



CITY OF NORWICH
CONNECTICUT

AGENDA – MEETING OF THE COUNCIL OF THE CITY OF NORWICH

Kelly STEAM Magnet Middle School

25 Mahan Drive, Norwich

September 19, 2022

7:30 PM

NOTICE

The meeting of the Council will seek to comply with the directives of Executive Order 7B-1 issued by Governor Ned Lamont on March 14, 2020, together with any Executive orders and statutes subsequently issued which pertain to such meetings.

The Mayor, members of the City Council, the City Manager, City Clerk, Comptroller and Corporation Counsel shall be present in person or participate remotely by conference call, video conference or other technology.

The meeting shall be televised on the Public Access Channel and posted on the city website, www.norwichct.org, in real time consistent with the Executive orders and statutes and the usual practices of the City of Norwich.

The meeting will be televised on the Public Access Channel 14 and posted on the city website, www.norwichct.org, in real time.

PRAYER

PLEDGE OF ALLEGIANCE

PROCLAMATION: Jacob Wallace, Eagle Scout with two Palms

CITIZEN COMMENT GENERAL (30 Minutes)

PUBLIC HEARINGS

1. AN ORDINANCE TO WAIVE DELINQUENT INTEREST ON SEWER BENEFIT ASSESSMENT INSTALLMENT PAYMENTS, TO BE CODIFIED IN CHAPTER 21, ARTICLE I, OF THE NORWICH CODE OF ORDINANCES AT SECTION 21-9
2. AN ORDINANCE AMENDING PORTIONS OF ARTICLE I OF CHAPTER 21 OF THE CODE OF ORDINANCES PROVIDING FOR ADJUSTMENTS IN SEWER ASSESSMENT PAYMENTS FOR DISABLED PROPERTY OWNERS
3. AN ORDINANCE AMENDING SEC. 13-14.2 OF THE NORWICH CODE OF ORDINANCES POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC AREAS PROHIBITED TO ESTABLISH THE AMOUNT OF A FINE FOR EACH OFFENSE

**SECOND READING AND ACTION ON THE ABOVE ORDINANCES
PREVIOUSLY PRESENTED**

PETITION AND COMMUNICATION

CITY MANAGER'S REPORT

CITIZENS COMMENT ON RESOLUTIONS

NEW BUSINESS-RESOLUTIONS

1. Relative to a reappointment as a regular member of the Norwich Housing Authority.
2. Relative to the NorWITCH Halloween Strut.
3. To authorize and direct City Manager John Salomone to negotiate and enter into a lease amendment with Crown Castle for the expansion of its leasehold footprint.



City Clerk



City Of Norwich

Mayors Office

Peter Albert Nystrom, Mayor

PROCLAMATION

WHEREAS, **Eagle Scout** is the highest rank attainable in the Boy Scouts of America (BSA) and since its introduction in 1911, the Eagle Scout rank has been earned by more than 2 million young men, with the title of Eagle Scout being held for life, thus giving rise to the phrase "Once an Eagle, always an Eagle"; and

WHEREAS, requirements for earning the rank of Eagle Scout include earning at least 21 merit badges and demonstrating Scout Spirit, **Jacob Wallace** has earned 31 merit badges and two Palms, as a member of Troop 4, he has risen through the ranks from, a Tiger Scout to an Eagle Scout, and he shows his Scout Spirit through his chosen project, he is a Third generation Eagle Scout in his family; and

WHEREAS, **Jacob Wallace** is a junior at Ella T. Grasso Technical High School where he is studying Drafting and Mechanical Design with High Honors for the last two years; and

WHEREAS, **Jacob Wallace** chosen project was the building a compost tumbler for the Troop 4 Norwich Community Garden; and

WHEREAS, **Jacob Wallace** and Troop 4 maintain the thirteen garden beds at John Moriarty Elementary School and Jacob added two more this year; and

WHEREAS, **Jacob Wallace** honors his community with the growing of vegetables and donating them to the St. Vincent DePaul Food Bank; and

WHEREAS, **Jacob Wallace** and Troop 4 have given over 240 pounds of food that they grew so they could share the fruits of their labor.

NOW THEREFORE, I, MAYOR PETER ALBERT NYSTROM AND NORWICH CITY COUNCIL PRESIDENT PRO TEM, JOSEPH A. DELUCIA, ON BEHALF OF THE NORWICH CITY COUNCIL AND THE CITIZENS OF THE CITY OF NORWICH, do hereby congratulate **Jacob Wallace** on his impressive record and on his achieving the rank of Eagle Scout with two Palms.

Dated this Eleventh day of September, 2022

Peter Albert Nystrom
Mayor

Joseph A. DeLucia
President Pro Tem

AN ORDINANCE TO WAIVE DELINQUENT INTEREST ON SEWER BENEFIT ASSESSMENT INSTALLMENT PAYMENTS, TO BE CODIFIED IN CHAPTER 21, ARTICLE I, OF THE NORWICH CODE OF ORDINANCES AT SECTION 21-9

WHEREAS, the City of Norwich Sewer Authority (“Sewer Authority”) provides wastewater collection services to the City of Norwich’s (“City”) residents;

WHEREAS, the Sewer Authority is charged with, among other things, assessing and collecting sewer benefit assessments on the City’s property owners who either receive or have access to receive sewer services;

WHEREAS, as such, the Sewer Authority acts with the City’s tax collector and assessor for purposes of sewer benefit assessment payments;

WHEREAS, the Sewer Authority has allowed property owners to pay their sewer benefit assessments in installments pursuant to Connecticut General Statutes (“General Statutes” or “G.S.”) § 7-253;

WHEREAS, pursuant to General Statutes § 7-254, installment payments for sewer benefit assessments become delinquent and a lien on the subject property by operation of law when they are not paid within thirty (30) days of when they become due, and they also accrue interest in the same manner as delinquent property taxes;

WHEREAS, although property owners are required by law to pay sewer benefit assessment installment payments to the Sewer Authority when they become due by operation of law, the Sewer Authority also should have sent notice of the sewer delinquencies and/or kept record of the accrued delinquent interest for some of these property owners, which, upon information and belief, it did not do;

WHEREAS, because some of the property owners who have accumulated delinquent interest on their sewer benefit assessment installment payments owed to the Sewer Authority may not have received notice of the delinquent interest accrual and/or due dates, it appears that the delinquencies occurred through no fault of the property owners;

WHEREAS, these property owners (hereinafter referred to as the “Owners”) still owe the balance of the principal installment payments due to the Sewer Authority;

WHEREAS, in the interest of expediency and fairness in the collection process for delinquent sewer benefit assessment installment payments for the Owners, the Sewer Authority wishes to waive the delinquent interest that has accrued on the Owners’ sewer benefit assessment installment payments;

WHEREAS, because sewer benefit assessment installment payments are collectible in the same manner as property taxes, delinquent interest can be waived on these payments in the same or similar manner as can be done for delinquent property taxes, pursuant to General Statutes § 12-145;

WHEREAS, pursuant to General Statutes § 7-247 and other applicable laws, the Sewer Authority has the power to enter into agreements with property owners regarding, among other things, the payment of sewer benefit assessment liens and installments thereof;

WHEREAS, the waiver of delinquent interest that has accrued on the Owners' sewer benefit assessment installment payments will not affect the City's ability to pay any of its bonds or its ability to meet any of its financial obligations with respect to sewer benefit assessments;

WHEREAS, the waiver of delinquent interest that has accrued on the Owners' sewer benefit assessment installment payments will facilitate the Sewer Authority's ability to, among other things, enter into agreements with the Owners pursuant to General Statutes § 7-247 and other applicable laws in order to ensure that the Owners can make full payment of the balance of the principal installment payments due to the Sewer Authority;

WHEREAS, the waiver of delinquent interest that has accrued on the Owners' sewer benefit assessment installment payments will provide a public benefit insofar as it will not excessively penalize the Owners with being obligated to pay exorbitant delinquent interest amounts to the Sewer Authority where some or all of the accrual of same may have occurred through no fault of their own;

WHEREAS, nothing herein shall be construed as an admission or representation by the Sewer Authority that it made any mistakes in the collection of sewer benefit assessment payments;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that **Article I IN GENERAL** contained in Chapter 21 of the Norwich Code of Ordinances be amended by adding the following section 21-9 as set forth hereinafter.

[NEW] Sec. 21-9 Waiver of Delinquent Interest on Sewer Benefit Assessment Installment Payments.

- a. Pursuant to G.S. §§ 7-247, 7-254, and 12-145, the City of Norwich Sewer Authority ("Sewer Authority") is authorized to enter into agreements (the "Agreements") with various property owners who, as of the date of this Ordinance, have accrued the delinquencies on the payment of their sewer benefit assessment installment payments but who may have accrued such delinquencies through no fault of their own (hereinafter, the "Owners").
- b. Pursuant to the Agreements set forth in the previous subsection of this section, the Sewer Authority may waive the delinquent interest that has accrued on the Owners' sewer benefit installment payments that has become due and owing to the Sewer Authority per G.S. § 7-254 as of this date. Notwithstanding, pursuant to the Agreements, the Owners shall thereafter be obligated to pay the delinquent interest on these sewer benefit assessment installment payment liens in accordance with the Agreements, or as otherwise required by law.
- c. Pursuant to G.S. § 12-145, the City's Tax Collector and Assessor—for purposes of the City's sewer benefit assessment payments—have jointly determined that the delinquent interest that has and that will have accrued on these installment payments that the Owners owe to the Sewer Authority through the date on which the Agreements are executed occurred through no fault of the Owners, and because the collection of sewer benefit assessment installment payments for the Owners will be much swifter and more equitable, the delinquent accrued interest on these sewer benefit assessment installment payments shall be waived through the date on which the Agreements are executed with the Owners.

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

AN ORDINANCE AMENDING PORTIONS OF ARTICLE I OF CHAPTER 21 OF THE CODE OF ORDINANCES PROVIDING FOR ADJUSTMENTS IN SEWER ASSESSMENT PAYMENTS FOR DISABLED PROPERTY OWNERS

WHEREAS, section 7-253a of the Connecticut General Statutes (“General Statutes” or “G.S.”) allows any municipality, by ordinance, to permit any property owner who is eligible for property tax relief for (1) elderly taxpayers under the provisions of section 12-129b, section 12-170aa, or a plan for tax relief for elderly taxpayers provided by such municipality in accordance with subdivision (1) of subsection (a) of section 12-129n or (2) any property owner under age sixty-five who is eligible for tax relief under the provisions of a plan provided by such municipality in accordance with subdivision (2) of subsection (a) of section 12-129n of the General Statutes to apply to the municipality’s water pollution control authority for approval of a plan of payment of such property owner’s sewer assessment in a manner other than as provided under section 7-253 of the General Statutes; and

WHEREAS, section 7-253a of the General Statutes also provides that such ordinance may allow optional methods of payment of any sewer assessment by any eligible property owner, subject to approval and annual review by the municipality’s water pollution control authority; and

WHEREAS, the City of Norwich Sewer Authority (“Sewer Authority”) provides wastewater collection services to the City of Norwich’s (“City”) residents;

WHEREAS, the City has established a program whereby the Sewer Authority can allow certain qualifying elderly property owners to pay their sewer assessments as outlined under section 7-253a of the General Statutes and the statutes referenced therein, which program is codified in Section 21-3.6 of The Code of Ordinances, City of Norwich, Connecticut (the “Code”); and

WHEREAS, the City does not, however, have a program codified in the Code whereby the Sewer Authority can allow certain qualifying disabled property owners to pay their sewer assessments as outlined under section 7-253a of the General Statutes and the statutes referenced therein; and

WHEREAS, as set forth in Section 7-23 of the Code, the City does provide for property tax relief for both elderly and disabled taxpayers, in accordance with section 12-129n of the General Statutes;

WHEREAS, the City Council recognizes the public benefit of having a payment program as contemplated by section 7-253a of the General Statutes available for disabled property owners under the age of sixty-five who meet the qualifications for total or permanent disability as set forth in section 12-129n of the General Statutes and Section 7-23 of the Code;

WHEREAS, the City wishes to allow the Sewer Authority to make a sewer assessment payment program contemplated by section 7-253a of the General Statutes available to property owners who are under the age of sixty-five and who meet the qualifications for total or permanent disability as set forth in section 12-129n of the General Statutes and Section 7-23 of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that the following modifications be made to Article I of Chapter 21 of the Code:

[NEW] Sec. 21-3.7. Payment of disabled property owner’s sewer assessment.

Pursuant to G.S. § 7-253a, and under the provisions of G.S. §§ 12-129n and/or 12-170aa, the municipal water pollution control authority, the Sewer Authority, is granted the authority to approve a plan of the sewer assessment payments for property owners who are under age sixty-five and who meet all of the qualifications of being disabled, as outlined in G.S. §§ 12-129n and/or 12-170aa. Such authority may include an option to pay only the annual interest charge, as provided in G.S. § 7-253, on any deferred payments or outstanding balance of principal, provided in any such optional method of payment, the outstanding balance of principal deferred under such optional method of payment shall become due upon any transfer of title to the property subject to such assessment or upon death of such property owner. Any optional method of payment provided under this section shall be subject to approval and annual review by the Sewer Authority.

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

AN ORDINANCE AMENDING SEC. 13-14.2 OF THE NORWICH CODE OF ORDINANCES POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC AREAS PROHIBITED TO ESTABLISH THE AMOUNT OF A FINE FOR EACH OFFENSE

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that section 13-14.2 of the Norwich Code of Ordinances be amended as set forth herein.

Sec. 13-14.2. Possession of alcoholic beverages in certain public areas prohibited.

(1) The possession of any opened container holding an alcoholic beverage is prohibited on any street, road, alley, parking lot or sidewalk in the city and on any grounds owned by or under the control of the city, except when a permit has been issued for same by proper authorities.

(2) *Violation of this section shall be punishable by a fine of \$50.00 per offense.*

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

RESOLUTION #1

WHEREAS, the City Manager John L. Salomone has reappointed with Councils approval as a **regular member** to the Norwich Housing Authority for a term to expire on 10/31/27 or until a successor is appointed;

Alan Bergren (U)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Norwich hereby acknowledges the reappointment of the above named to the Norwich Housing Authority.

City Manager John L. Salomone

RESOLUTION #2

WHEREAS, the Norwich Events Organization proposes to host the NorWITCH Halloween Strut to be held on Saturday, October 29, 2022 from 6:00 p.m. to 8:00 p.m. at Sanquedolce Plaza and the David Ruggles Courtyard outside city hall and on lower Broadway from Bath Street to Main Street at Castle Church with the permission of the City of Norwich; and

WHEREAS, the Chief of Police, as traffic authority, has recommended the closure to vehicular traffic of Bath Street and Broadway between Bath Street and Main Street, the closure to vehicular traffic to commence at 5:00 p.m. and run to 9:00 p.m.; and

WHEREAS, the Council of the City of Norwich, by this resolution, grants permission to the Norwich Events Organization to conduct the event using Sanquedolce Plaza and the David Ruggles Courtyard, and lower Broadway as described herein, and expresses its support for the NorWITCH Halloween Strut and its sponsors and welcomes the many visitors who will attend the same to enjoy its many attractions.

NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF NORWICH, that it is in support of the NorWITCH Halloween Strut and grants permission to the Norwich Events Organization to conduct the same during the hours and at the locations described herein and authorizes the closing to vehicular traffic of Bath Street and lower Broadway between Bath Street and Main Street from the hours of 5:00 p.m. – 9:00 p.m. in accordance with the recommendation of the Chief of Police as Traffic Authority.

Mayor Peter Albert Nystrom
Alderwoman Stacy Gould

RESOLUTION #3

To authorize and direct City Manager John Salomone to negotiate and enter into a lease amendment with Crown Castle for the expansion of its leasehold footprint.

WHEREAS, the City currently has a lease agreement with Crown Castle for the cell tower at Public Works' 50 Clinton Avenue facility; and

WHEREAS, Crown Castle has requested an amendment to the lease which would include the following terms:

1. City grants roughly 170 square foot expansion of Crown Castle leasehold footprint to sublease to DISH per attached guidance and consents to DISH Network's installation at the site
2. Crown Castle to pay City 75% in revenue share monthly for DISH Network upon commencement of construction
3. Crown Castle retains the right to return the expansion area and cease revenue share payments after restoring area to current condition, less standard wear and tear

; and

WHEREAS, the lease amendment should result in approximately \$750 per month of additional revenue; and

WHEREAS, the expansion of the leasehold footprint would not impede the operations of the Public Works department.

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 negotiate an amendment substantially consistent to the terms herein and enter into such amendment to the agreement with Crown Castle for the expansion of its leasehold footprint.

Mayor Peter Albert Nystrom
Alderwoman Stacy Gould