

**BUREAU OF PUBLIC WORKS
SPECIAL MEETING**

555 Main Street, Hartford
September 8, 2025

Present: Commissioners John Avedisian, John Bazzano, William DiBella, David Drake, John Gale, Joan Gentile, Allen Hoffman, Gary Johnson, Calixto Torres and District Chairman Donald Currey (10)

Remote

Attendance: Commissioners Richard Bush, Byron Lester, Maureen Magnan, Bhupen Patel, Alvin Taylor and James Woulfe (6)

Absent: Commissioners James Healy, Jean Holloway, Pasquale J. Salemi and David Steuber (4)

Also

Present: Commissioner Jackie Mandyck
Commissioner Dominic Pane
Commissioner Chris Tierinni
Scott W. Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John Mirtle, District Clerk
Christopher Levesque, Chief Operating Officer
Jonathan Perugini, Chief Financial Officer
Susan Negrelli, Director of Engineering
Dave Ruddy, Director of Operations
Tom Tyler, Director of Facilities
Jason Waterbury, Assistant Manager of Engineering
Jason Bretemps, Utility Maintenance Superintendent
Carrie Blardo, Assistant to the Chief Executive Officer
Victoria Escoriza, Executive Assistant
Matt McAuliffe, IT Consultant (Remote Attendance)
Kevin Sullivan, IT Consultant (Remote Attendance)
Elizabeth Tavelli, Independent Consumer Advocate
Brian Brown, CDM Smith
Mike McGuire, CDM Smith

CALL TO ORDER

The meeting was called to order by Chairperson Hoffman at 4:32 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

**INDEPENDENT CONSUMER ADVOCATE COMMENTS & QUESTIONS RELATIVE TO
AGENDA ITEMS**

Elizabeth Tavelli, ICA, made no comments relative to agenda items.

APPROVAL OF MEETING MINUTES

***On motion made by Commissioner DiBella and duly seconded, the meeting
minutes of June 30, 2025 were approved.***

**ENCROACHMENT AGREEMENT – MARTIN LUTHER KING (MLK) APARTMENTS,
VAN BLOCK AVENUE AND LUIS AYALA LANE, HARTFORD**

To: Bureau of Public Works for consideration September 8, 2025

In a letter dated August 6, 2025, Aaron Greenblatt of Vesta Corporation, on behalf of MLK Apartments LLC (“MLK”), MLK of 99 Van Block Avenue in Hartford (the “Property”), has requested permission from The Metropolitan District (“MDC” or “District”) to encroach on the MDC’s existing twenty two-foot-wide (22’) easement or right-of way, containing an existing 78-inch storm sewer, 78-inch Colt District Storm Drain, situated on the Property (the “ROW”) for the purpose of constructing and installing site improvements for and in connection with a proposed residential development project, as shown on the attached map (the “Map”).

The proposed scope of work entails: (i) installing up to three (3) 4” underground electric and telecommunication conduits in up to two (2) locations, and (ii) installing surface restoration consisting of, new concrete walkways and ADA sidewalk ramps w/detector strips, pavers, bituminous pavement and driveway aprons, curbing, and landscaping including shrubs and grass as well as incidental activities within the ROW as shown on the Map (collectively, the “Improvements”).

The proposed lines will be installed above the MDC’s existing seventy-eight-inch (78”) storm sewer and its appurtenances situated within the ROW (collectively, the “Sewer”) with a minimum of one foot (1’) of vertical clearance between the sewer and such lines, and proposed grades will not impede access to the sewer. Eversource will require a forty-six-foot wide (46’) easement which will overlap the ROW (the “Eversource Easement”). The sewer was built in 1969 to 1971 under Contract 67-23 and the layout of the ROW was described in the May 1966 Journal, pages 74-75, and acquired by the MDC and filed on the City of Hartford land records in Volume 1182, at Page 132.

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

MLK has agreed to the following conditions in order to satisfy the District’s concerns for protection of the sewer and to maintain accessibility along the length of the ROW:

1. Care must be taken during the performance of work for the Improvements or any maintenance, repair or replacement of the same not to disturb the Sewer. All heavy construction equipment must be located outside of the limits of the ROW when not in use. Any earth moving equipment that will be utilized on the ROW over and adjacent to the sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the sewer caused by any construction, maintenance, repair, replacement or associated activities by or on behalf of MLK for or in connection with the Improvements within this ROW shall be the responsibility of the MLK.
2. No additional permanent improvements, other than the proposed Improvements, shall be located within this ROW.
3. The District shall not be held liable for any damage caused to any structure listed above, located within or adjacent to the ROW in the event of an emergency sewer repair. The District will make every effort feasible to minimize damage to these structures; however, the cost of repairs to such structures shall be the responsibility of the MLK.
4. In the event of a sewer emergency caused by the proposed excavation described above, the MLK shall provide, install, operate and remove, at the MLK's expense, an appropriately sized bypass pump and appurtenances.
5. The District reserves the right to remove Improvements within this ROW at any time if so required for maintenance, repair or replacement of the sewer or any part thereof. MLK shall bear any additional maintenance, repair or replacement costs necessitated by the presence of Improvements within this ROW, including any such costs incurred by the District.
6. A preconstruction meeting shall be held prior to commencing any such activities within the ROW. An MDC inspector must also be on the job site whenever work is being performed within the ROW, and MLK shall be responsible for the cost and expense of such inspector. Any construction of the Improvements as well as any subsequent construction, maintenance, repair or replacement of the Improvements shall conform to District standards and forty-eight (48) hours advance notice must be given to the District prior to commencing any such activities within the ROW, except in the case of an emergency, in which case notice must be provided to the District as soon as practicable.
7. The MLK shall perform a CCTV inspection, witnessed by an MDC inspector, of the sewer in 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 purpose of assessing the post-activity condition of the sewer.
8. The MLK shall at all times indemnify, defend and save harmless the District, any municipality included therein, and the State of Connecticut and shall maintain the District's standard form of requisite insurance as stipulated in the MDC's most current Guidance Manual for Developers' Permit Agreements, which insurance shall remain in force and effect during the performance of any work within the ROW.

9. The MLK shall be responsible for obtaining any and all federal, state, or local approvals necessary for installing the Improvements, including but not limited to the removal and construction of the same.

Staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between MLK and MDC, consistent with current practice involving similar requests, and filed on the City of Hartford land records.

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 MLK Apartments LLC, to encroach upon the MDC existing twenty two-foot-wide (22') ROW situated on the Property in order to: (i) perform the work for the Improvements in connection with the planned redevelopment of the Property as shown on plans prepared by Crosskey Architects LLC and submitted by Vesta Corporation, entitled, "Utility Plan", (Sheet) C-300, Martin Luther King Apartments, Van Block Ave. & Luis Ayala Lane, Hartford, Connecticut, (prepared for) Vesta Corporation & Sheldon Oak, and (ii) maintain, repair and replace such Improvements, provided that (a) the District shall not be held liable for any cost or damage of any kind and be indemnified from any claims from the present and in the following years as a result of any encroachment authorized hereby, (b) MLK shall obtain all required approvals and reimburse MDC for any attorney fees and other costs incurred by MDC in enforcing the encroachment agreement, and (c) such agreement shall not be effective until fully executed by the District and MLK, and recorded on the City of Hartford land records. In the event that such full execution and recording does not occur within four (4) months of the completion of the date this resolution is passed by the District Board, then such resolution shall be null and void, and of no further force and effect.

Respectfully submitted,



John S. Mirtle
District Clerk

VESTA CORPORATION

175 Powder Forest Drive
Weatogue, CT 06089
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August 6, 2025

VIA EMAIL

Michael Curley, P.E.
Manager of Engineering
The Metropolitan District
555 Main Street
Hartford, CT 06103

Re: *Easement Encroachment Permit – MLK Apartments, Hartford, CT*

Dear Mr. Curley:

On behalf of MLK Apartments, LLC, owner of MLK Apartments located at 99 Van Block Avenue in Hartford, CT, we are hereby requesting approval of an encroachment permit for the development of the property.

An encroachment permit approval is requested from the MDC to install primary electrical services and telecommunication lines for Eversource, including an easement for such lines, across MDC's existing 22' wide sewer easement containing the 78" Colt District Storm Drain.

The proposed electrical services will run perpendicularly through the 22' wide sewer easement in order to connect to the existing electric service across Van Block Avenue. The existing grade will remain the same within the easement, and minimal earthwork will be required for the utility installation.

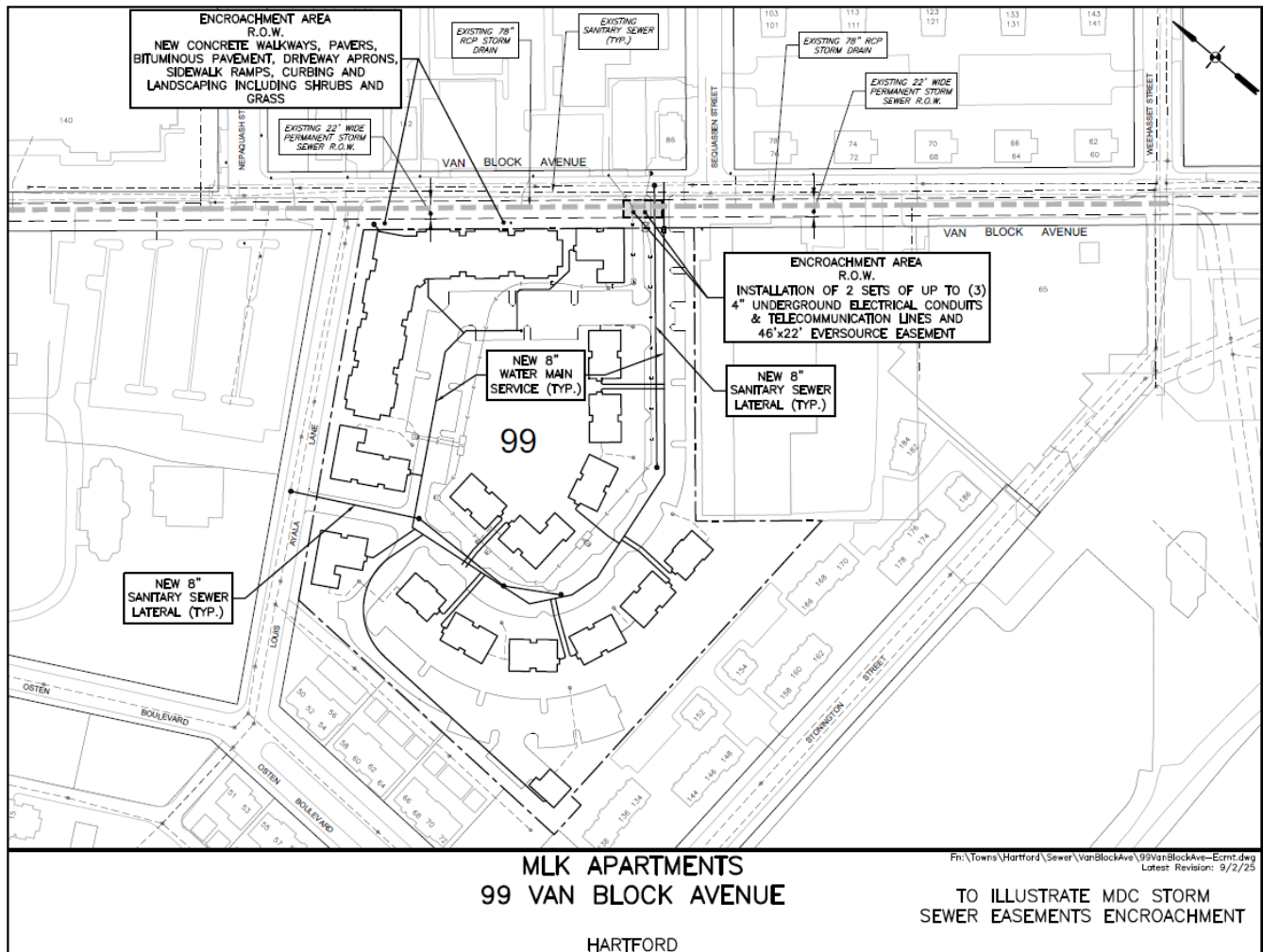
The proposed work is described in greater detail in the enclosed Utility Plan and Easement Plan CAD File.

We appreciate your assistance in processing the above-referenced request. If you have any additional questions, please contact me at 860-325-1730 or aaron@vestacorp.com.

Thank you,



Aaron Greenblatt



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

At 4:40 PM, Commissioner Bush entered the meeting remotely.

At 5:07 PM, Commissioner Taylor entered the meeting remotely.

REFERRAL OF DRAFT ORDINANCE REVISIONS TO COMMITTEE ON MDC GOVERNMENT

SEC. S21 USE OF SANITARY SEWERS

- (a) In addition to the restrictions on use of the District's sanitary sewers set forth elsewhere in the District Charter and ordinances, and except as may be specifically otherwise permitted provided with reference to for some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in Section S1b(2)

of this ordinance and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive and convey or dispose of other substance(s), including but not limited to any storm or surface water, subsoil drainage, any flows of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs, or ground waters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, street or highway drains.

- (b) New connections, or increases in dry weather flow discharge resulting from development or redevelopment of a property, to a separated sanitary sewer shall be subject to the findings within an availability and capacity analysis performed by the District. If the District's separated sewer system's capacity in the ~~vicinity~~ **sewershed** of the connection is limited due to existing illegal wet weather inflow(s) of the type described above in the District's sewer, the District shall either: ~~(1a)~~ exclude such discharge or connection to the District's sewer; or ~~(2b)~~ require **payment of an Equivalent Inflow Removal Rate for the removal of an equivalent volume per day of inflow from the subject sewershed at the cost of the property owner or developer seeking connection or discharge to the District's sewers. Removal of existing inflow sources from the property can be used to reduce the overall increase in future discharge volume and volume required to be removed.**
- (c) **The District Board shall establish an Equivalent Inflow Removal Rate ("EIRR") based on the calculated cost for removal of the average volume per day of inflow from a typical single-family property. The EIRR shall be a fixed rate per number of gallons which rate and volume in gallons may be modified from time to time by the District Board. A property owner or developer required to remove an equivalent volume per day of inflow from the sewershed shall pay the EIRR based on the equivalent volume per day of inflow required to be removed. The minimum EIRR due shall be 1 and additional EIRR's will be rounded up to the nearest whole number. Proceeds from the EIRR will be used for improvements, or removal of inflow, to the District's sewer system within the same sewershed in order to improve capacity within the sewershed.**

SEC. S2s STATE OF CT GENERAL PERMIT FOR DISCHARGES FROM ~~MISCELLANEOUS NON-SIGNIFICANT~~ INDUSTRIAL USERS

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his/her control into any public sewer of any kind or type, any ~~new~~ discharge of ~~miscellaneous~~ sewer compatible wastewater subject to the State of Connecticut Department of Energy & Environmental Protection's ("CT DEEP") General Permit for Discharges from ~~Miscellaneous Non-Significant~~ Industrial Users ("~~MHU~~ Non-SIU General Permit") ~~or Significant Industrial Users (SIU General Permit)~~ without first submitting the required notification forms ~~in accordance with under~~ the ~~Non-SIU MHU~~ General Permit ~~or SIU General Permit~~ to the District. All ~~notification~~ form submittals to the District ~~under the MHU-General Permit~~ shall include an administrative review fee as established, and amended

or modified, by the District Board. No variances shall be granted by the District to any discharger ~~under the MIU General Permit~~ unless the discharger has taken actions to achieve compliance and has implemented best management practices that are determined to be appropriate by the District. For any person or property owner requesting a variance, under the CT DEEP ~~Non-SIU General Permit or Significant Industrial User~~ SIU General Permit and/or other applicable state permit(s) ~~they~~ shall provide information to the District as to why the discharger is unable to comply with the conditions of the permit and the best management practices that have been implemented. The District retains the right to deny any variance request.

(Adopted December 6, 2021)

(Effective January 1, 2022)

Sec. S70 Connections To Land Not Previously Assessed and Supplemental Assessment of Previously Assessed Property

- (a) Whenever a sewer has been laid out and constructed by the District to serve a particular section of highway or particular area, no connection shall be permitted thereto for any land which has not been assessed therefor or has not shared in an equitable manner in the expense thereof, unless prior to such connection, the owner of such land first signs a special agreement, and pays a sanitary sewer connection charge in full, if such charge does not include frontage charges, or, if such charge includes frontage charges, arranges to pay said sanitary sewer connection charge in the manner provided for in Section S7s herein. Such special agreement signed by the land owner shall be recorded in the land records of the town in which the land is situated. The Chairman or Vice Chairman of the Bureau of Public Works is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Bureau of Public Works may at his or her discretion authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.
- (b) Whenever buildings or structures are constructed or expanded after an initial assessment, the District, pursuant to Conn. Gen. Statute 7-249, may issue a supplemental assessment upon the land previously assessed. The amount of the initial assessment shall be credited against the amount of the supplemental assessment. No connection for the new or expanded buildings or structures shall be permitted, unless prior to such connection, the owner of such land first signs a special agreement, and pays a sanitary sewer connection charge in full, if such charge does not include frontage charges, or, if such charge includes frontage charges, arranges to pay said sanitary sewer connection charge in the manner provided for in Section S7s herein. Such special agreement signed by the landowner shall be recorded in the land records of the town in which the land is situated. The Chairman or Vice Chairman of the Bureau of Public Works is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Bureau of Public Works may at his or her discretion authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

SEC. G3a ESTABLISHMENT OF FUND

There shall be a fund to be known as the Assessable Sewer Construction Fund, and the Treasurer shall maintain within said fund an accounting of:

- I. Sewer projects the cost of which is to be paid in whole by assessment of benefits or in part by assessment of benefits ~~or and~~ in part by Federal, or State grants, or by bond funds or budget appropriations, or other income.
- II. Sewer projects where separate accounting and financing are required by State or Federal regulations.
- III. Sewer projects the costs of which are paid, in whole or in part, by proceeds from cost sharing agreements as referenced in Sewer Ordinance S2f and/or Equivalent Inflow Removal Rate payments defined in Sewer Ordinance S2l.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3b MONIES DEPOSITED IN THE FUND

The Treasurer shall deposit in said fund

- a. All collections from assessments
- b. All payments for outlet and connection charges
- c. Portions of Federal or State grants as specified
- d. Authorized transfers from other funds
- e. All payments from cost sharing agreements under Sewer Ordinance S2f
- f. All Equivalent Inflow Removal Rate payments as defined in Sewer Ordinance S2l
- g. Other income resulting from operations of the fund

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3c EXPENDITURES FROM THE FUND

The Treasurer shall make expenditures from said fund upon proper authorization for:

- a. Construction and related costs of sewers as defined in Sewer Ordinance Sec. S10e.

- b. Construction and related costs of sewers as defined in Sewer Ordinance S2f.
- c. Construction and related costs of sewer system, including removal of inflow, as described in Sewer Ordinance S2l.
- d. Reimbursement to developers of sewer connection charges under Sewer Ordinance S7n.
- e. The transfer of monies to the Debt Service Fund - Assessable Sewer for the purpose of paying principal and interest on debt obligations.
- f. Awards by court or approved settlements in connection with appeals on assessments.
- g. Transfers to other accounts of unexpended portions of monies deposited in the fund from such other accounts.

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3d SURPLUS OF THE FUND

Any surplus accumulated in the fund, ~~as determined by the District Board~~, except for surplus resulting from the layout and assessment of sewers, may be used to defray assessable sewer construction fund costs not collectible by assessment, or said surplus ~~upon proper authorization~~ may be transferred to revenue surplus of the General Fund or the Debt Service Fund - Assessable Sewer as ~~may be recommended by the Board of Finance and~~ approved by the District Board. ~~, or in the absence of such recommendation by a vote of the District Board.~~

(Adopted June 2, 1986)

(Effective June 12, 1986)

SEC. G3e AUTHORIZATION TO BORROW

The Treasurer may, upon proper authorization, borrow such sums as may be necessary to finance authorized expenditures from the fund.

(Adopted Nov. 14, 1966)

(Effective Jan. 1, 1967)

Commissioner DiBella made a motion to refer the draft ordinance revisions to the Committee on MDC Government and it was approved unanimously.

GRANBY SEWER SEPARATION PROJECTS SEQUENCING

Brian Brown, of CDM Smith, presented on the Granby Sewer Separation Project Sequencing

SEWER BACKUP PREVENTION PROGRAM AND BACKWATER VALVE PROGRAM

Chairman Hoffman postponed the report re: the sewer backup prevention program and backwater valve program.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Independent Consumer Advocate Elizabeth Tavelli asked for clarification on the assessable sewer fund and whether any Ad Valorem goes into the assessable sewer fund.

COMMISSIONER REQUESTS FOR CONSIDERATION OF FUTURE AGENDA ITEMS

District Chairman Currey requested an update at a future Bureau of Public Works meeting regarding the Wethersfield Cove and Clean Water Project

ADJOURNMENT

The meeting was adjourned at 5:40 PM

ATTEST:

John S. Mirtle
District Clerk

Date of Approval

**Video of the full September 8, 2025 Bureau of Public Works meeting is available at <https://www.youtube.com/@MetropolitanDistrictCommission> **