

**COMMITTEE ON MDC GOVERNMENT
PUBLIC HEARING AND
SPECIAL MEETING**

The Metropolitan District
555 Main Street, Hartford CT
Monday, December 4, 2017

Present: Commissioners John Avedisian, Peter Gardow, Allen Hoffman, Jean Holloway, Alphonse Marotta, Alvin Taylor and District Chairman William A. DiBella (7)

Absent: Commissioners Clifford Avery Buell and Maureen Magnan (2)

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
Brendan Fox, Assistant District Counsel
John S. Mirtle, District Clerk
Robert Constable, Director of Finance
Sue Negrelli, Director of Engineering
Kelly Shane, Director of Procurement
Tom Tyler, Director of Facilities
Robert Zaik, Director of Human Resources
Lisa Remsen, Financial Analyst
Kerry E. Martin, Assistant to the Chief Executive Officer
Carrie Blardo, Assistant to the Chief Operating Officer
Cynthia A. Nadolny, Executive Assistant

PUBLIC HEARING ON PROPOSED REVISIONS TO WATER SUPPLY ORDINANCES

Commissioner Alphonse Marotta, acting as chairman, called the public hearing to order at 5:37 P.M.

Commissioner Marotta read the hearing procedures and guidelines:

“This is a public hearing to consider the proposed revisions to The Metropolitan District Water Supply Ordinances: **§ W6f.**”

This Public Hearing is part of the legal procedure that The Metropolitan District is required to follow regarding the revision of any of its ordinances, as mandated by Special Act 01-3 of the Connecticut General Assembly of 2001.”

“A final decision on this proposed ordinance revision has yet to be made. That decision will ultimately be made by the District Board of The Metropolitan District, and will take into account what is said at this hearing. “The District Clerk will now read, for the record, the notice of this public hearing and the statement of purpose explaining why these revisions have been proposed.”

John Mirtle, District Clerk, read the following into the record:

The following hearing notice was published in the Hartford Courant on November 22, 2017 and again on November 29, 2017; and the notice and the complete text of the proposed ordinance addition and revisions was filed, for public inspection, in the office of the town clerk in each municipality that is a member town of The Metropolitan District.

**NOTICE OF PUBLIC HEARING
GOVERNMENT COMMITTEE OF THE METROPOLITAN DISTRICT
PROPOSED REVISION TO WATER ORDINANCES**

**The Metropolitan District
555 Main Street
Hartford, Connecticut**

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, and Section 2-14 of the Charter of The Metropolitan District, the Government Committee of The Metropolitan District will hold a public hearing on proposed revisions to The District’s Water Supply Ordinances as they relate to the water rates for the fiscal year 2018. The hearing will be held in the Board Room at Metropolitan District Headquarters, 555 Main Street, Hartford, Connecticut, on **Monday, December 4, 2017 at 5:00p.m.**

Proposed changes to the rates stipulated under the following sections of the Water Supply Ordinances will be considered:

SEC. W6f CHARGES FOR PRIVATE FIRE PROTECTION SERVICE

The proposed ordinance revisions are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford and www.themdc.org/district-board.

All interested parties from The Metropolitan District’s member municipalities may appear to be heard.

John S. Mirtle, Esq.
District Clerk

PUBLIC COMMENTS

No one from the public appeared to be heard.

ADJOURNMENT

The public hearing was adjourned at 5:40 PM

CALL TO ORDER

Vice Chairman Marotta called the meeting to order at 5:40 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Hoffman and duly seconded, the meeting minutes of February 6, 2017 and Public Hearing minutes of November 1, 2017 were approved.

**PROPOSED ADDITION TO THE GENERAL ORDINANCES § G9
OF THE METROPOLITAN DISTRICT**

To: Committee on MDC Government for consideration on December 4, 2017

District staff, through the Office of District Counsel, submits the addition of Section G9, "INDEPENDENT CONSUMER ADVOCATE", to The Metropolitan District General Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the addition to The Metropolitan District's General Ordinances be adopted as follows:

**G-9 INDEPENDENT CONSUMER ADVOCATE
PART 9, GENERAL ORDINANCES**

<u>Section</u>	<u>Section Title</u>
G9a	Independent Consumer Advocate
G9b	Reports

SEC. G9a INDEPENDENT CONSUMER ADVOCATE

The State of Connecticut Consumer Counsel (“Consumer Counsel”) will appoint an Independent Consumer Advocate (“Consumer Advocate”) who shall be a member of the Connecticut bar and shall have private legal experience in public utility law and policy. The Consumer Advocate shall act as an independent advocate for consumer interests in all matters which may affect District consumers, including, but not limited to, rates, water quality, water supply and wastewater service quality. The Consumer Counsel will appoint the Independent Consumer Advocate prior to November 1, 2017 and then in each odd numbered year thereafter to serve for a two-year term commencing on the following first day of January. The Consumer Advocate shall be independent of the District Board and may not be removed by the District Board for any reason. The District Board shall not direct or oversee the activities of the Consumer Advocate. The District Board shall cooperate with reasonable requests of the Consumer Advocate to enable the Consumer Advocate to effectively perform his or her duties and functions. The Consumer Advocate may be terminated by the Consumer Counsel prior to the completion of a two-year term only for misconduct, material neglect of duty or incompetence. Costs related to the Consumer Advocate, including, but not limited to, hourly fees and necessary expenses shall be paid for by the District. The annual amount of such costs shall not exceed seventy thousand dollars for the period from November 1, 2017 through December 31, 2018 and fifty thousand dollars for each year thereafter, unless there is a demonstration of substantial need made by the Consumer Advocate and approved by the District Board. From November 1, 2017 through December 31, 2017, the Consumer Advocate shall not perform any of his or her official functions as set forth herein, but rather perform those duties reasonably necessary to enable him or her to commence performing the official functions of the Consumer Advocate as of January 1, 2018.

The Consumer Advocate may appear and participate in District matters or any other federal or state regulatory or judicial proceeding in which consumers generally of the District are or may be involved. The Consumer Advocate, in carrying out his or her duties, shall: (1) Have access to the records of the District, (2) have the right to make a reasonable number of copies of District records, (3) be entitled to call upon the assistance of the District's technical and legal experts, and (4) have the benefit of all other information of the District, except for employment records and other internal documents that are not relevant to the duties of the Consumer Advocate. Prior to January 1, 2018, the Consumer Advocate and representatives of the District shall determine those District records that may be publicly disclosed without prior consent of the District. Requests for public disclosure of any other records shall be forwarded to the District Clerk and processed in accordance with the State of Connecticut Freedom of Information Act.

Nothing herein shall be construed to prevent any party interested in any proceeding or action of the District from appearing in person or from being represented by counsel therein.

SEC. G9b REPORTS

The Consumer Advocate shall prepare reports of his or her activities and submit such reports at the end of each calendar quarter to the District, the chief elected official of each town receiving service from the District and to the Consumer Counsel. Such quarterly reports shall be posted on the Internet web sites of the District and the Consumer Counsel. The Consumer Advocate shall hold an annual public forum on the second Wednesday of October each year at a location where the District holds hearings, for the purpose of describing the recent activities of the Consumer Advocate and receiving feedback from consumers. The District shall publicize the public forum through an announcement at the preceding scheduled meeting of the District, on its Internet web site and in a notice on or attached to its consumer bills. The Consumer Advocate may hold additional public forums as he or she deems necessary.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

On motion made by Commissioner Gardow and duly seconded, the report was received and the resolution was adopted by majority vote of those present. Commissioners Avedisian, Gardow and Ionno opposed.

REVISIONS TO DISTRICT WATER ORDINANCES §§ W1a, W1d, W2b, W2c, W4h, W4i, W5g, W6b, W6f, W7o

To: Committee on MDC Government for consideration December 4, 2017

District staff, through the Office of District Counsel, submits the following ordinance revisions to The Metropolitan District Water Ordinances for consideration by the Committee on MDC Government. Pursuant to the authority set forth in Section 1(g) of Special Act 08-9 (Regular Session 2008).

§ W1a	“WATER USED CHARGE (TREATED WATER)”
§ W1d	“CHARGES FOR UNTREATED WATER”
§ W2b	“UNPAID WATER BILL CONSTITUTES LIEN”
§ W2c	“SHUT-OFF FOR NON-PAYMENT/DENIAL OF ACCESS”
§ W4h	“INSTALLATION OF MAINS BY DEVELOPER'S METHOD”
§ W4i	“ACQUISITION OF PRIVATE SYSTEM”
§ W5g	“COMBINATION SERVICES NOT ALLOWED”
§ W6b	“CHARGES FOR MAINTENANCE”
§ W6f	“CHARGES FOR PRIVATE FIRE PROTECTION SERVICE”
§ W7o	“AIRCRAFT”

SEC. W1a WATER USED CHARGE (TREATED WATER)

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

BILLS RENDERED	RATE
MONTHLY AND QUARTERLY	\$2.77 per 100 Cubic Feet <u>\$3.14 per 100 Cubic Feet</u>

SEC. W1d CHARGES FOR UNTREATED WATER

Charges for untreated water sold to water companies and agencies under agreement between The Metropolitan District and such companies or agencies, or by other arrangement, shall ~~remain at the rate of \$1.00 cents~~ **be a rate of \$1.50** per hundred cubic feet.

SEC. W2b UNPAID WATER BILL CONSTITUTES LIEN

Any claim or debt due for charges for the use of water shall be and constitute a lien upon the lot, house, tenement or premises upon, or in conjunction with which, said water was used until such claim or debt, together with interest and lien charges shall be fully paid, but no such lien shall attach unless a certificate of such lien, describing the property on which the same exists and the amount to be claimed, signed by the Registrar or other authorized representative of the Water Bureau, shall be filed with the town clerk of the town wherein such lien accrued, within ~~one~~ **two** years after the original charge shall have become payable.

SEC. W2c SHUT-OFF FOR NON-PAYMENT/DENIAL OF ACCESS

The Water Bureau reserves the right to shut off the water from premises where the bill remains unpaid 30 days after date on which payment is due **or the property owner refuses to grant access to view, inspect, repair or replace the water meter or other District equipment.** If so turned off, the water will not be turned on again without

payment of all charges, or the granting of access to the District equipment, as the case may be, plus a fee as established by the Water Bureau as part of its Special Rules and Charges.

SEC. W4h INSTALLATION OF MAINS BY DEVELOPER'S METHOD

In lieu of the installation of a Class II main or mains and appurtenances and the assessment therefore, ~~in unimproved rights-of-way in sub-division developments~~, the Water Bureau may, by agreement with the developer or owner, require the construction of, such main or mains and appurtenances at the expense of said developer or owner. The Water Bureau is empowered to authorize the District Clerk to enter into agreements on behalf of the developer's contractors or Water Bureau forces, or combinations thereof, as mutually determined and agreed upon. Such agreements shall provide for assumption of liability by the developer or owner in connection with such construction and adequate insurance shall be required. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to The Water Bureau for approval. The Chairman or Vice Chairman of the Water Bureau is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Water Bureau may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

SEC. W4i ACQUISITION OF PRIVATE SYSTEM

If any private water system petitions the District to acquire or incorporate the private system into the District's water supply distribution system, or the District is legally ordered to acquire any private system in accordance with Conn. Gen. Stat. § 16-262o, the system must be inspected by District staff and meet District design and construction standards. The design and construction of any necessary improvements will be done in accordance with the District's process for the Developer's Method described in § W4h. The costs associated with any necessary improvements of the acquired private water system shall be paid by the acquired water company or by the properties so served.

SEC. W5g COMBINATION SERVICES NOT ALLOWED

The installation of combined fire and domestic services will not ordinarily be permitted except by special permission, a separate service connection being required in each case. When a combination service is to be installed by special permission or an existing combination service is repaired or replaced, the service pipe shall be laid in a manner prescribed by the Water Bureau and subject to inspection, before backfilling, by a representative of said bureau.

SEC. W6b CHARGES FOR MAINTENANCE

All public hydrants and their connections, when installed, are part of the plant public water system of The Metropolitan District, which will maintain them subject to an

annual charge to be paid by the ~~requesting authority~~ **responsible party**. A public hydrant is defined as any hydrant connected to a public water main regardless of whether the public main is located outside a public roadway. Annual charges for maintenance will be billed to the municipality where the public hydrant is located. A private hydrant is a hydrant connected to a private service and is outside The District’s public water system. Annual charges for maintenance of private hydrants will be billed to the property owner or owner of the private water system. The amount of the annual charges for public and private hydrants shall be those established by the Water Bureau, based on current costs.

Non-payment of the annual maintenance charge, after due notice thirty days in advance, will be sufficient authority for the Water Bureau to discontinue service at all hydrants where such payment is in arrears.

SEC. W6f CHARGES FOR PRIVATE FIRE PROTECTION SERVICE

Charges for connections to water mains supplying water for fire protection, metered, or unmetered, shall be in accord with the following table:

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>
2"	<u>\$15.75</u>
3"	<u>\$20.49</u>
4"	<u>\$30.76</u>
6"	<u>\$51.59</u>
8"	<u>\$77.57</u>
10"	<u>\$129.91</u>
12"	<u>\$182.70</u>

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>
<u>2"</u>	<u>\$17.91</u>
<u>3"</u>	<u>\$23.30</u>
<u>4"</u>	<u>\$34.98</u>
<u>6"</u>	<u>\$58.67</u>
<u>8"</u>	<u>\$88.21</u>
<u>10"</u>	<u>\$147.73</u>
<u>12"</u>	<u>\$207.76</u>

SEC. W7o AIRCRAFT

The landing of aircraft on any reservoir, pond, or lake which is on the premises of the Metropolitan District is prohibited, except in case of emergency, and except that permission may be granted by an authorized agent of The Metropolitan District. The unauthorized use of any unmanned aerial vehicle (drone) is prohibited on all property owned by The Metropolitan District.

Therefore, it is **RECOMMENDED** that it be

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the following Metropolitan District's Water Ordinances be revised and adopted as follows:

SEC. W1a WATER USED CHARGE (TREATED WATER)

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

BILLS RENDERED	RATE
MONTHLY AND QUARTERLY	\$3.14 per 100 Cubic Feet

SEC. W1d CHARGES FOR UNTREATED WATER

Charges for untreated water sold to water companies and agencies under agreement between The Metropolitan District and such companies or agencies, or by other arrangement, shall be a rate of \$1.50 per hundred cubic feet.

SEC. W2b UNPAID WATER BILL CONSTITUTES LIEN

Any claim or debt due for charges for the use of water shall be and constitute a lien upon the lot, house, tenement or premises upon, or in conjunction with which, said water was used until such claim or debt, together with interest and lien charges shall be fully paid, but no such lien shall attach unless a certificate of such lien, describing the property on which the same exists and the amount to be claimed, signed by the Registrar or other authorized representative of the Water Bureau, shall be filed with the town clerk of the town wherein such lien accrued, within two years after the original charge shall have become payable.

SEC. W2c SHUT-OFF FOR NON-PAYMENT/DENIAL OF ACCESS

The Water Bureau reserves the right to shut off the water from premises where the bill remains unpaid 30 days after date on which payment is due or the property owner refuses to grant access to view, inspect, repair or replace the water meter or other District equipment. If so turned off, the water will not be turned on again without payment of all charges, or the granting of access to the District equipment, as the case may be, plus a fee as established by the Water Bureau as part of its Special Rules and Charges.

SEC. W4h INSTALLATION OF MAINS BY DEVELOPER'S METHOD

In lieu of the installation of a Class II main or mains and appurtenances and the assessment therefore, the Water Bureau may, by agreement with the developer or owner, require the construction of, such main or mains and appurtenances at the expense of said developer or owner. The Water Bureau is empowered to authorize the District Clerk to enter into agreements on behalf of the developer's contractors or Water Bureau forces, or combinations thereof, as mutually determined and agreed upon. Such agreements shall provide for assumption of liability by the developer or owner in connection with such construction and adequate insurance shall be required. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to The Water Bureau for approval. The Chairman or Vice Chairman of the Water Bureau is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Water Bureau may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

SEC. W4i ACQUISITION OF PRIVATE SYSTEM

If any private water system petitions the District to acquire or incorporate the private system into the District's water supply distribution system, or the District is legally ordered to acquire any private system in accordance with Conn. Gen. Stat. § 16-262o, the system must be inspected by District staff and meet District design and construction standards. The design and construction of any necessary improvements will be done in accordance with the District's process for the Developer's Method described in § W4h. The costs associated with any necessary improvements of the acquired private water system shall be paid by the acquired water company or by the properties so served.

SEC. W5g COMBINATION SERVICES NOT ALLOWED

The installation of combined fire and domestic services will not ordinarily be permitted except by special permission, a separate service connection being required in each case. When a combination service is to be installed by special permission or an existing combination service is repaired or replaced, the service pipe shall be laid in a manner prescribed by the Water Bureau and subject to inspection, before backfilling, by a representative of said bureau.

SEC. W6b CHARGES FOR MAINTENANCE

All public hydrants and their connections, when installed, are part of the public water system of The Metropolitan District, which will maintain them subject to an annual charge to be paid by the responsible party. A public hydrant is defined as any hydrant connected to a public water main regardless of whether the public main is located outside a public roadway. Annual charges for maintenance will be billed to the municipality where the public hydrant is located. A private hydrant is a hydrant connected to a private service and is outside The District's public water system. Annual

charges for maintenance of private hydrants will be billed to the property owner or owner of the private water system. The amount of the annual charges for public and private hydrants shall be those established by the Water Bureau, based on current costs.

Non-payment of the annual maintenance charge, after due notice thirty days in advance, will be sufficient authority for the Water Bureau to discontinue service at all hydrants where such payment is in arrears.

SEC. W6f CHARGES FOR PRIVATE FIRE PROTECTION SERVICE

Charges for connections to water mains supplying water for fire protection, metered, or unmetered, shall be in accord with the following table:

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>
<u>2"</u>	<u>\$17.91</u>
<u>3"</u>	<u>\$23.30</u>
<u>4"</u>	<u>\$34.98</u>
<u>6"</u>	<u>\$58.67</u>
<u>8"</u>	<u>\$88.21</u>
<u>10"</u>	<u>\$147.73</u>
<u>12"</u>	<u>\$207.76</u>

SEC. W7o AIRCRAFT

The landing of aircraft on any reservoir, pond, or lake which is on the premises of the Metropolitan District is prohibited, except in case of emergency, and except that permission may be granted by an authorized agent of The Metropolitan District. The unauthorized use of any unmanned aerial vehicle (drone) is prohibited on all property owned by The Metropolitan District.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

Without objection, Attorney Stone amended Section W2c "Shutoff for non-payment". The additional text is shown above in red underline.

On motion made by Commissioner Hoffman and duly seconded, the report was received and the resolution, as amended, was adopted by majority vote of those present. Commissioners Avedisian, Hoffman and Gardow opposed.

OPPORTUNITY FOR GENERAL PUBLIC COMMENT

No one from the public appeared to be heard.

ADJOURNMENT

The meeting was adjourned at 5:44 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval