

The regular meeting of the Council of the City of Norwich was held September 18, 2023 at 7:30 PM in Council Chambers. Present: Mayor Nystrom, President Pro Tem DeLucia, Ald. Neuendorf, Gould, Singh, Burto and Nash. John Salomone City Manager, Corporation Counsel Michael Driscoll were also in attendance. Mayor Nystrom presided.

Please be advised that meetings of the Norwich City Council can be viewed in their entirety on the City of Norwich website “norwichct.org”.

Ald. Burto, read the opening prayer and Ald. Singh led the members in the Pledge of Allegiance.

Under a suspension of the rules Mayor Nystrom called for an exception to have the first speaker in Citizen General speak on the resolution #4 Avalonia of this agenda due the fact of his young age (10 years old).

Upon a motion of Ald. Burto, seconded by Ald. Gould, on a roll call vote it was unanimously voted to allow the above requested exception.

Silas Hess, 12 Curan St. Montville, spoke in great detail of all of the positives for resolution #4 Avalonia Land Trust purchase.

Beryl Fishbone, 19 Bliss Pl., pleaded with the Council to provide more transparency with all of the major projects that are proposed ie: the New Schools, the Police Headquarters and the Water Pollution Control Facility.

Frederick Browning, 671 Scotland Rd., is in support of the Avalonia Land Trust but wishes there were the same kind of responsiveness for the Business Park North neighborhood.

Joanne Philbrick, 10 Elm Ave., requested the Council listen and talk to people, more information is required with all of the projects going on. She feels the City is ADHD on steroids.

There were no further speakers.

Mayor Nystrom called for the following public hearing on 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.

City Clerk Muscarella read the following communication from the Commission on the City Plan.

CITY OF NORWICH
Commission on the City Plan
23 Union Street, Norwich, CT 06360
Telephone: (860) 823-3745, Fax: (860) 823-3741

September 11, 2023

TO: THE HONORABLE MAYOR AND ALDERPERSONS OF THE COUNCIL OF THE CITY OF NORWICH
RE: 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 Commission on the City Plan, at a September 11, 2023 Hybrid Special Meeting, reviewed and discussed the above-referenced referral.

Seated were Frank Manfredi, Deane Nason, James Quarto, Ella Myles and Jason Courter

After careful consideration, the Commission voted unanimously to forward a **FAVORABLE RECOMMENDATION** for the upgrade of the sewer treatment plant to maintain adequate community facilities as it is in line with the Plan of Conservation and Development (POCD).


Frank Manfredi, Chairman

Copies: City Clerk, City Manager, NPU General Manager, Finance Director & City Attorney

REC'D NORWICH CITY CLERK
2023 SEP 13 AM 10:50

Mayor Nystrom called for those speaking in favor.

There being none.

Mayor Nystrom call for those speaking in opposition.

Joanne Philbrick, 10 Elm Ave., spoke in confusion stating that NPU is saying the rates are supposed to go down. With that being said how can that be true if they are going to build a \$199, 200,000 Sewer Plant?

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

Mayor Nystrom called for a Public Hearing on the participation in a Cost Sharing Program with The City of Norwich to construct concrete sidewalks.

Mayor Nystrom called for those speaking in favor.

Tucker Braddock, 868 Scotland Rd., spoke in favor of the program explaining how as a past business owner it was a great service and it helps promote business and a good thing to do.

Mayor Nystrom call for those speaking in opposition.

There being none.

Upon a motion of Ald. Gould, seconded by Ald. Burto, on a roll call vote it was unanimously voted to waive the reading of the full text and incorporate it into the minutes this ordinance being given its second reading.

Upon a motion of Ald. Gould, seconded by Ald. Burto, on a roll call vote it was unanimously voted to put the following ordinance introduced by Mayor Nystrom, Ald. Gould, and Ald. Singh on the floor.

Mayor Nystrom called for the second reading and action on 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.

On a roll call vote of 7-0 the above Ordinance passes.

Upon a motion of Ald. Gould, seconded by Ald. Burto, on a roll call vote it was unanimously voted to accept the report from the Commission on the City Plan.

CITY OF NORWICH
Commission on the City Plan
23 Union Street, Norwich, CT 06360
Telephone: (860) 823-3745, Fax: (860) 823-3741

September 11, 2023

TO: THE HONORABLE MAYOR AND ALDERPERSONS OF THE COUNCIL OF THE CITY OF NORWICH
RE: 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 Commission on the City Plan, at a September 11, 2023 Hybrid Special Meeting, reviewed and discussed the above-referenced referral.

Seated were Frank Manfredi, Deane Nason, James Quarto, Ella Myles and Jason Courter

After careful consideration, the Commission voted unanimously to forward a **FAVORABLE RECOMMENDATION** for the upgrade of the sewer treatment plant to maintain adequate community facilities as it is in line with the Plan of Conservation and Development (POCD).


Frank Manfredi, Chairman

Copies: City Clerk, City Manager, NPU General Manager, Finance Director & City Attorney

REC'D NORWICH CITY CLERK
2023 SEP 13 AM 10:50

City Manager's Report

To: Mayor Nystrom and members of the City Council
From: John Salomone, City Manager
Subject: City Manager's Report
Date: September 18, 2023

Meetings attended were Connecticut Interlocal Risk Management Agency (CIRMA) Board of Directors, Connecticut Conference of Municipalities (CCM), NPU-City Coordination Meeting, NCDC and Board of Directors meeting. I also met with Emergency Operation staff due to hurricane possibilities. The storm remained out to sea but the City was on alert for wind damage and power outages.

The City has issued the first bill for the 3% tax on gross receipts of cannabis. For the first partial month the tax will be \$5,245.37

The first of several Land Use Trainings was held on September 7, 2023 through the Center of Land Use Education and Research (CLEAR) and SCCOG. The State of Connecticut Public Act 21-29 requires 4 hours of training for all land use officials, members, and commissions by January 1, 2024 and every other year thereafter which includes City Council, CCP, IWWC and ZBA members. My assistant, Jacquie Barbarossa is tracking participant's hours and informing them of upcoming training sessions to fulfill their credits. The City must report training compliance by March 1, 2024.

The Human Services Divisions were represented in the past month at six back-to-school events and two other Community-wide events, providing resources, information, and school supplies to hundreds of Norwich students and families. Norwich Youth, Family, and Recreation fall activities start this week with over 40+ programs available. They are also holding the Rose City Block Party on September 23rd, 2023 with a rain date of the 24th at 75 Mohegan Road.

The Southeastern Connecticut Council of Governments (SCCOG) has received a CTDOT grant to conduct a Corridor Study of downtown Norwich. The study goals include improvements to livability, mobility, access to essential services, safe routes to the waterfront and Howard T. Brown Park, the Intermodal Transportation Center, the Norwich Marina and other downtown destinations. The study process includes a number of opportunities for public engagement. To take the short survey, please visit the study website at: <https://www.downtownnorwichmobilitystudy.com/> or visit the City's Facebook page.

The *46th Annual Greek Food Festival* will be held at Holy Trinity Greek Orthodox Church from September 28th –September 30th after a 3 year hiatus.

Attached is the Fire Chiefs Report to Public Safety held September

City Manager's Report to Public Safety

September 13, 2023 meeting

I met with the Fire Chiefs on August 24th. City Comptroller, Josh Pothier also participated in the meeting.

Josh and I presented a draft apparatus replacement schedule and funding plan to the Chiefs. The plan was prepared with data from Fleet Maintenance, and recommendations from the McGrath Study used as a starting point. Josh and I presented the funding plan, as well as the rationale behind the replacement schedule. The Chiefs expressed a few concerns and asked a few questions, but overall felt that a replacement and funding plan for the City was a good thing that is long overdue. We will work with the Chiefs to refine the plan and identify specific apparatus to be replaced or retired.

After the apparatus replacement schedule and funding plan was discussed, the Chiefs spoke briefly on the radio project and pagers, SOGs, updating the Mass Casualty Plan, recently passed State cancer prevention act and associated department requirements, ongoing training for drone operators, and other topics.

Meeting lasted approximately 1.5 hours. Next meeting to be scheduled.

Please be advised that meetings of the Norwich City Council can be viewed in their entirety on the City of Norwich website “norwichct.org”.

Mayor Nystrom called for citizen comment on resolutions.

Elanah Sherman, 65 Cedar St., spoke in full support of resolution #4 Avalonia Land Trust speaking highly of Avalonia as great established and professional Land Conservation Trust organization.

Robert Phoenix, 302 Old Canterbury Tpk., spoke on resolution #4 Avalonia Land Trust admitting initially he was concerned that the piece of land was part of his driveway, but that is not the case and is complete support of this resolution.

Frederick Browning, 671 Scotland Rd., spoke on resolution #4 Avalonia praising Avalonia as a quality organization commenting that they are very thorough and professional in what they do.

Kevin Brown, NCDC, spoke in favor of resolution #2 Norwich Marina stating the past is a prologue to the future. Supports resolution #4 Avalonia as being the best use for this land without causing any harm.

Shiela Hayes, 382 Laurel Hill Ave., promoted resolution #6 Greenville Mural stating the project will involve participation from of very young to college aged people.

Tucker Braddock, 868 Scotland Rd., spoke in favor of resolution #2 saying with the new docks this will be a good for the Marina.

There being no speakers Mayor Nystrom declared citizen comment closed.

Upon a motion of Ald. Nash, seconded by Ald. Singh on a roll call vote it was unanimously voted to adopt the following resolution introduced by Pres. Pro Tem DeLucia, Ald. Gould, Ald. Nash.

WHEREAS, the property owners listed below want to participate in a cost sharing program with the City of Norwich to construct concrete sidewalks along their property; and

WHEREAS, the City of Norwich wants to improve sidewalks throughout the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that: granite curbing and concrete sidewalks will be constructed at the following locations where the property owners will pay for an assessment for the cost of the sidewalks and the City of Norwich will pay for the cost of the curbing and miscellaneous items.

Name	Address	Estimate
29 Lincoln Ave LLC	29 Lincoln Avenue	\$6,852.50
WW Realty LLC	31 Fowler Lane	\$3,756.48

BE IT FURTHER RESOLVED that the cost of this project be funded from the existing capital budget line item for sidewalks, Capital Improvement Fund #3602 and the Sidewalk Fund, #2858.

The estimated city’s cost for curbing and miscellaneous construction items is \$ 9,971.39.

Upon a motion of Ald. Gould, seconded by Ald. Nash, on a roll call vote it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, Pres. Pro Tem DeLucia and Ald. Gould.

Relative to the approval of the assignment of the Ground Lease and Development Agreement for the Norwich Marina to Patten Marina Holdings LLC

WHEREAS, the JCM Norwich Marina Acquisitions LLC (“JCM”)has proposed to assign its rights and obligations under the Ground Lease and Development Agreement for the Norwich Marina to Patten Marina Holdings LLC or related entity (“Patten”); and

WHEREAS, Joshua Pothier, the Comptroller of the City of Norwich has conducted a review of the financial standing of the assignee of the Development Agreement and Lease for the Marina and reported to the council that Patten “is likely to be of sound financial standing sufficient to provide reasonable assurance of being financially able to perform its obligation” thereunder; and

WHEREAS, a closing of the property is expected to take place thirty (30) days after approval of this Resolution; and

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Norwich that City Manager, John L. Salomone, be and hereby is authorized and directed to execute and deliver on behalf of the city, such consents, certificates and other documentation as he may deem prudent and necessary to document the status of the Marina Ground Lease and the Marina Development Agreement and to consent to their assignment by the JCM to Patten.

BE IT FURTHER RESOLVED, by the Council of the City of Norwich that City Manager, John L. Salomone, be and hereby is authorized and directed to negotiate, execute and deliver on behalf of the city, such agreements and other documentation as he may deem prudent and necessary to effectuate the transition from the current Marina Ground Lease and Marina Development Agreement to new

agreements based on the presently existing economic reality with Patten which may include the following:

1. Amending or replacing the current Marina Ground Lease and Marina Development Agreement to include only essential terms (e.g. reasonable public access, provision of slips for City's public safety watercraft, reasonable rent), eliminate aspects that are no longer necessary due to intervening events and the passage of time, and define timeline for improvements by Patten (e.g. remediation of safety concerns, restaurant upgrades, fueling station);
2. An option for Patten to purchase the Premises that is the subject of the Ground Lease ("Premises"), including timing and terms for conveyance;
3. A fixing of the assessment of the Premises pursuant to Norwich Code of Ordinances §7-22 and CGS §§ 12-65c – 12-65e;
4. An assessment deferral for improvements to the Premises and any other properties acquired by Patten which are adjacent to the Premises pursuant to Norwich Code of Ordinances §7-22 and CGS §§ 12-65c – 12-65e or Norwich Code of Ordinances §§7-91 – 7-94 and CGS §32-70; and
5. A cooperative agreement for any environmental cleanup required on the Premises dependent upon the proposed uses identified by Patten.

Upon a motion of Ald. Singh, seconded by Ald. Nash, on a roll call vote it was unanimously voted to put the following resolution introduced by Mayor Nystrom, Pres. Pro Tem DeLucia, Ald. Gould on the floor.

Upon a motion of Ald. Gould, seconded by Ald. Singh, on a roll call vote it was unanimously voted to withdraw the following resolution.

WHEREAS, the City of Norwich has been offered a parcel of property in "as is" condition consisting of approximately 6.24 acres located at 57 Roath Street currently owned by the Estate of Bradford H. Pottle; and,

WHEREAS, the Council of the City of Norwich has determined that the acquisition of said property will be a benefit to the City of Norwich; and,

WHEREAS, the Estate of Bradford H. Pottle has offered to sell said property for a purchase price of \$10.00, and reimbursement or payment of the seller's broker commission of \$1,000, and seller's attorney's fees not to exceed \$2,500; and

WHEREAS, the purchase of said property is contingent on Probate Court approval of the sale.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH that: City Manager, John Salomone, be and hereby is authorized to negotiate any additional terms relative to the sale and conveyance by the Estate of Bradford H. Pottle of the property known as 57 Roath Street to the City of Norwich for a purchase price of \$10.00 and payment of a seller broker commission of \$1,000 and the seller's attorneys fee up to \$2,500, and to enter into, execute, receive or deliver an initial purchase and sales agreement for the purchase of 57 Roath Street, satisfactory to him, the sale subject to Probate Court approval, and to use funding from Capital

Contingency account 36024113-58600-C2301 towards the purchase of said property and to receive and record a deed satisfactory to him for property after probate court approval and to prepare, execute, receive and deliver such forms, correspondence, and documents as are necessary to complete the transaction.

Upon a motion of Ald. Gould, seconded by Ald. Nash, on a roll call vote it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, Pres. Pro Tem DeLucia, and Ald. Gould.

WHEREAS, the Avalonia Land Trust proposes to apply for a grant to purchase approximately 101.37 acres of land located off Old Canterbury Turnpike including the properties identified as 282 Old Canterbury Turnpike, 292 Old Canterbury Turnpike, 300R Old Canterbury Turnpike and 318R Old Canterbury Turnpike; and

WHEREAS, this property, located in Occum, includes a mosaic of habitats, including forested uplands, forested wetlands, meadows, and shrub land that provide a wide range of conditions supporting a diversity of wildlife; and

WHEREAS, the acquisition will provide open space near watershed areas, allowing for the protection of water resources; and

WHEREAS, the proposed access point to the property will be from Old Canterbury Turnpike, providing excellent public access, parking, and future trail expansions, some of which will include promising potential for disability access; and

WHEREAS, it is anticipated the parcel will support a wide range of passive recreational users, including hikers, cross-country skiers, snowshoe hikers, with potential use by equestrians; and

WHEREAS, the acquisition of this property will provide significant benefits to the community, including habitat and water resource protection; and

WHEREAS, the protection of this property is consistent with the Norwich Plan of Conservation and Development, and has been endorsed by the Norwich Commission on the City Plan and the Inland Wetlands, Water Courses, and Conservation Commission;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that it expresses its support for the Avalonia Land Conservancy's Open Space and Watershed Land Acquisition (OSWA) Grant Program application for the purchase of 282, 292, 300R, and 318R Old Canterbury Turnpike, and directs that a certified copy of this resolution be promptly provided to the Avalonia Land Conservancy for submission in connection with its application.

Upon a motion of Ald. Nash, seconded by Ald. Neuendorf, on a roll call vote it was unanimously voted to adopt the following resolution introduced by Mayor Nystrom, Ald. Gould, Ald. Nash and Ald. Neuendorf.

WHEREAS, the Church of the Divine Providence (Divine Providence Parish) will hold a "Taste of Poland Festival" on Saturday September 23, 2023 from 2:00-6:00 PM at Howard Brown Park located on the Norwich waterfront at 100 Chelsea Harbor Drive, Norwich, Connecticut featuring Dennis

Polisky & Maestro's Men, a Grammy nominated, Polka Hall of Fame band, live music with free admission and parking, with art activities, and authentic Polish food; and

WHEREAS, the organizer, Divine Providence Parish, proposes to make available beer for sale during the festival, the proceeds of the sales of beer and food to be used to support various programs and activities sponsored by the Divine Providence Parish, the sales of beer to be handled by an appropriate licensed and permitted entity.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that, pursuant to Section 13.14.2 of the Norwich Code of Ordinances, City Manager John Salomone be and hereby is authorized to grant the Divine Providence Parish permission to sell beer at its "Taste of Poland Festival" to be held on Saturday, September 23, 2023 at the Howard T. Brown Park, subject to satisfactory proof that the Divine Providence Parish has complied with the applicable regulations of the State Liquor Commission; that identification will be mandatory from each person purchasing an alcoholic beverage; that the sales of beer will be made under a proper liquor license, and that proper insurances will be obtained and maintained by the Divine Providence Parish and any vendor of beer for the event.

Upon a motion of Ald. Singh, seconded by Ald. Neuendorf, on a roll call vote it was unanimously voted to put the following resolution introduced by Ald. Gould, Ald. Singh, Ald. Neuendorf, Ald. Nash and Ald. Burto on the floor.

Upon a motion of Ald. Nash, seconded by Ald. Neuendorf, on a roll call vote it was unanimously voted to refer the following resolution to the Monument Committee.

WHEREAS, public art is art placed in public places for the public including statues, sculptures, and paintings that range in size, form, and scale; and

WHEREAS, the Public Art for Racial Justice Education (PARJE) has proposed to paint a mural on the Greeneville playground wall, the concept design developed by three artists, Samson Tonton, Bart Jeczmienny, and Emida Roller, the work to involve the artists and approximately 40 young people from the Greeneville neighborhood including members of the NAACP Robertsine Duncan Youth Council, and the Blooming Into Greatness Rose City Step Team; and

WHEREAS, the design has been revised following suggestions and comments received at the August meeting of the Public Works and Capital Improvements Committee of the Council of the City of Norwich and is intended to express and recognize in artistic form certain themes including a red rose in recognition of Norwich as the "Rose City", the sun setting on the dreams of those experiencing poverty, hunger, violence, drugs, and other challenges, a quote from Angela Davis recognizing the desire of youth to make changes for the better in our neighborhoods and the city and a shining light reflecting social justice radiating from hands holding the City of Norwich; and

WHEREAS, the Public Works and Capital Improvements Committee of the Council of the City of Norwich has recommended approval of this public art.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that it approves the location of the Greeneville playground wall for the mural and requests that the artists and those assisting them coordinate with the City Planner and the Public Works Director as

necessary through the duration of the project recognizing that upkeep of the mural will be the sole responsibility of those developing and creating it.

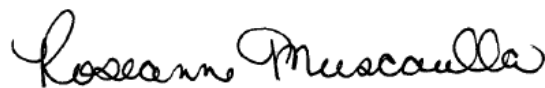
Upon a motion of Ald. Gould seconded Ald. Singh by on a roll call vote it was unanimously voted, pursuant to Connecticut General Statutes 1-200 (6), that the members of the Norwich City Council go into Executive Session for the purpose of discussing the acquisition or disposition of real estate or interests in real estate, when publicity regarding the proposed acquisition or disposition would cause a likelihood of an increased price to acquire and a diminished price to dispose of the property, and to review feasibility evaluations and reports made for the City of Norwich regarding such property, and to review information given the city in confidence not required to be disclosed by law. City Manager John Salomone, Comptroller Josh Pothier, President of Norwich Community Development Corporation Kevin Brown, Counsel for Norwich Community Development Corporation Mark Block, Director of Planning and Neighborhood Services Deanna Rhodes and Corporation Counsel Michael Driscoll shall be asked to participate during all or portions of this Executive Session at the request of the City Council.

Upon a motion of Ald. Nash and seconded Pres. Pro Tem DeLucia it was unanimously voted on a roll call vote to invite Kevin Brown, NCDC to attend all or part of the above executive session.

The Council was in Executive Session from 8:35 pm to 9:10 pm, at which time Mayor Nystrom, stated no votes were taken.

Upon a motion of Ald. Gould and seconded Ald. Burto on a roll call it was unanimously voted to return to regular session at 9:10 pm.

Upon motion of Ald. Gould, seconded by Ald. Nash on a roll call vote it was unanimously voted to adjourn at 9:11 pm.



City Clerk