



CITY OF NORWICH
CONNECTICUT

AGENDA MEETING OF THE COUNCIL OF THE CITY OF NORWICH
September 5, 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: August 7 and 21, 2023

SECOND READING AND POSSIBLE ACTION ON THE BELOW AMENDED ORDINANCE PREVIOUSLY PRESENTED

1. AN ORDINANCE APPROPRIATING \$44,750,000 FOR THE CITY OF NORWICH POLICE HEADQUARTERS FACILITY PROJECT AND AUTHORIZING THE ISSUE OF \$44,750,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS (on agenda items only)

NEW BUSINESS RESOLUTIONS

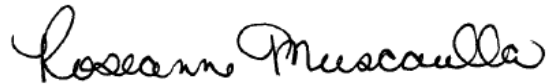
1. Relative to the Tax Collector to sell property at 97 School St.
2. Relative to the Tax Collector to sell property at 82 Old Division Street.
3. Relative to the Tax Collector to sell property at 537 Canterbury Turnpike.
4. Relative to the Tax Collector to sell property at 115 Central Avenue.
5. Relative to the City Manager to enter into a purchase and sales agreement for 24-26 Railroad Avenue.
6. Relative to the City Manager to enter into a purchase and sales agreement for 352 Boswell Avenue.
7. Relative to the Multi-Jurisdictional Hazard Mitigation Climate Adoption Plan Update 2023.
8. Relative to providing for referendum, vote to be held in connection with the Municipal Election of November 7, 2023 regarding AN ORDINANCE APPROPRIATING \$44,750,000 FOR THE

CITY OF NORWICH POLICE HEADQUARTERS FACILITY PROJECT AND AUTHORIZING THE ISSUE OF \$44,750,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

NEW BUSINESS ORDINANCE

1. RESOLUTION APPROVING AN ORDINANCE APPROPRIATING \$199,200,000 FOR THE WATER POLLUTION CONTROL FACILITY UPGRADE PROJECT IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$199,200,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY SEWER 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.

EXECUTIVE SESSION

A handwritten signature in cursive script that reads "Roseann Muscaulla".

City Clerk

SECOND READING AND ACTION ON AMENDED ORDINANCE #1

AN ORDINANCE APPROPRIATING \$44,750,000 FOR THE CITY OF NORWICH POLICE HEADQUARTERS FACILITY PROJECT AND AUTHORIZING THE ISSUE OF \$44,750,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

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

Section 1. The sum of \$44,750,000 is appropriated for the planning, acquisition and construction of a new City of Norwich Police Headquarters Facility (the "Project"). The Project is anticipated to include, but not be limited to, a community room, training classrooms, emergency operations center, main desk, dispatch center, areas for the public, lockers, prisoner and processing and detention, evidence processing, forensic lab, administration, conferences, sally port, armory, computer and technology areas, parking, electric vehicle charging stations, and including equipment, furniture and fixtures, computer equipment, property acquisition, demolition, warranty, insurance, testing, administrative, advertising, printing, legal, financing costs, surveying, environmental remediation, consultants and services related to or appropriate to accomplish the foregoing, or for so much thereof or such additional improvements as may be accomplished within said appropriation. Said appropriation shall be inclusive of state and federal grants in aid thereof.

Section 2. The total estimated cost of the Project is \$44,750,000. The City of Norwich (the "City") anticipates that a portion of the project cost may be paid from sources other than the proposed bond authorization, including state and federal grants for the Project. The estimated useful life of the Project is expected to be not less than thirty (30) years. The Project is a general benefit to the City and its general governmental purposes.

Section 3. To meet said appropriation \$44,750,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the thirtieth (30th) year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller, 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, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite

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 the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, 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 City Manager and the Comptroller in accordance with the requirements of the General Statutes of Connecticut, as amended (the "Statutes"). In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b of the Statutes, including the authority to enter into agreements managing interest rate risk. The City Manager and Comptroller, on behalf of the City, shall execute and deliver such reimbursement agreements, letter of credit agreement, credit facilities, remarketing, standby marketing agreements, standby bond purchase agreements, and any other commercially necessary or appropriate agreements which are necessary, appropriate or desirable in connection with or incidental to the sale and issuance of such bonds or notes.

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 City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City.

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the Statutes, and be approved as to their legality by Pullman & Comley, LLC, Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and shall be paid from property taxation to the extent not paid from other funds available for the payment thereof. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §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 ordinance 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 that 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 or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by Section 3-20e of the General Statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose.

Section 10. It is hereby found and determined that the issue of 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, is in the public interest. The City Manager and the Comptroller are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal governments pursuant to law.

Section 11. The City Manager and Comptroller are hereby authorized to prepare and distribute preliminary and final Official Statements of the City, to execute and deliver on behalf of the City all such other documents, and to take all action, necessary and proper for the sale, issuance and delivery of any bonds or notes relating to the Project in accordance with the provisions of the Statutes and the laws of the United States.

Section 12. This ordinance shall not take effect unless and until adopted by the City Council and approved at referendum.

President Pro Tem Joseph A. DeLucia
Alderwoman Stacy Gould
Alderman Bill Nash

RESOLUTION #1

WHEREAS, the City of Norwich became the owner of the property located at 97 School Street, map 102, block 1, lot 30, by a Certificate of Foreclosure recorded at Volume 2695, Page 320 of the Norwich Land Records; and

WHEREAS, the property is undeveloped and unimproved land consisting of .07 acres.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the Tax Collector of the City of Norwich be and hereby is authorized and directed to sell the property at 97 School Street identified as map 102, block 1, lot 30, subject to the requirements established for such sales, the auction to take place in such manner and under such terms and at a time and place to be set by the Tax Collector, including setting a minimum bid, and including the acceptance of bids by mail to the Tax Collector by a specified date.

Alderman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #2

WHEREAS, the city of Norwich acquired property identified as 82 Old Division Street, map 93, block 1, lot 42, by a Correcting Tax Collector's Deed recorded at volume 3070 page 270 of the Norwich Land Records; and

WHEREAS, said property is currently unimproved and contains .21 acres; and

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the Tax Collector of the City of Norwich be and hereby is authorized and directed to sell the property at 82 Old Division Street, identified as map 93, block 1, lot 42, being limited to receiving bids from the owners or agents of those properties immediately abutting 82 Old Division Street, subject to the requirements established for bidding at such sales, such sale or auction to take place in such manner and under such terms and at a time and place to be set by the Tax Collector, including the setting of a minimum bid, and including the acceptance of sealed bids by mail sent to the Tax Collector on or before by a specified date. It shall be a specific requirement as a term of any sale or auction that any successful bidder must agree to combine the property with that of the bidder's existing abutting property, and to do so within 90 days of the date of auction.

Alderwoman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #3

WHEREAS, the city of Norwich acquired property identified as 537 Canterbury Turnpike, map 13, block 1, lot 55, by an Executor's Deed recorded at volume 3340 page 264 of the Norwich Land Records; and

WHEREAS, said property is currently unimproved and contains .26 acres; and

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the Tax Collector of the City of Norwich be and hereby is authorized and directed to sell the property at 537 Canterbury Turnpike, identified as map 13, block 1, lot 55, being limited to receiving bids from the owners or agents of those properties immediately abutting 537 Canterbury Turnpike, subject to the requirements established for bidding at such sales, including the setting of a minimum bid, such sale or auction to take place in such manner and under such terms and at a time and place to be set by the Tax Collector, including the acceptance of sealed bids by mail sent to the Tax Collector on or before by a specified date. It shall be a specific requirement as a term of any sale or auction that any successful bidder must agree to combine the property with that of the bidder's existing abutting property, and to do so within 90 days of the date of auction.

Alderwoman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #4

WHEREAS, the city of Norwich is the owner of a certain piece or parcel of land identified as 115 Central Avenue, map 94, block 3, lot 46; and

WHEREAS, said property is currently unimproved and contains .13 acres; and

WHEREAS, said property has a 24" clay combined sewer line that bisects the property; and

WHEREAS, the Norwich Department of Public Utilities maintains the sewer line and will require a permanent easement in its favor for the continued maintenance.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the City Manager is hereby authorized to sign a permanent Easement in favor of the City of Norwich, acting through the Norwich Department of Public Utilities for the purposes of: constructing, laying, maintaining, repairing, replacing, renewing, inspecting, protecting and upgrading a 24" clay combined sewer line and all related or customary appurtenances thereto.

NOW THEREFORE BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the Tax Collector of the City of Norwich be and hereby is authorized and directed to sell the property at 115 Central Avenue, identified as map 94, block 3, lot 64, subject to the permanent easement in favor of the City of Norwich, said sale being limited to receiving bids from the owners or agents of those properties immediately abutting 115 Central Avenue, subject to the requirements established for bidding at such sales, such sale or auction to take place in such manner and under such terms and at a time and place to be set by the Tax Collector, including the acceptance of sealed bids by mail sent to the Tax Collector on or before by a specified date. It shall be a specific requirement as a term of any sale or auction that any successful bidder must agree to combine the property with that of the bidder's existing abutting property, and to do so within 90 days of the date of auction.

Alderman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #5

WHEREAS, the City of Norwich became the owner of property located at 24-26 Railroad Avenue, Map 13, Block 1, Lot 13 by virtue of a Quitclaim Deed recorded at volume 3347 page 212 of the Norwich Land Records; and

WHEREAS, said property is undeveloped and contains approximately .19 acres; and

WHEREAS, the Council of the City of Norwich has determined it to be in the best interest of the City of Norwich to attempt to dispose of this property by a negotiated sale using the services of Signature Properties of New England, listing the property at a price recommended to it by Signature Properties of New England.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into an individual real estate listing agreement satisfactory to him with Signature Properties of New England offering to sell the property at 24-26 Railroad Avenue at a proposed sale price recommended by Signature Properties of New England; and

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

Alderwoman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #6

WHEREAS, the City of Norwich became the owner of property located at 352 Boswell Avenue, Map 86, Block 4, Lot 16 by virtue of a Foreclosure by Sale Committee Deed recorded at volume 3427 page 97 of the Norwich Land Records; and

WHEREAS, said property is undeveloped and contains approximately .26 acres; and

WHEREAS, the Council of the City of Norwich has determined it to be in the best interest of the City of Norwich to attempt to dispose of this property by a negotiated sale using the services of Signature Properties of New England, listing the property at a price recommended to it by Signature Properties of New England.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that City Manager John Salomone be and hereby is authorized and directed on behalf of the City of Norwich to enter into an individual real estate listing agreement satisfactory to him with Signature Properties of New England offering to sell the property at 352 Boswell Avenue at a proposed sale price recommended by Signature Properties of New England; and

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

Alderwoman Stacy Gould
Alderman Swarnjit Singh
Alderman Grant Neuendorf

RESOLUTION #7

WHEREAS, the City of Norwich has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of those natural hazards profiled in the plan (e.g. flooding, extreme heat, droughts, severe storms such as thunderstorms and winter storms, dam failures, wildfires, and earthquakes) resulting in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, THE Norwich City Council approved the previous versions of the Hazard Mitigation Plan in 2005, 2012 and 2018; and

WHEREAS, Southeastern Connecticut Council of Governments, of whom the City of Norwich is a member, has determined that climate change is affecting the frequency and severity of some hazards and therefore elected to expand the Hazard Mitigation Plan Update to become a Hazard Mitigation and Climate Adaptation Plan Update; and

WHEREAS, committee meetings were held and public input was sought in 2022 regarding the development and review of the Hazard Mitigation and Climate Adaptation Plan Update; and

WHEREAS, the Plan specifically addresses hazard mitigation and climate adaptation strategies and Plan maintenance procedures for the City of Norwich; and

WHEREAS, the Plan recommends several hazard mitigation actions that will provide mitigation for specific natural hazards that impact the City of Norwich, with the effect of protecting people and property from loss associated with those hazards while adapting to the effects of climate change; and

WHEREAS, Southeastern Connecticut Council of Governments has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its Hazard Mitigation and Climate Adaptation Plan Update under the requirements of 44 CFR 201.6; and

WHEREAS, adoption of the Plan will make the City of Norwich eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by the City Council:

1. The plan is hereby adopted as an official plan of the City of Norwich;
2. The respective officials identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them;
3. Future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as a part of this resolution for a period of five (5) years from the date of this resolution.
4. An annual report on the progress of the implementation elements of the Plan shall be presented to the City Council.

City Manager John Salomone

RESOLUTION #8

BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH:

That the ordinance entitled “AN ORDINANCE APPROPRIATING \$44,750,000 FOR THE CITY OF NORWICH POLICE HEADQUARTERS FACILITY PROJECT AND AUTHORIZING THE ISSUE OF \$44,750,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, as adopted by this meeting of the Council, be submitted to a referendum vote of the electors of the City for approval or disapproval in conjunction with the general election on November 7, 2023, between the hours of 6:00 A.M. and 8:00 P.M. and that the warning of said referendum state the question to be voted upon and the ballot label with respect thereto as follows:

Question 1:

“Shall the ordinance entitled ‘ORDINANCE APPROPRIATING \$44,750,000 FOR THE CITY OF NORWICH POLICE HEADQUARTERS FACILITY PROJECT AND AUTHORIZING THE ISSUE OF \$44,750,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE’, as adopted by the City Council on _____, 2023, be approved? YES NO”

The ballot label for said question shall read as follows:

“Shall the \$44,750,000 appropriation and bond authorization ordinance for the planning, acquisition and construction of the City of Norwich Police Headquarters Facility Project be approved? YES NO”

The voting will be by paper/electronic ballot. Those desiring to vote for the question shall fill in the box in front of the question on the ballot at “**YES**”. Those desiring to vote against the question shall fill in the box in front of the question on the ballot at “**NO**”. Absentee ballots will be made available in accordance with the law.

The warning of said referendum shall also state that the full text of the aforesaid ordinance and question are on file open to public inspection in the office of the City and Town Clerk, that the vote on the aforesaid bond ordinance is taken pursuant to Chapter VIII, Section 4 of the City Charter and Chapters 90 and 152 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with the law.

The City and Town Clerk is hereby authorized and directed to prepare and print pursuant to section 9-369b of the Connecticut General Statutes (i) explanatory text for the foregoing question and (ii) materials concerning such question in addition to the explanatory text.

President Pro Tem Joseph A. DeLucia
Alderman Stacy Gould
Alderman Bill Nash

Sewer Authority of the City of Norwich Resolution

RESOLUTION APPROVING AN ORDINANCE APPROPRIATING \$199,200,000 FOR THE WATER POLLUTION CONTROL FACILITY UPGRADE PROJECT IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$199,200,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY SEWER 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.

Resolved, the Sewer Authority of the City of Norwich having considered:

1. The costs for the Water Pollution Control Facility Upgrade Project in the City of Norwich, Connecticut (the "Project"),
2. An Ordinance proposed to be adopted by the Council of the City of Norwich (the "Council") entitled:

AN ORDINANCE APPROPRIATING \$199,200,000 FOR THE WATER POLLUTION CONTROL FACILITY UPGRADE PROJECT IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$199,200,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY SEWER 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 (the "Council Ordinance" attached hereto), and

3. The Joint Resolution of the City of Norwich, Connecticut and the Sewer Authority of the City of Norwich, Sewer System General Revenue Bond Resolution approved by the City Council on November 21, 1994 and the Sewer Authority on November 22, 1994, as amended, (the "General Resolution"),

all of which are in connection with the Water Pollution Control Facility Upgrade Project in the City of Norwich, including, but not limited to, costs associated with upgrades to the Water Pollution Control Facility that will include septage receiving and pumping, influent pipeline improvements, preliminary treatment, influent pumping, primary treatment, aeration and biological nutrient removal, secondary treatment, ultraviolet light disinfection, effluent pumping, odor control, sludge handling, storage and pumping, facility wide electrical and instrumentation / SCADA improvements, replacement of the existing administration and laboratory facilities and the closure of the adjacent Hollyhock Island waste disposal area, 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 the Ordinance attached hereto (the "Project"),

hereby authorizes, approves and ratifies: 1) the Ordinance and recommends its adoption to the City Council, and the General Resolution which it approves and ratifies, 2) the Project, and 3) entering into Project Loan and Subsidy Agreement with respect to the Project including any amendment, as applicable. The General Manager is authorized on behalf of the Sewer Authority to enter into a loan agreement with such additions, revisions and deletions as in his judgment are in the best interest of the Sewer Authority, including a schedule to fund a debt service reserve fund, and to revise the General

Resolution, including the addition of information, completion of schedules, or such other changes as may facilitate the project and its financing, provided, the full faith and credit of the City shall not be pledged to secure the bonds authorized to finance the Project. The Sewer Authority specifically authorizes and approves the Project, the issuance of up to \$199,200,000 of sewer system revenue bonds (inclusive of any prior PLOs and any outstanding IFOs, if any), the pledge established by the General Resolution, the delegation to the General Manager of authority and responsibility, the terms and conditions of issuing debt, all as set forth therein, and covenants to establish the rates necessary to pay the bonds and to comply with the provisions and requirements therein. The Sewer Authority recommends that the City Council take all action necessary to approve the Project and its financing, including approval of the Ordinance.

The General Manager is hereby authorized, on behalf of the Sewer Authority, to enter into any other agreements, instruments, documents and certificates for the consummation of the transactions contemplated by this resolution. The General Manager is hereby authorized, on behalf of the Sewer Authority, 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 City of Norwich Department of Public Utilities with engineers, contractors and others.

COUNCIL ORDINANCE

AN ORDINANCE APPROPRIATING \$199,200,000 FOR THE WATER POLLUTION CONTROL FACILITY UPGRADE PROJECT IN THE CITY OF NORWICH, AUTHORIZING THE ISSUANCE OF \$199,200,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY SEWER 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 \$199,200,000 is appropriated for costs associated with costs associated with upgrades to the Water Pollution Control Facility that will include septage receiving and pumping, influent pipeline improvements, preliminary treatment, influent pumping, primary treatment, aeration and biological nutrient removal, secondary treatment, ultraviolet light disinfection, effluent pumping, odor control, sludge handling, storage and pumping, facility wide electrical and instrumentation / SCADA improvements, replacement of the existing administration and laboratory facilities and the closure of the adjacent Hollyhock Island waste disposal area, 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 30 years. The total estimated cost of the Project is \$199,200,000. Of the total estimated Project costs, approximately \$64,000,000 is anticipated to be grant funded by or through the State of Connecticut pursuant to its Clean Water Fund Program (as hereinafter defined), and approximately \$135,200,000 is anticipated to be financed by or through the State of Connecticut pursuant to its Clean Water Fund Program, through subsidized interest loans. 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 Sewer Authority (hereafter the "Sewer Authority") 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 Sewer Authority (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 Sections 7-264 and 7-264a 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) sewer assessment notes of the City may be issued in one or more series pursuant to Section 7-269a of the General Statutes of Connecticut, as amended. The amount of such notes to be issued, if any, shall be determined by a majority of 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

(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 of the Department is hereby authorized, on behalf of the City and the Sewer Authority, 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 Sewer Authority, 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 \$199,200,000. 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 sewer 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 \$199,200,000.

Section 4.

(i) Bonds, temporary notes, or sewer 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 sewer 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 sewer system, including use charges, connection charges, benefit assessments or any combination thereof, investment income derived there from, or other property of the sewerage system or revenue derived from the operation of the sewer 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 sewer 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 November 21, 1994, and the Sewer Authority on November 22, 1994, 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 Sewer Authority 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 Sewer Authority 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 Sewer Authority 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 Sewer Authority 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 sewer funds or fund balance or sewer 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 sewer 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 Sewer Authority 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 Sewer Authority 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.

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

Mayor Peter Albert Nystrom
Alderman Stacy Gould
Alderman Swarnjit Singh