

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street

Hartford, Connecticut 06103

Monday, January 9, 2017

Present: Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Dominico M. Pane, Bhupen Patel, Mark A. Pappa, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino and Special Representative Michael Carrier (21)

Absent: Commissioners Daniel Camilliere, Mary Anne Charron, Timothy Curtis, Matthew B. Galligan, William P. Horan, Sandra Johnson, Kathleen J. Kowalyshyn, Byron Lester, Kennard Ray and Helene Shay (10)

Also

Present: Scott W. Jellison, Chief Executive Officer
John M. Zinzarella, Deputy Chief Executive Officer, Business Services
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
Brendan Fox, Assistant District Counsel
John S. Mirtle, District Clerk
Sue Negrelli, Director of Engineering
Robert Schwarm, Director of Information Technology
Kelly Shane, Director of Procurement
Robert Zaik, Interim Director of Human Resources
Mike Curley, Manager of Technical Services
Nick Salemi, Special Services Administrator
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:33 PM

ROLL CALL AND QUORUM

The District Clerk called the roll and informed Chairman DiBella that a quorum of the Commission was present, and the meeting was declared a legal meeting of the District Board of The Metropolitan District of Hartford County, Connecticut.

PLEDGE OF ALLEGIANCE

Those in attendance stood and recited the Pledge of Allegiance.

**INTRODUCTION OF NEW COMMISSIONER AND ADMINISTRATION OF OATH
OF OFFICE**

The District Clerk swore in Commissioner Dominico M. Pane of Newington.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Marotta and duly seconded, the meeting minutes of December 5, 2016 were approved.

Commissioners Adil and Pane abstained.

REPORT FROM DISTRICT CHAIRMAN

No report was given.

REPORT FROM CHIEF EXECUTIVE OFFICER

Scott W. Jellison presented the Chief Executive Officer's Report.

REPORT FROM DISTRICT COUNSEL

EXECUTIVE SESSION

At 5:59 P.M., Chairman DiBella requested an executive session to discuss the Clean Water Project Consent Order/Decree.

On motion made by Commissioner Salemi and duly seconded, the District Board entered into executive session to discuss the Clean Water Project Consent Order/Decree.

Those in attendance during the executive session:

Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Dominico M. Pane, Bhupen Patel, Mark A. Pappa, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino; Chief Executive Officer Scott W. Jellison, Deputy Chief Executive Officer of Business Services John M. Zinzarella, Director of Engineering Susan Negrelli, Attorneys Christopher Stone, Brendan Fox and John Mirtle. Ernest Lormier of Soeder & Associates, Jamie H. Robinson of CH2MHILL, Brian Gackstatter of CH2MHILL, Eric Muir of CH2MHILL and Joe Laliberte of CDMSmith.

Commissioner Hoffman exited the meeting at 6:25 PM

Commissioner Hoffman returned at 6:55 PM

Commissioner Osgood exited the meeting at 7:05PM

RECONVENE

At 7:11 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Currey and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

MEMORANDUM OF UNDERSTANDING WITH CITY OF HARTFORD RELATING TO CLEAN WATER PROJECT AND PENDING LITIGATION

The agenda item was passed and no action was taken.

**DISTRICT CLERK
SERVICE OF TAX WARRANTS FOR FISCAL YEAR 2017**

To: District Board

From: District Clerk

January 9, 2017

Pursuant to the Charter of the District, Section 3-13, the District Clerk reports that Tax Warrants for Fiscal Year 2017, drawn by the Chairman of The Metropolitan District, in favor of the Treasurer have been served on the following:

Town Clerk, Marguerite Phillips, Bloomfield
Town Clerk, Robert J. Pasek, East Hartford
Town and City Clerk John V. Bazzano, Hartford
Town Clerk James Krupienski, Newington
Town Clerk Office Attn: Stuart Topliff, Rocky Hill
Town Clerk Essie S. Labrot, West Hartford
Town Clerk Dolores G. Sassano, Wethersfield
Town Clerk Anna Posniak, Windsor

Receipts for these tax warrants have been received and are on file in the Office of the District Clerk.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

Without objection, the report was received.

**COMMITTEE ON MDC GOVERNMENT
APPOINTMENT OF LEGISLATIVE CONSULTANTS**

From: Committee on MDC Government

To: District Board

January 9, 2017

Over the past several years, the firms of Doyle, D'Amore & Balducci and Capitol Strategies Group, LLC have provided exemplary service in the area of government relations and advocacy within state government on behalf of the District. Based upon their collective past performance, and to maintain the necessary level of continuity within the District's legislative and administrative lobbying activities, District staff recommends the reappointment of Doyle, D'Amore & Balducci and Capitol Strategies Group, LLC to represent the District during the 2017 legislative session of the State general assembly, and to provide additional services in the area of government relations as may be necessary during the one year term of their respective contract. The term of these appointments would be from January 1, 2017 through December 31, 2017.

Furthermore, in the event the Committee on MDC Government forwards the appointments to the District Board, District staff recommends that the annual fee for each lobbyist firm remain \$25,000.00, for a total of \$50,000.00. Payments would be prorated over a 12-month period, commencing January 2017.

At a meeting of the Committee on MDC Government on January 9, 2017, it was:

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

Resolved: That the firms of Doyle, D'Amore & Balducci and Capitol Strategies Group, LLC be retained to perform lobbying services for a period commencing on January 1, 2017 and terminating on December 31, 2017, for a fee of \$25,000.00 each, totaling \$50,000.00, to be prorated over a twelve-month period, subject to the execution of a written agreement prepared and approved by District Counsel as to form and content, reflecting the scope of services, reporting requirements and such other terms and conditions as District Counsel may specify.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**458-470 COTTAGE GROVE ROAD, BLOOMFIELD
ENCROACHMENT AGREEMENT**

To: District Board

January 9, 2017

From: Bureau of Public Works

In a letter dated November 1, 2016, Christopher Winter of Loureiro Engineering Associates, on behalf of CGR Medical Development, LLC, and Regan Development Corporation, has requested permission from The Metropolitan District to permanently encroach on the existing Rockwell Avenue Branch Trunk Sewer easement located across private lands between Beeman Brook and Lincoln Terrace in Bloomfield, to regrade and add landscaping in conjunction with the Bloomfield Specialty Housing development project.

The proposed work entails the regrading of the easement area (removal of soil leaving a minimum of four feet of cover over the pipe), the installation of riprap from a new stilling basin (to improve drainage from an existing condition), and landscaping over the existing 16-inch CI sanitary trunk sewer and within the existing 20-foot sewer easement, as shown on the accompanying map. The existing trunk sewer was built in 1959.

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

CGR Medical Development, LLC, and Regan Development Corporation have agreed to the following conditions in order to satisfy the District's concerns for protection of the existing sanitary trunk sewer located within the subject parcel and to maintain accessibility along the length of the Metropolitan District's 20-foot permanent easement:

1. Care must be taken during the regrading and landscaping activities not to disturb the existing trunk sewer. All heavy construction equipment must be located outside of the limits of the trunk 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 trunk sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing sanitary trunk sewer caused by any such demolition or construction within or adjacent to the existing right-of-way shall be the responsibility of the Owner.
2. No additional permanent structures shall be located within the District's sanitary trunk sewer right-of-way.
3. The District reserves the right to remove structures within the sanitary trunk sewer easement at any time if so required for maintenance, repair or

- replacement of the sanitary trunk 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 structures within the easement, including but not limited to any costs incurred by or on behalf of the MDC.
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 trunk sewer right-of-way. Any construction, maintenance, repair or replacement of the grading or landscaping must 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 trunk sewer easement.
 6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the existing sanitary trunk sewer in or adjacent to the areas of 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 CGR Medical Development, LLC, Regan Development Corporation and the Metropolitan District, consistent with current practice involving similar requests.

At a meeting of the Bureau of Public Works on January 9, 2017 it was:

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 CGR Medical Development, LLC, and Regan Development Corporation to encroach upon the existing 20-foot Rockwell Avenue Branch Trunk Sewer easement in private lands between Beeman Brook and Lincoln Terrace, Bloomfield, in support of the planned construction of Bloomfield Specialty Housing, as shown on plans submitted by Loureiro Engineering Associates, dated 9/23/2016, revised 11/11/16, 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.



November 1, 2016

The Metropolitan District
 Engineering & Planning
 555 Main Street
 P.O. Box 800
 Hartford, Connecticut 06142-0800

METROPOLITAN DISTRICT
 ENGINEERING & PLANNING

NOV 03 2016

RECEIVED

Attn: Michael Curley, P.E.
 Manager of Technical Services

RE: Encroachment Permit
Proposed Bloomfield Specialty Housing
458-470 Cottage Grove Road, Bloomfield, Connecticut 06002

Dear Mr. Curley:

On behalf of CGR Medical Development, LLC and Regan Development Corporation (the "Applicant"), Loureiro Engineering Associates, Inc. has prepared this request for an Encroachment Permit for the proposed Bloomfield Specialty Housing to be located at 458-470 Cottage Grove Road in Bloomfield, Connecticut (the "Site"). The Site is approximately 2.35 acres and is located on the corner of Cottage Grove Road and Lincoln Terrace. A location map of the Site is included as Attachment 1.

The Applicant is proposing to improve the two parcels by constructing a 38-unit multi-family housing apartment complex. The proposed building is a 43,180 square foot, 2-floor building to be located on the western portion of the Site and approximately 25,860 square feet of paved parking lot. An overall site layout drawing is included as Attachment 2.

A 20-foot Metropolitan District (MDC) sanitary sewer easement is located along the northern portion of the Site. The Applicant is proposing to regrade from the north boundary of the easement to the north wall of the proposed building. Attachment 3 depicts the proposed grading of the Site.

In addition to regrading within the MDC sanitary sewer easement, the Applicant is proposing to provide landscaping along the south side of the unnamed tributary which runs along the northern portion of the Site. The proposed landscape plan is included as Attachment 4.

Should you have any questions regarding this letter, please contact me at your earliest convenience at (860) 747-6181.

Loureiro Engineering Associates, Inc.

100 Northwest Drive • Plainville, CT 06062 • 860.747.6181 • Fax 860.747.8022 • www.Loureiro.com
 AN EMPLOYEE-OWNED COMPANY

MDC
 November 1, 2016
 Page 2 of 2



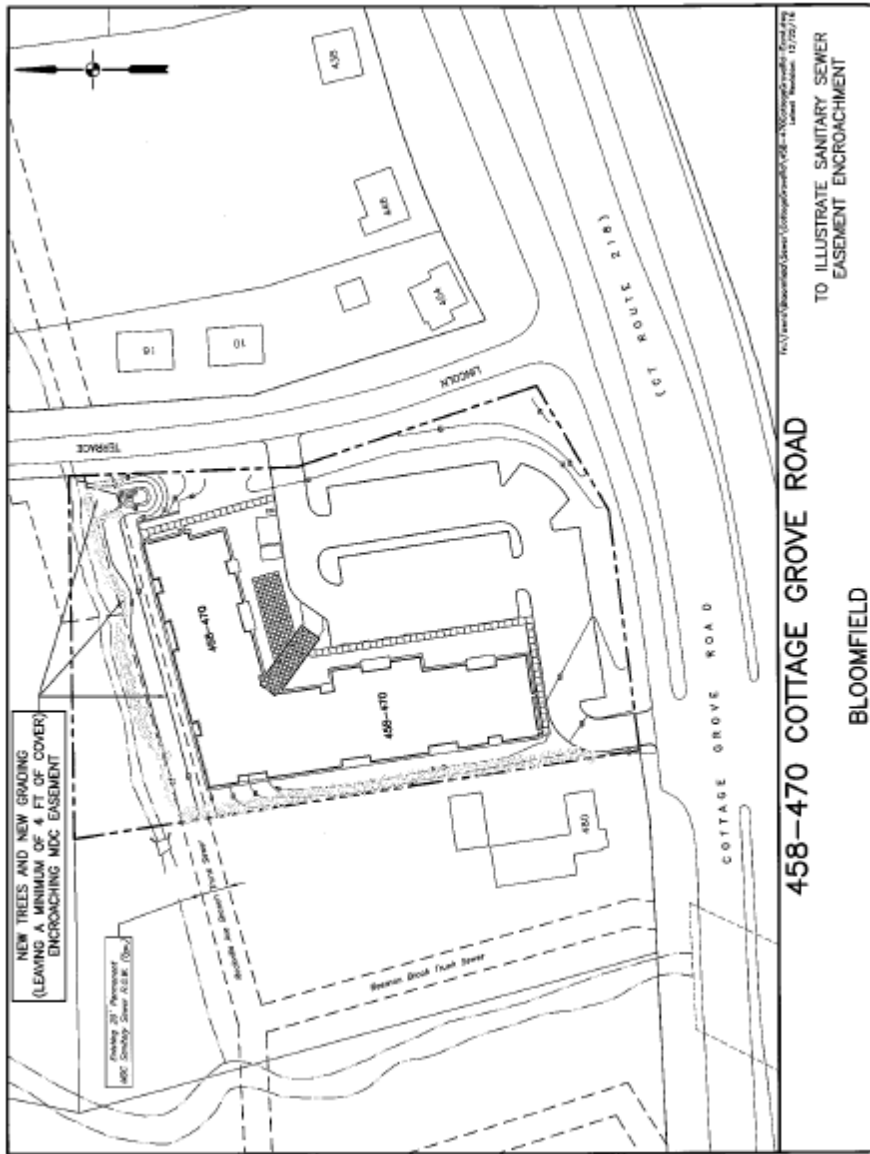
Sincerely,

LOUREIRO ENGINEERING ASSOCIATES, INC.

Handwritten signature of Christopher C. Winter in black ink.

Christopher C. Winter, P.E.
 Senior Project Manager

Attachment



Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**DEBT ISSUANCE RESOLUTION
FOR UP TO \$120,000,000 IN BOND ANTICIPATION NOTES**

To: District Board January 9, 2017

From: Board of Finance

Staff is seeking authority for the District to issue up to \$120,000,000 in bond anticipation notes to provide new bond anticipation note proceeds for CIP projects set forth on Exhibit A attached hereto. This authorization is in lieu of the authorization of \$60,000,000 in bond anticipation notes for CIP projects passed by the Board of Finance and the District Board on November 2, 2016. This authorization also rescinds the authorization of \$113,500,000 in bond anticipation notes from such resolution that was not used.

The bond anticipation notes in the approximate aggregate principal amount of amount of \$120,000,000 will be dated on or about March 1, 2017 and will mature on or about August 31, 2017. The bond anticipation notes will bear interest payable at maturity and will be issued in fully registered form.

Bond counsel prepared the following resolution for consideration by the Board of Finance:

At a meeting of the Board of Finance held on January 9, 2017, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution:

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$120,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES OF THE METROPOLITAN DISTRICT

1. The resolution entitled "RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$173,500,000 GENERAL OBLIGATION BOND ANTICIPATION NOTES OF THE METROPOLITAN DISTRICT" adopted by the District Board at its meeting held on November 2, 2016 is hereby rescinded and cancelled.
2. The authorization of up to \$173,500,000 general obligation bonds of the District pursuant to that resolution entitled "AMENDED AND RESTATED RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$173,500,000 GENERAL OBLIGATION BONDS OF THE METROPOLITAN DISTRICT" adopted by the District Board at its meeting held on November 2, 2016 is hereby reduced by \$65,185,000 to \$108,315,000, the amount actually issued on December 1, 2016.

3. Not exceeding \$120,000,000 Metropolitan District General Obligation Bond Anticipation Notes (the "Notes") are hereby authorized to be issued in anticipation of the issuance of bonds to fund new money for Capital Improvement Projects set forth on Exhibit A hereto attached. The Notes are authorized to be issued to fund such portion of the authorized and unissued balances of the capital appropriations contained in certain bond resolutions adopted to finance capital budget items enacted by the District Board in the years and in the amounts set forth on Exhibit A hereto attached. Proceeds of the Notes shall be used on a first-spent basis to temporarily finance the expenditures for any of the purposes or projects set forth on Exhibit A and for any supplemental purposes or projects the Board of Finance and the District Board may from the date hereof authorize to be financed by the issuance of bonds. The Notes shall be dated on or about March 1, 2017, and shall mature on or about August 31, 2017, bear interest payable at maturity and be issued in fully registered form. The Notes shall be payable at and certified by U.S. Bank National Association, which bank shall also serve as registrar and transfer agent for the Notes. The Notes shall be sold by the District Treasurer, or in his absence, the Deputy Treasurer, in a competitive offering or in a negotiated offering, in the discretion of the District Treasurer, or in his absence, the Deputy Treasurer. If sold in a competitive offering the Notes shall be awarded to the bidder or bidders offering to purchase the Notes at the lowest net interest cost to the District, and in no case for a sum less than par and accrued interest to the date of delivery. The District Treasurer, or in his absence the Deputy Treasurer, is hereby delegated the authority to determine the rate or rates of interest on the Notes, and to deliver the Notes to the purchaser or purchasers thereof in accordance with this resolution. The Chairman, or in his absence, the Vice Chairman, and the District Treasurer, or in his absence, the Deputy Treasurer, are authorized to execute and deliver a Tax Regulatory Agreement and, in the case of a negotiated sale, a Note Purchase Agreement for the Notes on behalf of the District in such forms as they shall deem necessary and appropriate, and to rebate to the Federal government such amounts as may be required pursuant to the Tax Regulatory Agreement for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended. The Chairman, or in his absence, the Vice Chairman, and the District Treasurer, or in his absence, the Deputy Treasurer, are authorized to execute and deliver a Continuing Disclosure Agreement and any and all agreements and documents necessary to effect the issuance and sale of the Notes in accordance with the terms of this resolution.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

2016 OPERATING BUDGET TRANSFER

To: District Board

January 9, 2017

From: Board of Finance

The 2016 Metropolitan District operating budget is currently experiencing deficits in Command Center, Employee Benefits and Taxes budget. The Command Center shows a shortage based on the number of employees retiring. The Employee Benefits budget has a deficit in the Pension based upon final actuary report additional funding is required for 2016. Taxes budget has a deficit due to a slight increase in tax rates.

CERTIFICATIONS:

In accordance with Section 3-8 of the Charter of The Metropolitan District, I hereby certify that there exists free from encumbrances, in the following appropriation, the amounts listed:

	General	Water	Total
Department 701 – Debt Service	<u>\$17,400,100.00</u>	<u>\$19,101,800.00</u>	<u>\$36,501,900.00</u>
Total	<u>\$17,400,100.00</u>	<u>\$19,101,800.00</u>	<u>\$36,501,900.00</u>

John M. Zinzarella
Chief Financial Officer

It is therefore RECOMMENDED that it be:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution.

Resolved: That transfers within the 2016 Budget Appropriations be approved as follows:

From:	General	Water	Total
Department 701 – Debt Service	<u>\$174,800.00</u>	<u>\$242,200.00</u>	<u>\$417,000.00</u>
Total	<u>\$174,800.00</u>	<u>\$242,200.00</u>	<u>\$417,000.00</u>

To:	General	Water	Total
Department-212 Command Center	\$11,900.00	\$23,100.00	\$35,000.00
Department-712 Employee Benefits	\$162,900.00	\$199,100.00	\$362,000.00
Department-731 Taxes	-0-	\$20,000.00	\$20,000.00
Total	<u>\$174,800.00</u>	<u>\$242,200.00</u>	<u>\$417,000.00</u>

Respectfully Submitted,

John S. Mirtle, Esq.
District Clerk

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

EXECUTIVE SESSION

At 7:14 P.M., Chairman DiBella requested an executive session to discuss Collective Bargaining Issues.

On motion made by Commissioner Currey and duly seconded, the District Board entered into executive session to discuss Collective Bargaining Issues.

Those in attendance during the executive session:

Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Dominico M. Pane, Bhupen Patel, Mark A. Pappa, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino; Attorney Christopher R. Stone, Deputy Chief Executive Officer of Business Services John M. Zinzarella, and Interim Director of Human Resources Robert Zaik.

RECONVENE

At 7:19 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Marotta and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

EXECUTIVE SESSION

At 7:19 P.M., Chairman DiBella requested an executive session to discuss CRRRA/MIRA Arbitration.

On motion made by Commissioner Currey and duly seconded, the District Board entered into executive session to discuss CRRRA/MIRA Arbitration.

Those in attendance during the executive session:

Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Dominic M. Pane, Bhupen Patel, Mark A. Pappa, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino; Attorneys Brendan Fox, John S. Mirtle, and Deputy Chief Executive Officer of Business Services John M. Zinzarella

RECONVENE

At 7:29 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Magnan and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

EXECUTIVE SESSION

Without objection, on motion made by Commissioner Adil, and duly seconded the executive sessions for Agenda items 13 “MDC v. Amtrack Relating to the Clean Water Project”, 14 “Settlement of Claim by City of New Britain” and 15 “Settlement of Litigation - Mitchell v. MDC” were consolidated.

At 7:29 P.M., Chairman DiBella requested an executive session to discuss “MDC v. Amtrack Relating to the Clean Water Project”, “Settlement of Claim by City of New Britain” and “Settlement of Litigation - Mitchell v. MDC”.

On motion made by Commissioner Sweezy and duly seconded, the District Board entered into executive session to discuss “MDC v. Amtrack Relating to the Clean Water Project”, “Settlement of Claim by City of New Britain” and “Settlement of Litigation - Mitchell v. MDC”

Those in attendance during the executive session:

Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Dominic M. Pane, Bhupen Patel, Mark

A. Pappa, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino; Attorneys R. Bartley Halloran , Brendan Fox, John S. Mirtle, Chief Executive Officer Scott W. Jellison, and Deputy Chief Executive Officer of Business Services John M. Zinzarella

RECONVENE

At 7:45 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Marotta and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

Without objection, Agenda Items 13 “MDC v. Amtrack Relating to the Clean Water Project”, 14 “Settlement of Claim by City of New Britain” and 15 “Settlement of Litigation - Mitchell v. MDC” were consolidated and considered together.

PROPOSED SETTLEMENT OF THE MATTER MDC V. AMTRACK RELATING TO THE CLEAN WATER PROJECT

To: District Board

January 9, 2017

Be it resolved, that the Board of Commissioners of The Metropolitan District (“District”) hereby approves the Settlement Agreement by and between the District and National Railroad Passenger Corporation d/b/a Amtrak (“Amtrak”) whereby Amtrak grants to the District a certain license agreement for construction of the South Hartford Storage and Conveyance Tunnel in furtherance of the Clean Water Project, and in exchange therefore, the District agrees to withdraw its condemnation action presently pending in Federal Court under docket number 3:16-cv-01496, and said Board further authorizes the Chief Executive Officer of the District, or his designee, to execute any and all documents reasonably necessary to effect said settlement.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

SETTLEMENT OF PENDING CLAIMS

To: District Board

January 9, 2017

BE IT HEREBY RESOLVED, that pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to settle claims that the City of New Britain has against The Metropolitan District associated with out-of-town user

surcharges arising under the Agreement between The Metropolitan District and the City of New Britain (the "City") with Respect to the Use of New Britain Truck Sewer in Newington dated June 1951 as well as additional costs that were not imposed by the City against The Metropolitan District for use of the City's wastewater infrastructure and systems, for the total sum of \$300,000.00, subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including, but not limited to, a general release.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

SETTLEMENT OF PENDING LITIGATION CLAIM

To: District Board

January 9, 2017

BE IT HEREBY RESOLVED, that pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to settle the lawsuit captioned *Leslie Mitchell v. The Metropolitan District et al.*, Docket No. HHD-CV-14-6054251-S ("*Litigation*"), for the total sum of \$127,500.00, subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including but not limited to a general release containing a confidentiality provision from the plaintiff, and formal withdrawal of said action.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Magnan and duly seconded, the reports for resolutions 13 "MDC v. Amtrack Relating to the Clean Water Project", 14 "Settlement of Claim by City of New Britain" and 15 "Settlement of Litigation - Mitchell v. MDC" were received and the resolutions adopted by unanimous vote of those present.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Judy Allen of 25 Fowler Drive, West Hartford submitted the following written comments:

General Public Comment
District Board Meeting 1/9/17

I want to thank the MDC for creating a consumer advocate. It will indeed allow for more public participation and less public reaction.

I hope that in drafting this ordinance you include a real opportunity for 2 way dialogue. The public can be your advocate, not always your opposition.

I hope you will make your position one that can be a non-voting member of the ~~the~~ board to facilitate 2-way communication.

I believe there is a State Office for Consumer Advocates that could select someone appropriate for the MDC.

Judy Allen
25 Fowler Dr.

ADJOURNMENT

The meeting was adjourned at 7:49 P.M.

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval