

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street

Hartford, Connecticut 06103

Monday, February 6, 2017

Present: Commissioners John Avedisian, Daniel Camilliere, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Byron Lester, Maureen Magnan, Alphonse Marotta, Whit Osgood, Dominic M. Pane, Bhupen Patel, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Michael Solomonides, Raymond Sweezy, Richard W. Vicino and Special Representative Michael Carrier (20)

Absent: Commissioners Andrew Adil, Luis Caban, Mary Anne Charron, Matthew B. Galligan, William P. Horan, Sandra Johnson, Kathleen J. Kowalyshyn, Mark A. Pappa, Kennard Ray and Alvin Taylor (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 5:45 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 John Avedisian of Windsor.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Camielliere and duly seconded, the meeting minutes of January 9, 2017 were approved.

Commissioners Avedisian abstained.

REPORT FROM DISTRICT CHAIRMAN

The District Chairman delivered a report to the Board.

REPORT FROM CHIEF EXECUTIVE OFFICER

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

At 6:09 PM Commissioner Price exited the meeting

REPORT FROM DISTRICT COUNSEL

No report was delivered by District Counsel

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF COMMISSIONERS TO COMMITTEES**

To: District Board February 6, 2017

From: Committee on Organization

At a meeting of the Committee on Organization on February 6, 2017 the following resolution was approved:

Voted: That the Committee on Organization recommend to the District Board the appointment of the following Commissioners to the following Committees:

Resolved: That the following Commissioners be appointed to the following Committees:

Personnel, Pension & Insurance Committee

Bhupen Patel
Domenic Pane
Alphonse Marotta

Bureau of Public Works

Bhupen Patel
Domenic Pane

Community Affairs Committee

Daniel Camilliere
Jean Holloway
Alvin Taylor
Richard Vicino

Committee on MDC Government

John Avedisian

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.

Without objection, Chairman DiBella took Agenda Item #12 "Authorization to Condemn Temporary and Permanent Easements at 711 Willard Ave, Newington, CT, in part in Furtherance of the Clean Water Project" out of order.

**AUTHORIZATION TO CONDEMN TEMPORARY AND PERMANENT EASEMENTS
AT 711 WILLARD AVE, NEWINGTON, CT, IN PART IN FURTHERANCE OF THE
CLEAN WATER PROJECT**

To: District Board

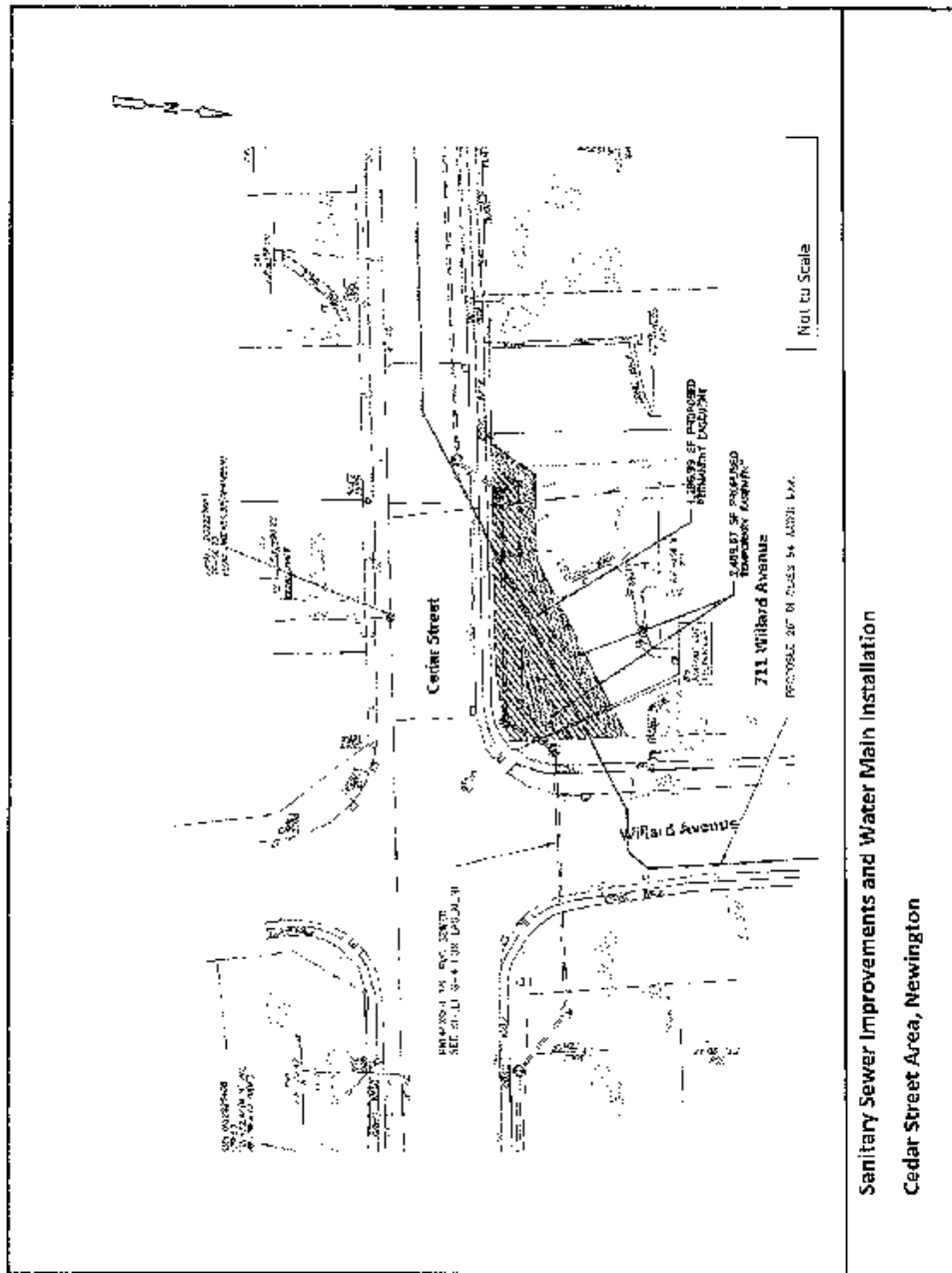
February 6, 2017

Pursuant to Conn. Gen. Stat. § 48-12, and Metropolitan District Charter Section 1-2, 1-2f and 1-4, the Board of the Metropolitan District hereby authorizes District staff to proceed with condemnation proceedings on property located at 711 Willard avenue, newington, connecticut and to acquire such permanent and temporary easement rights pursuant thereto as are necessary for the installation, maintenance, repair and use of both sewer and water infrastructure improvements with the area served, in part, in furtherance of the clean water project.

The amount of compensation awarded pursuant to said condemnation proceeding(s) shall be the average value of the property rights acquired, as independently determined by two (2) Connecticut licensed appraisers.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk



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

EXECUTIVE SESSION

At 6:26 P.M., Chairman DiBella requested a consolidated executive session, without objection, to discuss Agenda Items #11 “Settlement of Claim by Donna Szeszakow” and Agenda Item #13 “Memorandum of Understanding with City of Hartford”.

On motion made by Commissioner Patel and duly seconded, the District Board entered into executive session to discuss Agenda Items #11 "Settlement of Claim by Donna Szestakow" and Agenda Item #13 "Memorandum of Understanding with City of Hartford" due to pending litigation.

Those in attendance during the executive session:

Commissioners Commissioners John Avedisian, Daniel Camilliere, Donald M. Currey, William A. DiBella, Janice Flemming-Butler, Allen Hoffman, Jean Holloway, Byron Lester, Maureen Magnan, Alphonse Marotta, Whit Osgood, Dominic M. Pane, Bhupen Patel, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Michael Solomonides, Raymond Sweezy, Richard W. Vicino and Special Representative Michael Carrier; 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.

RECONVENE

At 7:34 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Patel and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

PERSONNEL, PENSION AND INSURANCE COMMITTEE SETTLEMENT OF CLAIM: DONNA SZESTAKOW

To: District Board February 6, 2017

From: Personnel, Pension and Insurance Committee

At a meeting of the Personnel, Pension and Insurance Committee held on February 6, 2017 the following resolution was approved:

BE IT RESOLVED, that the Board of Commissioners of the Metropolitan District hereby authorizes the District Chairman, or his designee, to execute any and all documents necessary to effect the settlement of the matter entitled *Szestakow v MDC*, 3:10-cv-0567- WWE, Consistent with the settlement term sheet attached hereto and made a part hereof;

BE IT FURTHER RESOLVED, that to the extent said settlement involves modifications/ amendments to the MDC Employee Pension Plan, said modifications/

amendments are hereby referred to the Personnel, Pension and Insurance Committee for action and recommendation.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

MEMORANDUM OF UNDERSTANDING WITH CITY OF HARTFORD

To: District Board

February 6, 2017

BE IT HEREBY RESOLVED, that the board of commissioners of the metropolitan district hereby authorizes the district chairman, or his designee, to execute the attached Memorandum of Understanding between the City of Hartford and the Metropolitan District, the terms of which being set forth in the attached exhibit.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (the "MOU") is made and entered into this _____ day of _____, 2017 (the "Commencement Date") by and between the **CITY OF HARTFORD**, a municipal corporation organized and existing under the laws of the State of Connecticut with an office and place of business at 550 Main Street, Hartford, Connecticut ("City") and **THE METROPOLITAN DISTRICT**, a specially chartered municipal corporation having its principal place of business located at 555 Main Street, Hartford, Connecticut ("District").

Preliminary Statement

The City is the owner of a certain piece or parcel of real property and improvements thereon located in the City of Hartford and known as 680 Franklin Avenue (the "Property"). The District is presently engaged in and expansive sewer system improvement project known as the "Clean Water Project" (CWP) as required by certain federal and state consent orders/decrees which includes the construction, maintenance, repair and operation of an 18-foot diameter deep rock tunnel within the southern portion of the City, and which passes approximately 150 to 200 feet below the Property. Parts of the tunnel improvements include the construction of drop shafts and ventilation/odor control structures upon and within several parcels along the tunnel route, including the Property. In order to secure the necessary permanent and temporary easement rights to complete these improvements, the District has commenced a condemnation action against the City in the Judicial District of Hartford at Hartford captioned The Metropolitan District v. City of Hartford, docket number HHD-CV16-5042673-S ("MDC Litigation"). The City has filed an objection to said condemnation action, and filed a separate, related lawsuit in the Judicial District of Hartford at Hartford captioned City of Hartford v. The Metropolitan District, docket number HHD-CV16-6071516-S ("City Litigation") seeking, among other relief, a temporary and permanent injunction to preclude the District from prosecuting the MDC Litigation.

Through direct negotiations between the parties, the City and the MDC have reached a Memorandum of Understanding ("MOU") on a variety of issues intended to resolve, among other things, both the MDC Litigation and the City Litigation.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows.

1. Acquisition of Permanent and Temporary Easements.

The District has requested a temporary and permanent easement over City-owned property known as 680 Franklin Avenue ("Columbus Park"). The temporary construction easement area contains approximately 19,000 square feet of land and will terminate 30 days after the completion of the construction work, but no later than December 31, 2022. The permanent easement area contains approximately 8,500 square feet of land and will continue in perpetuity.

As consideration for the temporary and permanent easements, the District will pay to the City the sum of \$171,000 and shall construct a minimum of four basketball courts solely within the area previously used as tennis courts. The District shall seek, from the applicable City departments, the necessary permits and approvals required to construct the new basketball courts. All plans and specifications and construction of the new basketball courts must meet City regulations, ordinances, and specifications including, but not limited to, those related to materials, drainage, design and layout. The final plans and specifications are also subject to the approval of the Director, Department of Development Services. All approvals must be secured prior to the termination of the temporary easement.

As further consideration for terms of this Section 1, the District agrees to withdraw, with prejudice, the MDC Litigation and the City agrees to withdraw, with prejudice, the City Litigation.

The City's grant of the temporary and permanent easements in favor of the District is subject to approval by the Court of Common Council. The City's administration will submit and support the District's request for the temporary and permanent easements before the Court of Common Council.

2. Bartholomew Avenue.

The City has received a grant as part of the Responsible Growth & Transit Oriented Development (TOD) Grant Program administered by Office of Policy and Management for the construction of various improvements to the storm water system serving a portion of Bartholomew Avenue from Hamilton Street to Park Street, and enhancements to the public right of way that may include such features as new sidewalks, benches, decorative lighting, brick walks/sidewalk accents and new/consolidated curb cuts. A new sidewalk within Hamilton Street and lighting under the rail/CTfastrak viaducts over Park Street is also included. The District, as part of its CWP obligations, had planned to make certain improvements to the sanitary sewer system serving that portion of Bartholomew Avenue, including replacing the existing combined sewer.

The District agrees to contribute \$1,600,000.00 towards the Bartholomew Avenue Improvement Project ("Project"), and in exchange therefore, the City shall include the District's sanitary sewer improvements within the Project scope. The District's contribution shall be in the form of the District establishing an account in the amount of \$1,600,000.00 dedicated solely to the Project and accessible by the City for payment on an as-needed basis, in installments, with no more than \$200,000.00 expended for construction inspection services and no more than \$1,400,000.00 expended for design

and project construction costs, pursuant to a payment requisition process to be agreed upon by the District's Finance Department and the City's Finance Department.

The District has the right to review all design and construction documents and plans prepared for the City's public solicitation to bidders. In addition, the District will have approval rights over those portions of the design and construction documents relating directly to the sanitary sewer system improvements. The District will also have the right to review and approve the consultants selected by the City for the design of the improvements to the sanitary sewer system, as well as the consultant selected by the City to inspect the sewer installation, at least up to the point of backfilling the pipe by more than 2 feet. District inspection forces will provide inspection services for all sewer related infrastructure.

The District shall be responsible for any compensation required for securing easements within private property necessary to complete the replacement of the existing combined sewer system and for any change orders it requests or change orders resulting from the District's actions or District's changes in specifications occurring after the final designs and plans are agreed upon by the City and the District. In the event the City does not proceed with the construction of the Project, the City shall turn over to the District all design plans and specifications prepared to date for the District's use in completing the sewer portion of the Project. Where District specifications referenced herein or otherwise conflict with the City's specifications, the City's specifications shall be controlling.

After completion of the construction, the District agrees to accept the storm water and sanitary sewer improvements as part of its system, and agrees that such improvements will be owned, operated and maintained by the District.

3. Brainard Road Abandonment.

The District has made a formal request of the City to abandon the southerly most portion of Brainard Road, which presently consists of an unimproved "paper" street. The District shall provide the City with any and all supporting documentation for the abandonment, including those easements necessary for the City, the Greater Hartford Flood Commission and the US Army Corps of Engineers to access the City's flood control facilities and the Hartford dike system.

The City's abandonment of the paper street is subject to approval by the Court of Common Council. The City's administration will submit and support the District's request to abandon the paper street before the Court of Common Council within ninety (90) days of the date of this MOU.

4. Riverfront Recapture Contribution.

Presently, pursuant to an Agreement between the District and Riverfront Recapture, Inc. ("RRI") dated January 1, 2015, the District provides certain maintenance services to RRI at an annual cost not to exceed \$750,000.00 and makes an annual monetary contribution to RRI in the amount of \$300,000.00. In lieu of the current financial contribution and maintenance services provided by the District to RRI, the

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

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

No one from the public appeared to be heard.

ADJOURNMENT

The meeting was adjourned at 7:35 P.M.

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval