Code	Brief Description	Dept/ Entity	Details of requested change	Dollar Change	City Manager recommendation
1	ARP06	1.12-Public Health: Mental Health Services	Mental Health Services provided through outside agencies.	Human Services	Move amount to ARP08-Human Services Staffing for third Case Worker. In ARP08 there are two persons already covered, however plan is to keep all their ARPA payroll together in one project.	\$192,000	\$192,000 to ARP08
2	ARP12	2.37-Negative Economic Impacts: Other Economic Assistance	Splash Pad	Public Works	This project will not be moving forward. Request to move to ARP09-Armstrong Tennis Courts to be used for construction of the Parking Lot.	\$150,000	\$150,000 to ARP09
3	ARP16	2.23-Negative Economic Impacts: Demo & Rehab of Properties	Affordable Housing Projects	Habitat for Humanity	This project includes both new construction and rehabs: - New homes \$360K - Rehab \$840K Rehab housing funds may not get fully spent. Move \$400,000 to available funds.	\$400,000	\$400,000 to available funds
4	ARP22	2.37-Negative Economic Impacts: Other Economic Assistance	Mohegan Park Fitness Course	Public Works	This project is completed. Move this balance to ARP21-Mohegan Park Playground to assist in project completion.	\$ 4,319	\$ 4,319 to ARP21
5	ARP26	2.37-Negative Economic Impacts: Other Economic Assistance	Jennings Field Lighting	Public Works	This project is completed. Move this remaining balance to available funds to close it out.	\$ 16,352	\$ 16,352 to available funds
6	ARP32	2.31-Negative Economic Impacts: Assistance to Small Bus	Hale Mill Renovation	NCDC/Mill Development LLC	Balance of funds after fully reimbursing company for building fees. NCDC request transfer of funds to either of the following: <ul style="list-style-type: none"> • ARP48-Yale Urban Study • ARP14-Norwich Revitalization Program 	\$ 50,485	\$50,485 to available funds
7	ARP44	1.14-Public Health: Other Services	7 x Lucas Devices	Fire Department	This project is completed. Move this remaining balance to available funds to close it out.	\$ 71	\$71 to available funds

Item	Project #	ARPA Exp. Code	Brief Description	Dept/Entity	Details of requested change	Request	City Manager Recommendation
8	ARP56	3.1-Public Health & Negative Economic Impact: Pay & Benefits for Human Services Workers	Human Services Manager	Human Services	Change description/title to " Adult & Family Services Manager ". Person has been hired for this position.	Change Title	Change Title
9	ARP14	2.29-Loans or Grants to Mitigate Financial Hardship	Code Correction/NRP	NCDC	Program recommends giving back \$400,000. Move to available funds .	\$400,000	\$400,000
Total Dollar amount of De-obligated funds back to <u>Available</u>							\$866,908

City Manager John L. Salomone

RESOLUTION #5

Relative to approval of new American Rescue Plan Act allocations.

RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the following ARPA allocations be approved:

No.	ARPA Exp. Code	Brief Description	Dept/ Entity	Existing Project # and Amount, if applicable	Requested Amount	City Manager recommendation
1	1.7 Public Health-other expenses	Security Camera Systems Overhaul for the City Buildings	IT Department	N/A	\$150,000	\$0
2	2.37- Negative Economic Impacts: Other Economic Assistance	Slater Roof replacement-project overruns	NFA-Slater Museum	ARP52 \$200,000	\$120,000	\$0
3	2.22-Negative Economic Impacts-Strong healthy communities	Transportation assistance for Seniors	Human Services	ARP42 \$20,000	\$30,000	\$30,000
4	2.34- Negative Economic Impacts-Assistance to Non-profits	1. Replace self-check unit \$10K 2. Fund Citizen classes \$8K.	Otis Library	ARP17 \$50,000	\$18,000	\$18,000
5	2.34- Negative Economic Impacts-Assistance to Non-profits	Katie Blair House: replace windows & program supplies	Safe Futures, Inc	N/A	\$38,000	\$38,000
6	1.11- Public Health-Community Violence Interventions	Armored Rescue Vehicle-Rescues due to gunfire/natural disasters.	Police Department	N/A	\$350,000	\$0

No.	ARPA Exp. Code	Brief Description	Dept/Entity	Existing Project # and Amount, if applicable	Requested Amount	City Manager Recommendation
7	1.11- Public Health-Community Violence Interventions	Firearms replacement/transition to 9mm with optical sights	Police Department	N/A	\$150,000	\$150,000
8	2.37- Negative Economic Impacts-Other	Little Plains Park Fence repairs	Public Works	N/A	\$50,000	\$50,000
9	2.34-Negative Economic Impacts-Assistance to Non-Profits	Remodel of bathrooms and showers	St. Vincent dePaul	N/A	\$250,000	\$80,000
10	2.37- Negative Economic Impacts-Other	PR, Outreach & Marketing Specialist for one year	NCDC	N/A	\$100,000 (Est)	\$0
11	2.23- Negative Economic Impacts: Demo & Rehab of Properties	Repurposing of funds already allocated and add purchasing of land plus fees	Habitat for Humanity	ARP16 \$1,200,000	\$200,000	\$0
12	6.1- Revenue Replacement	Balance General Fund budget for FY23-24	City Hall	ARP46 \$1,240,000 to balance Gen Fund budget FY22-23	\$1,000,000	\$1,000,000
13	2.37- Negative Economic Impacts: Other Economic Assistance	YMCA Project matching funds	City Manager	N/A	\$400,000	\$400,000
14		BALANCE TO CONTINGENCY			\$781,719	\$781,719
Total Amount in Dollars					\$3,637,719	\$2,547,719

City Manager John L. Salomone

COUNCIL ORDINANCE

AN ORDINANCE APPROPRIATING \$2,500,000 FOR COSTS OF THE DESIGN AND CONSTRUCTION OF A LEAD COPPER SERVICE LINE REPLACEMENT PROGRAM IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$2,500,000 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 \$2,500,000 is appropriated for the costs of the design and construction of a lead copper service line (“LSL”) replacement program, including, but not limited to, the replacement of all LSL’s in the City of Norwich, Connecticut, and all related 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 as more fully set forth in this Ordinance (hereafter the “Project”) as shall be determined by the City of 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 \$2,500,000. \$2,500,000 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 a subsidized interest loan and grants, if applicable. 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 of the 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 of the Department is hereby authorized, on behalf of the City and the Board, to enter into any other agreements, instruments, documents and certificates for the consummation of the transactions contemplated by this Ordinance. The General Manager of the Department is hereby authorized, on behalf of the City and the Board, to apply for and accept any and all Federal and State grants for the Project, 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 \$2,500,000. 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 \$2,500,000.

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 of the 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.

Mayor Peter Albert Nystrom
President Joseph A. DeLucia
Alderswoman Stacy Gould