

**BUREAU OF PUBLIC WORKS
SPECIAL MEETING
The Metropolitan District
555 Main Street, Hartford
Monday, September 11, 2017**

Present: Commissioners John Avedisian, Clifford Avery Buell, Luis Caban, Peter Gardow, Allen Hoffman, David Ionno, Alphonse Marotta, Domenic Pane, Bhupen Patel, Raymond Sweezy, Alvin Taylor, Richard W. Vicino and District Chairman William A. DiBella (13)

Absent: Commissioners Andrew Adil, Donald Currey, Janice Flemming-Butler, William Horan, Byron Lester and Maureen Magnan (6)

Also

Present: Scott W. Jellison, Chief Executive Officer
John M. Zinzarella, Deputy Chief Executive Officer, Business Services
R. Bartley Halloran, District Counsel
Christopher Stone, Assistant District Counsel
John S. Mirtle, District Clerk
Robert Zaik, Director of Human Resources
Marcy Wright-Bolling, Manager of Human Resources
Kelly Shane, Director of Procurement
Tom Tyler, Director of Facilities
Christopher Levesque, Director of Operations
Michael Curley, Manager of Technical Services
Nick Salemi, Special Services Administrator
Kerry E. Martin, Assistant to the Chief Executive Officer
Carrie Blardo, Assistant to the Chief Operating Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

Chairman Vicino called the meeting to order at 4:30 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Judy Allen of West Hartford spoke regarding the sewer user charge and ad valorem.

APPROVAL OF MEETING MINUTES

On motion made by Commissioner Caban and duly seconded, the meeting minutes of August 7, 2017 were approved.

**330 STONE ROAD, WINDSOR
ENCROACHMENT AGREEMENT**

To: Bureau of Public Works for consideration on September 11, 2017

In a letter dated September 5, 2017, Scott Bosco of Griffin Industrial Realty, Inc., on behalf of River Bend Associates, Inc., has requested permission from The Metropolitan District to encroach on an existing 60-foot sanitary sewer easement located across private lands between Stone Road and Tradeport Drive in Windsor, to construct a new commercial building and site improvements including a new water service, fire service, sanitary sewer lateral, gas service, light poles, electric and telephone service, roof leaders and storm drainage in conjunction with the 330 Stone Road development project.

The proposed encroachments consist of the installation of storm drainage including piping and catch basins, water services, sewer lateral, gas service, electric and telephone service, and light pole foundations over or adjacent to the existing 10-inch PVC sanitary sewer and within the existing 60-foot sewer easement, as shown on the accompanying map. The proposed underground utility crossings for the construction of the water services, gas service and storm drainage will be installed above the existing sanitary sewer with sufficient clearance between the pipes. The existing sanitary sewer was built through a Developer's Permit Agreement in 2013.

MDC staff has concluded that the encroachments are minor and that there will be no detriment to the sanitary sewer infrastructure as a result.

River Bend Associates has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing sanitary sewer located within the subject parcel and to maintain accessibility along the length of the Metropolitan District's 60-foot permanent easement:

1. Care must be taken during the construction of the new building and the underground utilities and structures within the easement not to disturb the existing sewer. All heavy construction equipment must be located outside of the limits of the sewer easement when not in use. Any heavy construction or earth moving equipment that will be utilized on the site over and adjacent to the existing sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing sanitary sewer caused by any such construction within or adjacent to the existing right-of-way shall be the responsibility of the Owner.
2. No additional permanent structures, other than the proposed water services, sanitary sewer lateral, gas service, electric and telephone service, storm drainage and light pole foundations shall be located within the District's sanitary sewer right-of-way.
3. The District reserves the right to remove structures within the sanitary sewer easement at any time if so required for maintenance, repair or replacement of the sanitary sewer. The Owner shall bear and pay for any and all additional maintenance, repair or replacement costs necessitated by or resulting from the presence of underground utilities and structures within the easement, including but

not limited to any costs incurred by or on behalf of the MDC. The Metropolitan District may require such insurance and/or sureties as it deems, in its sole discretion, to be necessary to protect its right of way and sewer infrastructure.

4. In the event of a sewer emergency caused by the proposed construction and excavation in connection therewith, the Owner shall provide, at their expense, an appropriately sized bypass pump.
5. An MDC inspector must be on the job site whenever work is being performed within the sanitary sewer right-of-way. Any construction, maintenance, repair or replacement of the new water services, sanitary sewer lateral, gas service, electric and telephone service, storm drainage or light pole foundations shall conform to District standards and 48-hours advance notice must be given to the District prior to commencing any such activities within or adjacent to the sanitary sewer easement.
6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the existing sanitary sewer in or adjacent to the areas of the construction upon completion of backfilling and restoration of the excavated areas. The videos will be delivered to the District for the purposes of assessing the post activity condition of the sanitary sewers.

Staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between Riverbend Associates, Inc. and the Metropolitan District, consistent with current practice involving similar requests.

It is RECOMMENDED that it be

VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement, subject to approval of form and content by District Counsel, granting permission to Riverbend Associates, Inc. to encroach upon the existing 60-foot sanitary sewer easement in private lands between Stone Road and Tradeport Drive, Windsor, in support of the planned development of 330 Stone Road, as shown on plans submitted by Barresi Associates, LLC, dated 6/6/17, revised 8/24/17, providing that the District shall not be held liable for any cost of damage of any kind in the following years as a result of the encroachment.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

GRIFFIN
INDUSTRIAL REALTY

Griffin Industrial Realty, Inc.
204 West Newberry Road
Bloomfield, CT 06002

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September 5, 2017

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Mr. Michael Curley, PE
Manager of Technical Services
Metropolitan District Commission
555 Main Street
P.O. Box 800
Hartford, CT 06142-0800

RE: Encroachment Permit
330 Stone Rd, Windsor, CT

Dear Michael,

On behalf of River Bend Associates, Inc., I would like to request an Encroachment Permit be granted for the underground utilities located at the 330 Stone Road project. I have attached a sketch showing the underground utilities that will be located within the sanitary sewer easement on the property. There are four (4) locations where the storm sewer will cross the existing sanitary sewer line. The remaining encroachment locations will be kept at least 10' away from the existing sanitary sewer line as outlined in the Sewer Easement dated November 15, 2012 (attached).

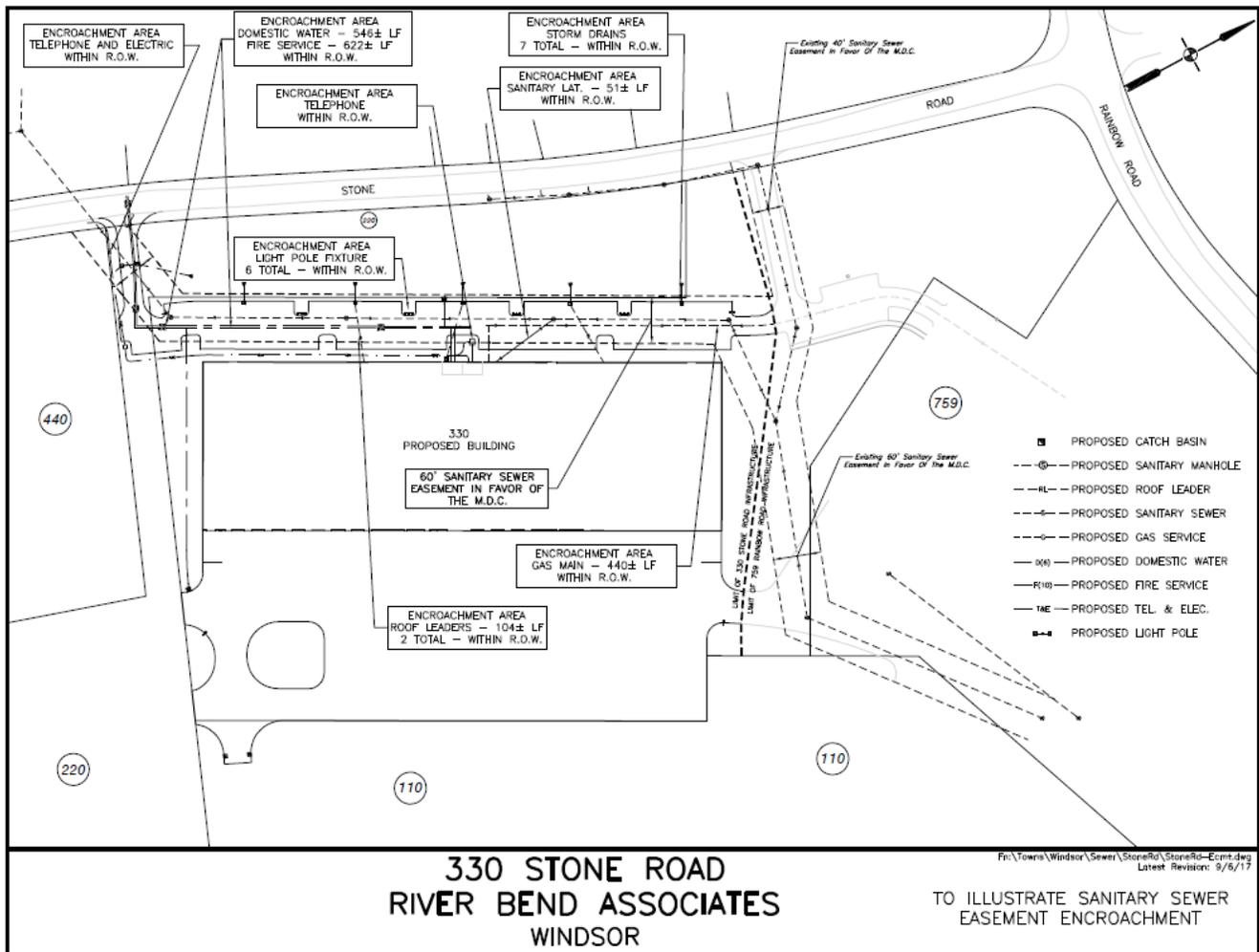
A check in the amount of \$125.00 for administrative fees is being mailed along with the original letter and sketch. Please review the attached information and contact me if you have any questions.

Sincerely,



Scott Bosco
Vice President, Construction

Enclosures:
Sewer Easement
Utility Plans



On motion made by Commissioner Sweezy and duly seconded, the report was received and resolution adopted by unanimous vote of those present.

SEWER USER CHARGE FOR MUNICIPAL PROPERTIES

To: Bureau of Public Works for consideration on September 11, 2017

In 1972, Congress passed the Federal Water Pollution Control Act, known as the Clean Water Act, establishing the basic structure of regulating pollutant discharges into the waters of the United States. One aspect of the Clean Water Act required water pollution control agencies to adopt a system of charges to assure that each recipient of waste treatment services pay its proportionate share of the costs of operation and maintenance of the waste treatment services.

Since The District's formation in 1929, the sewer operation and maintenance costs were paid by levying an ad valorem tax on the member towns. To comply with the requirements of the Clean Water Act, the District implemented a Sewer User Charge system as outlined in Part 12 of the District's Sewer Ordinances.

Federal Regulations require that a sewer system funded by ad valorem taxes, such as the District, must establish the following minimum classes of users:

1. Residential and non-residential users which discharge less than 25,000gpd of domestic sanitary wastes;
2. Industrial and commercial users which discharge more than 25,000gpd or a user which discharges a strength of waste that is the equivalent to 25,000gpd;
3. Users which pay no ad valorem taxes such as tax exempt institutions or governmental users, but excluding publicly owned facilities performing local governmental functions (e.g. city office building, police station, school).

Federal Regulations require governmental users, except for "publicly owned facilities performing local governmental functions," to pay a sewer user charge. Therefore, any government owned property within the district should be billed a sewer user charge except for properties where "local governmental functions" are performed. Staff reviewed its records to analyze whether municipal, state and federally owned properties are being billed correctly in compliance with the federal requirements. While the Federal Regulations provide the examples of city office building, police station and schools as constituting "local governmental functions," there are other types of local governmental functions which must be exempted from the sewer user charge. District Counsel determined that the following uses qualify as "local governmental functions" and are therefore exempt from the sewer user charge: town office buildings, schools, police, fire department, libraries, parks and recreation, public works, community centers, cemeteries, landfills and animal control. The following property uses do not qualify as "local governmental functions" and will be billed the sewer user charge: parking garages, housing, historical societies, hospitals, court houses, golf courses, restaurants and property leased to a private entity.

Prior billing of the sewer user charge for municipal properties was largely consistent with the classifications described above, but there were some properties identified that will begin being billed the sewer user charge going forward. The table below shows the estimated impact of billing the sewer user charge as described above on each town's ad valorem payments.

MEMBER TOWN	CURRENT Ad Valorem	UPDATED			Variance
		Ad Valorem	SUC	Total	
Hartford	\$ 10,835,100	\$ 10,605,600	\$ 623,400	\$ 11,229,000	\$ 393,900
East Hartford	\$ 5,083,000	\$ 4,975,400	\$ 128,500	\$ 5,103,900	\$ 20,900
Newington	\$ 3,761,100	\$ 3,681,500	\$ 22,100	\$ 3,703,600	\$(57,500)
Wethersfield	\$ 3,416,500	\$ 3,344,100	\$ 52,500	\$ 3,396,600	\$(19,900)
Windsor	\$ 3,645,900	\$ 3,568,700	\$ 16,700	\$ 3,585,400	\$(60,500)
Bloomfield	\$ 3,098,600	\$ 3,033,000	\$ 3,400	\$ 3,036,400	\$(62,200)
Rocky Hill	\$ 2,509,800	\$ 2,456,700	\$ 13,500	\$ 2,470,200	\$(39,600)
West Hartford	\$ 9,320,400	\$ 9,123,000	\$ 22,300	\$ 9,145,300	\$(175,100)
	\$ 41,670,400	\$ 40,788,000	\$ 882,400	\$ 41,670,400	\$ -

It is RECOMMENDED that it be:

VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: The following property uses qualify as “local municipal governmental functions” under Part 12 of the District’s Sewer Ordinances and are therefore exempt from the sewer user charge: town office buildings, schools, police, fire department, libraries, parks and recreation, public works, community centers, cemeteries, landfills and animal control.

FURTHER RESOLVED: The following property uses do not qualify as “local municipal governmental functions” under Part 12 of the District’s Sewer Ordinances and shall be billed the sewer user charge: parking garages, housing, historical societies, hospitals, court houses, golf courses, restaurants and property leased to a private entity.

Respectively submitted,

Scott W. Jellison
Chief Executive Officer

On motion made by Commissioner Sweezy and duly seconded, the report was received and resolution adopted by unanimous vote. Commissioner Caban abstained.

GENERAL PUBLIC COMMENTS

Judy Allen of West Hartford spoke regarding the town tax receipts reporting for ad valorem and the billing of churches under the sewer user charge and submitted the following written comments:

Sept. 11, 2017
General Public Comments for the Board of Finance

In regard to the resolution you are considering I have some points I hope you can cover in your discussion.

1. How were the figures arrived at for the impact of billing the sewer user charge on each each town's ad valorem payments? I'm assuming the SUC column is a yearly estimate. Does that reflect the increase in a town's water bills?
2. Have you also worked with the towns to ensure that all property that receives a town voted on property tax break is being included in that town's report of property taxes received. MDC Charter, SEC. 3-13 TAX: AMOUNT, APPORTIONMENT AND COLLECTION tax amount will be " in the proportion provided for which the total revenue received yearly from direct taxation in each town, including that received by all taxing districts therein, and including also that which would have been received from all property exempted from taxation under the provisions of any special act, **or by town vote**". This is important because it can alter the amount each town pays as its share of the ad valorem.
3. If these amounts are not reported then are these properties being charge the Non-Municipal Tax-Exempt Sewer User Charge. This is important because the MDC may be loosing a significant amount of income for support of the sewer system. This is especially true for large volume water users as the rate is based on water used at the current rate of \$3.06 per ccf.

In a related issue, according to the Office of Consumer Affairs, Niagara is importing spring water from outside CT for bottling in Bloomfield. This is water that does not go through a meter which affects the amount they pay for the Clean Water Project as well as any Non-Municipal Tax-Exempt Sewer User Charges they may be required to pay.

As you begin the process of establishing rates for the coming year, these are important. Many of us will again be opposing any industrial rate to large volume water users like Niagara.

There is a difference between a water bottling plant and other high volume water users that may qualify for an industrial rate. Water bottlers don't manufacture anything, except plastic bottles. An industry such as Pratt & Whitney actually makes something and has manufacturing jobs. Even breweries and soda bottlers creates a product that involves a process and ingredients that create something other than drinking water. Niagara does nothing than use our Class A drinking water, ship it and sell it out of state for profit and creates no manufacturing jobs.

Judy Allen
West Hartford, CT

ADJOURNMENT

The meeting was adjourned at 5:10 PM

ATTEST:

John S. Mirtle
District Clerk

Date of Approval