

The regular meeting of the Council of the City of Norwich was held September 20, 2021 at 7:30 PM in Council Chambers. Present: Mayor Nystrom, President Pro Tem Bettencourt, Ald. Nash (via phone), Gould, Wilson, Myles and DeLucia. City Manager Salomone and Corporation Counsel Michael Driscoll were also in attendance. Mayor Nystrom presided.

Ald. Gould read the opening prayer and Ald. Myles the members in the Pledge of Allegiance.

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.

Beryl Fishbone, 19 Bliss Place, asked if there is money left from the American Rescue Plan that it goes to Public Works to deep clean the storm drains and pipes.

Joanne Philbrick, 10 Elm Ave, expressed her opinion on various issues; the Animal Control Authority building, social medial posts, mask mandates and not compensating for Firefighters who get Covid.

Shiela Hayes, 382 Laurel Hill Ave, talked about the previous speaker’s comments being valid. She asked to look into public art to enhance the downtown roundabouts.

Greg Grippo, 209 Boswell Ave, stated the City should look into cleaning up 13 Baltic Street.

Rodney Bowie, 62 Roosevelt Ave, asked the City to address the storm drains.

Mayor Nystrom declared citizen comment closed.

Mayor Nystrom call for second reading and action on the below ordinance previously presented;

Upon a motion of Ald. Wilson, seconded by Ald. Myles, 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. Wilson, seconded by Ald. Myles, on a roll call vote it was unanimously voted to put the following ordinance introduced by President Pro Tem Bettencourt and DeLucia on the floor.

AN ORDINANCE AMENDING SECTIONS 8-74 AND 8-75 OF ARTICLE IV OF CHAPTER 8 OF THE CODE OF ORDINANCES PERTAINING TO THE VOLUNTEER FIREFIGHTERS' RELIEF FUND PLAN OF THE CITY OF NORWICH

WHEREAS, plan changes have been proposed to the City of Norwich Volunteer Firefighters’ Relief Fund Plan; and

WHEREAS, on or about October 5, 2020 the City of Norwich Finance Department received an analysis of the financial impact of the proposed changes prepared by the actuarial firm overseeing the pension fund; and

WHEREAS, the Volunteer Firefighters’ Relief Fund Committee at a special meeting held October 13, 2020 reviewed this financial analysis and voted to recommend the proposed plan changes to the Council of the City of Norwich; and

WHEREAS, the Council of the City of Norwich accepts the recommendations for plan changes proposed by the Volunteer Firefighters’ Relief Fund Committee with the exception of its proposal to increase the survivorship benefit.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Norwich, that the following amendments to

Sections 8-74 and 8-75 of Article IV of Chapter 8 of the Code of Ordinances listed as follows:

Section 8-74(a)(v)(6);

Section 8-74(a)(v)(7,) (to be added);

Section 8-75(a) (i) and (ii), (subpart (ii) deleted in full);

Section 8-75(c)(vi), (amending 8-75(c)(vi) by deleting (i) and (2) and restating (vi)); and

Section 8-75(c)(vii), (to be added).

BE AND HEREBY ARE ADOPTED.

Sec. 8-74. - Service.

(v) Contribution rate. A plan member shall contribute the following amounts for purchase of credited service during the following periods:

- (1) \$60.00 for plan years prior to January 1, 1995.
- (2) \$84.00 for plan years on or after January 1, 1995 but prior to January 1, 2000.
- (3) \$120.00 for plan years on or after January 1, 2000 but prior to January 1, 2006.
- (4) \$180.00 for plan years on or after January 1, 2006 but prior to January 1, 2011.
- (5) \$216.00 for plan years on or after January 1, 2011 but prior to January 1, 2014.
- (6) \$264.00 for plan years on or after January 1, 2014 but prior to January 1, 2021.
- (7) \$288.00 for plan years on or after January 1, 2021.

Sec. 8-75. - Retirement benefits.

(a) Normal retirement.

~~(i) For members joining the plan prior to January 1, 2015, the A plan member's normal retirement date shall be the first day of the month in which such member has attained age 55 and has completed at least 20 years of credited service.~~

~~(ii) For members joining the plan on or after January 1, 2015, the plan member's normal retirement date shall be the first day of the month in which such member has attained age 55 and has completed at least 25 years of credited service.~~

(b) Deferred retirement. A plan member who is satisfactorily able to perform fire duties may remain an active member and continue to earn credited service beyond his/her normal retirement date while he/she continues to collect benefits. The first day of the calendar month following such deferred retirement shall be known as his/her deferred retirement date.

(c) Calculation of retirement benefits. The monthly amount of retirement benefits payable to a plan member shall be calculated as follows:

- (i) For retired members with a break in service prior to January 1, 1995, \$7.00 times 20 years of service, for a maximum of \$140.00.
- (ii) For retired members with a break in service on or after January 1, 1995 but prior to January 1, 2000, \$8.00 times number of years of credited service, with a maximum of 30 years, or \$240.00.
- iii) For retired members with a break in service on or after January 1, 2000 but prior to January 1, 2006, \$10.00 times number of years of credited service, with a maximum of 30 years, or \$300.00.
- (iv) For retired members with a break in service on or after January 1, 2006 but prior to January 1, 2011, \$15.00 times number of years of credited service, with a maximum of 35 years, or \$525.00.

- (v) For retired members with a break in service on or after January 1, 2011 but prior to January 1, 2015, \$18.00 times number of years of credited service, with a maximum of 40 years, or \$720.00.
- (vi) For retired members with a break in service on or after January 1, 2015 but prior to January 1, 2021, \$22.00 times number of years of credited service, with a maximum of:
 - ~~(1) Forty years, or \$880.00, for members who joined the plan prior to January 1, 2015~~
 - ~~(2) Thirty years, or \$660.00, for members who joined the plan on or after January 1, 2015~~
- (vii) For retired members with a break in service on or after January 1, 2021, \$24 times number of years of credited service, with a maximum of 40 years, or \$960.00

On a roll call vote of 5-2 with Ald. Nash and Gould voting in opposition the above Ordinance passes.

City Managers Report:

To: Mayor Nystrom and members of the City Council
From: John Salomone, City Manager
Subject: City Manager’s Report
Date: September 20, 2021

Meetings attended included, State representatives and legislators, Southeastern Council of Governments (SCCOG), Southeastern Area Transit (SEAT) Board meeting, Connecticut Conference of Municipalities (CCM), Connecticut Interlocal Risk Management Agency (CIRMA), Region 4 Emergency support Plan, NCDC Board meeting, and NPU-City Coordination meeting. I met with the Program Managers for the American Rescue Plan to inform them of the next steps the City will be taking in the process. I also attended the September 11th Memorial Program that was held at the City Hall Freedom Bell Plaza. Thank you to those that organized and participated in the moving tribute that affected so many of us 20 years ago.

Storm Ida, which occurred on September 1st & 2nd, severely impacted and flooded several parts of Norwich. Since the storm, various city agencies have been assessing the damage and making repairs, assisting residents and businesses with reporting damage, and recording the required information to report to FEMA for purposes of seeking a disaster declaration. As the recovery efforts continue, city agencies will continue to assist the residents and business owners with answering questions and providing them with up to date information as soon as it is available. Public Works is still completing some of the final stabilization of washed out areas and their preliminary FEMA request for time and materials is slightly more than \$100,000.

The Franklin Square Roundabout should be substantially complete this week. There is a Planners Day of Service planned for October 16th in honor of the late Jason Vincent, at which time some of the green areas will be planted with bulbs and native plant species.

The Dunham Street Reconstruction bid has been awarded. Unfortunately, there is a long lead-time for the granite curbing, so only limited construction will be accomplished this fall. The City has received a grant award for this project for \$1.44 million.

Annual road paving work has been completed in the Teddy Lane area bringing the seasonal total to 4.5 miles to date and will resume with High Street and the Coit Street and Pearl Street areas.

Recreation Fall Programs start this week with 40 plus programs for all ages starting with preschool to adults. Many programs will be held outdoors to decrease the transmission of Covid, and social distancing and mask guidelines will be followed. The program booklet went virtual for fall 2021 and can be found on our website at www.norwichct.org and through our social media pages. School flyers went out in the backpacks through Norwich Public Schools.

I have attached the Fire Chiefs report that was presented at the September Public Safety meeting and the Key Financial Indicators report for August 31st from Comptroller Josh Pothier.

City Manager's Report to Public Safety

September 8, 2021 meeting

I last met with the Fire Chiefs on August 18th to continue our discussion on the ongoing fire service needs in the City. The Chiefs had met on their own the previous day.

The topics in our meeting included Automatic Aid, SOGs, Volunteer membership, Dispatch needs, and material storage at Emergency Management.

Automatic Aid (AA): As the Chiefs had discussed this the evening before I met with them, the conversation included a recap and further discussion on a path forward. There is valid concern with the Chiefs of introducing new procedures to an already overwhelmed dispatch center. With that in mind, the Chiefs understand that any AA procedures presented to dispatch, should be clear and concise and as easy to implement as possible. To that end, they will be working on a master street list with AA assignments. Once they have worked through the proposal, they will present it to the PD and dispatchers for their feedback. With more than 800 streets to work through, this is no easy task. I will update the committee on the progress of the Chiefs.

The concern of AA's potential impact on volunteer membership was raised, with some Chiefs concerned that volunteers will not feel compelled to respond if they know an AA company is going to respond. This is an interesting dilemma that the Chiefs will have to work through with their respective groups. The AA will be on Fire related calls, where multiple companies are needed, so this should not be a problem, but the Chiefs have raised the concern.

Another concern that the Chiefs brought up is that AA may be the stepping stone leading to a one-tax system throughout Norwich. I do not believe this is the case, but it may be good for the Chiefs to hear the different perspectives of Public Safety Committee members, and perhaps City Council as well.

The Chiefs will continue the work needed to present a viable AA protocol. They all agree that it benefits the person in need, as well as the responding departments by providing the help needed in a timely manner. For the most part, the citizens don't look at the name on the trucks, or the names on the jackets, they just know they got help when they needed it.

Standard Operating Guidelines (SOGs): The Chiefs will have reps from some of the departments for a team that will review and consolidate all six departments' SOGs into one City-wide SOG. The group should begin their meetings over the next month.

Dispatch: There was discussion on the staffing level in dispatch, as well as some of the dispatch procedures. The Chiefs understand that this is a Police Department function, but want to make sure that their concerns are understood. As a group they feel that dispatch staffing is many times inadequate. Their thoughts are that a fully staffed and supported dispatch center would provide better service along with the ability to take on expanded duties. Questions were also asked on the procedures for dispatch rollover, and backup for system failures. We will look to include a PD representative at a future meeting to address some of the questions the Chiefs had.

Equipment Storage: We discussed the use of the Emergency Management building on McKinley Ave. for storage of COVID PPE and materials. The Chiefs will coordinate amongst themselves for those that wish to store extra equipment.

Our next meeting is scheduled for September 22nd. I believe the Chiefs will try to meet on their own before then, but with Chief Montoya's military duty, they may not have the chance.

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Mayor Nystrom called for citizen comment on resolutions.

Beryl Fishbone, 19 Bliss Place, asked for clarification and reporting on Resolution #1 regarding NCDC funding.

Joanne Philbrick, 10 Elm Ave, asked on Resolution #1 who does the plan rescue, and asked to look at how the City is spending the money it should benefit all.

Kevin Brown, President NCDC, spoke on Resolution #1 the municipal funds to small businesses, grant and loan payments thru the American Rescue Plan and this project would increase the assessed value.

Shiela Hayes, 382 Laurel Hill Ave, asked if the ARP money in Resolution #1 would be fully expended before the project is complete.

Chris LaRose, General Manager Norwich Public Utilities, spoke on the increase on utility revenue which the City gets 10%.

Robert Buckley, NCDC, 18 Linden Parkway, talked regarding Resolution #1 about the timeliness of completing the project within 18 to 24 months.

Greg Grippo, 209 Boswell Ave, he felt it was inappropriate use of the funds for the good of the whole community.

Mark Block, Counsel for NCDC, 138 Main St, felt the project was in the broad level scope of use of the funds.

Ald. Nash leaves the meeting.

Mayor Nystrom declared citizen comment closed.

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

Upon a motion of President Pro Tem Bettencourt, seconded by Ald. Gould, on a roll call vote it was unanimously voted to amend the following resolution to add in paragraph #6 "by Norwich Luxury Apartments, LLC or its successor" and add a paragraph #7 AND BE IT FUTHER RESOLVED that should the project not be complete by 9/1/2024, the City Manager may, at his discretion, reallocate the funds identified in this resolution for a different purpose. NCDC should report on progress on this project on a quarterly basis beginning in December 2021 until project completion."

Upon a motion of Ald. DeLucia, seconded by Ald. Wilson, it was unanimously voted to take a 10 minute recess from 8:50 pm and resumed at 9:00 pm.

WHEREAS, under the American Rescue Plan funds have been and are to be delivered next year from the federal government to state, local, territorial, and tribal governments to respond to the COVID-19 emergency and to bring back jobs and funding objectives; and

WHEREAS, these funds must be obligated by December 31, 2024 and can be used to cover costs associated with:

- Responding to the negative impacts of the COVID pandemic, including assistance to households, small businesses and non-profits as well as aide to affected industries such as tourism, travel, and hospitality;
- Providing government services previously cut due to pandemic-related revenue shortfalls; and
- Making needed investments in water, sewer, or broadband infrastructure; and

WHEREAS, in 2021 the City of Norwich received the sum of \$14,419,364.22 in connection with first year of the program and anticipates receiving a similar sum in the second year of the program; and

WHEREAS, the Council of the City of Norwich, on September 7, 2021, approved expenditure of American Rescue Plan funds in the total amount of \$10,219,000 for various initiatives; and

WHEREAS, the Council of the City of Norwich finds that the following initiative is consistent with the plan objectives of the American Rescue Plan; can be obligated within the time allotted; will promote uses permitted under the appropriate categories of the American Rescue Plan; and that it will be in the best interest of the City of Norwich to appropriate an additional \$800,000 to the Norwich Community Development Corporation to be used by it in assisting the renovation and redevelopment of properties located at 77-91 Main Street;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORWICH, that the \$800,000 be appropriated from American Rescue Plan funds and added to funds already appropriated to the Norwich Community Development Corporation, this \$800,000 to be used by it in connection with the restoration and development of properties located at 77-91 Main Street by Norwich Luxury Apartments, LLC or its successor and said funds to be advanced, loaned, and made use of as follows: (i) \$400,000 as a grant for code correction to the properties in accordance with the Norwich Community Development Corporation Code Correction Program, and (ii) \$400,000 by way of a loan to the developer of the properties, all as set forth in a conditional commitment issued by Norwich Community Development Corporation to the developer, as the commitment may be amended or revised by the Norwich Community Development Corporation and City Manager John Salomone.

AND BE IT FUTHER RESOLVED that should the project not be complete by 9/1/2024, the City Manager may, at his discretion, reallocate the funds identified in this resolution for a different purpose. NCDC should report on progress on this project on a quarterly basis beginning in December 2021 until project completion.

On a roll call vote of 6-0 the above amended resolution passes.

Upon a motion of President Pro Tem Bettencourt, seconded by Ald. Myles, it was unanimously voted to waive the full reading set a public hearing on October 18, 2021, at 7:30 pm for the second reading and action and send a referral to the Commission on the City Plan and Sewer Authority for the following ordinance introduced by Mayor Nystrom and President Pro Tem Bettencourt.

AN ORDINANCE APPROPRIATING \$2,750,000 FOR THE UPDATED DESIGN OF VARIOUS IMPROVEMENTS AND EXPANSION OF THE WASTEWATER TREATMENT FACILITY, AUTHORIZING THE ISSUANCE OF \$2,750,000 REVENUE BONDS OF THE CITY SECURED SOLELY BY SEWER REVENUES TO MEET SAID APPROPRIATION, AND AUTHORIZING THE CITY AND THE SEWER AUTHORITY TO ENTER INTO GRANT AND LOAN AGREEMENTS AND A GENERAL RESOLUTION WITH THE STATE OF CONNECTICUT WITH RESPECT THERETO.

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

Section 1. The sum of \$2,750,000 is appropriated for the updated design of various improvements and expansion to the Norwich Department of Public Utilities' (the "Department") wastewater treatment facility (the "Facility"), including, but not limited to, (a) the development of a basis of design report and design scope for various improvements and upgrades to various buildings, facilities and equipment relating to the Facility, and (b) miscellaneous design and bidding services relating to the Facility, and such additional work as may be accomplished within said appropriation (the "Project") as shall be determined by the Sewer Authority of the City of Norwich (the "Sewer Authority") Said appropriation shall be inclusive of local, state and federal grants in aid thereof. The Sewer Authority 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 not less than twenty years and Project costs are estimated not to exceed \$2,750,000. Of the total estimated Project costs, approximately \$550,000 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 \$2,200,000 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 and the Comptroller - acting on behalf of the City herein - and the General Manager of the Department, or any other authorized designee of the Sewer Authority - acting on behalf of the Department and the Sewer Authority herein - (collectively, the "Issuer Officials") and the amount of bonds of each series to be issued shall be fixed by a majority of 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 a majority of the Issuer Officials, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by a majority of 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 a majority of 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 a majority of 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 a majority of the Issuer Officials, in accordance with the General Resolution. In the case of Parity Indebtedness as defined in the General Resolution between the City of Norwich and the Sewer Authority (as hereinafter defined as the "General Resolution"), a majority of 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 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

(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 Energy and 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, or any other authorized designee of the Sewer Authority, is authorized in the name and on behalf of the City and the Sewer Authority to apply for and accept any and all Federal and State loans and/or grants-in-aid of the Project and is further authorized 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 a majority of the Issuer Officials shall determine, provided that the total of all such Clean Water Fund Obligations, bonds and notes issued and appropriation expended pursuant to this ordinance shall not exceed \$2,750,000. A majority of 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) 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 any Project Grant and Project Loan Agreement or other sources, at any time shall not exceed \$2,750,000.

Section 4.

(i) Bonds, temporary notes, 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 sewerage 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 sewerage system in accordance with the General 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 sewerage system specifically pledged therefore.

(ii) The bonds authorized to be issued by section 3 shall be, issued and secured pursuant to the General Resolution of the City and the Sewer Authority, Sewer System General Revenue Bond Resolution approved by the City Council on November 21, 1994 and by the Sewer Authority on November 22, 1994, as amended, and as supplemented by various supplemental Resolutions adopted pursuant to the General 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 General 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 General 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 General Resolution and which are necessary, convenient or advisable in connection with the issuance of the Bonds and their marketability. A majority of 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) A majority of 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 General Resolution in order to obtain local, 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 General 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 local, state or federal grant or low interest loan program, including but not limited to, the Clean Water Fund and Federal Department of Agriculture programs. A majority of 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 a majority of 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, a majority of 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. 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 60 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 any 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 Department 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 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. A majority of the Issuer Officials are hereby authorized to issue and utilize without further approval any financing alternative currently or hereafter available to municipal government pursuant to law, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

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

Upon motion of Ald. Gould, seconded by Ald. Myles, on a roll call vote it was unanimously voted to adjourn at 9:02 P.M.



City Clerk