

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, April 1, 2019

Present: Commissioners John Avedisian, Clifford Avery Buell, Daniel Camilliere, William A. DiBella, Denise Hall, James Healy, Allen Hoffman, Jean Holloway, David Ionno, Gary LeBeau, Byron Lester, Maureen Magnan, Alphonse Marotta, Domenic M. Pane, Bhupen Patel, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Michael Torres and Richard W. Vicino (20)

Absent: Commissioners Luis Caban, Matthew B. Galligan, Peter Gardow, Whit Osgood, Michael Solomonides and New Britain Special Representative Michael Carrier (6)

Also

Present: Scott W. Jellison, Chief Executive Officer
Christopher Martin, Interim Chief Financial Officer
Christopher Stone, Assistant District Counsel
John S. Mirtle, District Clerk
Christopher Levesque, Director of Operations
Sue Negrelli, Director of Engineering
Robert Schwarm, Director of Information Technology
Kelly Shane, Director of Procurement
Tom Tyler, Director of Facilities
Robert Zaik, Director of Human Resources
Karyn Blaise, Controller
William Pallis, Manager of Information Services
Paul Karanja, Business Systems Analyst
Michael Curley, Manager of Technical Services
Nick Salemi, Special Services Administrator
Carrie Blardo, Assistant to the Chief Operating Officer
Kerry E. Martin, Assistant to the Chief Executive Officer
Julie Price, Professional Level Trainee
David Silverstone, Independent Consumer Advocate

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:30 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.

APPROVAL OF MINUTES

On motion made by Commissioner Sweezy and duly seconded, the meeting minutes of March 4, 2019 were approved.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

REPORT FROM DISTRICT CHAIR

No Report

REPORT FROM CHIEF EXECUTIVE OFFICER

Scott Jellison delivered the Chief Executive Officer's Report.

REPORT FROM DISTRICT COUNSEL

Attorney Christopher Stone delivered the District Counsel Report.

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF INTERIM CHIEF FINANCIAL OFFICER AS
DISTRICT TREASURER**

To: District Board April 1, 2019

From: Committee on Organization

At the special meeting of the Committee on Organization held on April 1, 2019, it was:

Voted: That the Committee on Organization recommends to the District Board, passage of the following resolution:

Resolved: That the District Board, in accordance with Section 2-8 of the District Charter, hereby designates Christopher P. Martin as the District Treasurer of The Metropolitan District effective April 1, 2019, to serve until a successor shall have been named and qualified.

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.

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF CHIEF OPERATING OFFICER**

To: District Board

April 1, 2019

From: Committee on Organization

Pursuant to Section B3b of the District By-Laws, please consider this communication as my recommendation to the Committee on Organization to appoint Christopher Levesque as the Chief Operating Officer for The Metropolitan District.

At a meeting of the Committee on Organization held on April 1, 2019, it was:

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

Resolved: That the District Board, in accordance with Section B3b of the District By-Laws, hereby appoints Christopher Levesque as Chief Operating Officer for the Metropolitan District.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER**

To: District Board

April 1, 2019

From: Committee on Organization

Pursuant to Section B3b of the District By-Laws, please consider this communication as my recommendation to the Committee on Organization to appoint Kelly Shane as the Chief Administrative Officer for The Metropolitan District.

At a meeting of the Committee on Organization held on April 1, 2019, it was:

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

Resolved: That the District Board, in accordance with Section B3b of the District By-Laws, hereby appoints Kelly Shane as Chief Administrative Officer for the Metropolitan District.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**BUREAU OF PUBLIC WORKS
ACCEPTANCE OF SEWERS BUILT BY DEVELOPER'S
PERMIT- AGREEMENT**

To: District Board

April 1, 2019

From: Bureau of Public Works

The sewers outlined in the following resolution have been constructed under Developer's Permit-Agreement in accordance with the plans, specifications and standards of the District, and the Director of Engineering has certified to all of the foregoing.

At a meeting of the Bureau of Public Works held on March 13, 2019, it was:

RECOMMENDED that, pursuant to Section S8g of the Sewer Ordinances re: "Acceptance of Developer's Sewers," it be

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

Resolved: That, in accordance with Section S8g of the District Ordinances, the following is incorporated into the sewer system of The Metropolitan District as of the date of passage of this resolution:

<u>Sewers In</u>	<u>Built By</u>	<u>Completion Date</u>
801 Matianuck Avenue- Windsor DVS0000907	Developer: T. Edwards Construction Inc. Contractor: Nunes Excavation	January 1, 2017
Griffin Road North- Bloomfield DVS0000840	Developer: River Bend Assoc. Contractor: Meadow Park Assoc.	July 2, 2007
Villages at Poquonock Phase I- Windsor DVS.WND.04	Developer: Poquonock Commons LLC Contractor: CK Construction	October 21, 2015
Villages at Poquonock Phase II- Windsor DVS.WND.09	Developer: Poquonock Commons LLC Contractor: CK Construction	May 20, 2017
Victory Gardens- Newington DVS.NWT.04	Developer: VA CT Healthcare & Victory Gardens Housing Contractor: Butler Construction	October 20, 2017
Harvest Ridge- Newington DVS.NWT.07	Developer: Allen Home Builders Contractor: Earth Construction	September 19, 2017

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**SHEPARD DRIVE, NEWINGTON
ENCROACHMENT AGREEMENT**

To: District Board

April 1, 2019

From: Bureau of Public Works

In a letter dated November 20, 2018, J. Patrick Holmes of Burns & McDonnell, on behalf of Eversource, has requested permission from The Metropolitan District to encroach on the existing 20-foot sanitary sewer easement located across private lands east of Willard Avenue and on Shepard Drive, with an underground electric duct bank as part of their Greater Hartford – Central Connecticut Reliability Project to improve the electric transmission system.

The proposed work entails the installation of the duct bank under the existing 10-inch plastic styrene sanitary sewer within the 20-foot easement, as shown on the accompanying map. The proposed piping will be installed below the existing sanitary sewer while being temporarily supported and with sufficient clearance between the pipes. The existing trunk sewer was built in 1966.

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

Eversource has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing sanitary sewers located within the subject parcel and to maintain accessibility along the length of the Metropolitan District's 20-foot easement:

1. Care must be taken during the construction of the new duct bank not to disturb the existing sanitary sewer. All heavy construction equipment must be located outside of the limits of the sewer easement when not in use. Any earth moving equipment that will be utilized on the site over and adjacent to the existing sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing sewer caused by any construction within the existing rights-of-way shall be the responsibility of the Owner.
2. No additional permanent improvements, other than the proposed duct bank shall be located within the District's sanitary sewer right-of-way.
3. The District reserves the right to remove improvements within the sanitary sewer easements at any time if so required for maintenance, repair or replacement of the sewer. The Owner shall bear any additional maintenance, repair or replacement costs necessitated by the presence of improvements within the easements.

4. In the event of a sewer emergency caused by the proposed excavation, the Owner shall provide, install, operate and remove, at the Owner's expense, an appropriately sized bypass pump and appurtenances.
5. An MDC inspector must be on the job site whenever work is being performed within the sanitary sewer right-of-way, at the expense of the Owner. Any construction, maintenance, repair or replacement of the new duct bank shall conform to District standards and 48-hours advance notice must be given to the District prior to commencing any such activities within the sanitary sewer easement.
6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the existing sanitary 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 purposes of assessing the post activity condition of the sanitary sewer.

Staff has reviewed this request and considers it feasible.

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

At a meeting of the Bureau of Public Works held on March 13, 2019, 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 Eversource to encroach upon the existing 20-foot sanitary sewer easement east of Willard Avenue, on Shepard Drive and in private lands, Newington, in support of the planned construction of an electric duct bank as shown on plans submitted by Eversource entitled "Improvement Location Survey – Proposed Showing Proposed Encroachment Over Existing MDC Easement #53-55 Shepard Drive, Newington, CT", dated 09/10/2018, providing that the District shall not be held liable for any cost of damage of any kind in the following years as a result of the encroachment.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**WATER BUREAU
CHERRY BROOK - RESERVOIR 6 SECTION II PIPELINE RIGHT-OF-WAY
REALIGNMENT OF FISHER DRIVE AND BICKFORD DRIVE, AVON
ENCROACHMENT AGREEMENT**

To: District Board

April 1, 2019

From: Water Bureau

On December 10, 2018, the Bureau recommended the passage of a resolution to the District Board, which subsequently authorized the execution of an agreement granting permission to Avon Town Center LLC to encroach upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot raw water right-of-way to provide access for the realignment of the intersection of Fisher Drive and Bickford Drive and the construction and/or installation of other associated improvements for Phase 1 of the Avon Village Center mixed use development project, as shown on the accompanying map (collectively, the “Resolution and Authorization”).

The purpose of this encroachment is to allow for the realignment of the intersection of Fisher Drive and Bickford Drive, to include placement of water mains, storm drains, gas mains, sanitary sewer pipe, concrete sidewalks, granite curbing, light poles, rip rap, a concrete culvert end, a bituminous concrete path and grading within the right-of-way (hereinafter collectively referred to as the “Improvements”).

The work associated with these Improvements will affect two (2) parcels of land known as 65 Simsbury Road and 70 Ensign Drive. These two (2) parcels are owned by Avon Town Center LLC and Avon Town Center III LLC, respectively. The Resolution and Authorization, therefore, need to be amended to include both of these property owners.

At a meeting of the Water Bureau held on March 13, 2019, it was:

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

RESOLVED: The term Owner as set forth in the Resolution and Authorization shall mean Avon Town Center LLC and Avon Town Center III LLC, collectively.

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement, subject to approval as to form and content by District Counsel, granting permission to Avon Town Center LLC and Avon Town Center III LLC, (collectively, “Owner”) to encroach

upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot raw water right-of-way located across Fisher Drive, Bickford Drive and private lands, west of Route 10 in Avon, for the purpose of installing water mains, storm drains, gas mains, sanitary sewer pipe, concrete sidewalks, granite curbing, light poles, rip rap, a concrete culvert end, a bituminous concrete path and grading for the intersection realignment of Fisher Drive and Bickford Drive, Avon, provided that the District shall not be held liable for any costs or damages of any kind which may result during initial construction or in the following years with respect to any subsequent construction, maintenance or repair as a result of such encroachment. Once the aforementioned agreement is fully executed by the District and Owner, the District shall record the same on the Avon Land Records, and Owner hereby consents to and approves of such recording.

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.

**WATER BUREAU
APPOINTMENT OF WATER BUREAU COMMISSIONER REPRESENTATIVE TO
THE HOGBACK WATERSHED RECREATION COMMISSION**

To: District Board April 1, 2019
From: Water Bureau

At a meeting of the Water Bureau held on April 1, 2019, it was:

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

RESOLVED: That the Water Bureau appoint Commissioner Avery Buell to serve on the Hogback Watershed Recreation Commission.

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.

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

To: District Board

April 1, 2019

From: MDC Staff

District staff, through the Office of District Counsel, submits the addition of Section G8h, "Ratification of Unauthorized Commitments," to The Metropolitan District General Ordinances for referral to and consideration by the Committee on MDC Government.

**G-8h RATIFICATION OF UNAUTHORIZED COMMITMENTS
PART 8, PROCUREMENT POLICIES**

<u>Section</u>	<u>Section Title</u>
G8h	Ratification of Unauthorized Commitments

SEC. G8h RATIFICATION OF UNAUTHORIZED COMMITMENTS

Pursuant to the authority granted to the District under Section 2-13 of the Compiled Charter of The Metropolitan District, and upon determination by the Chief Executive Officer or his or her designee that certain circumstances warrant, the District shall be allowed to ratify an Unauthorized Commitment ("UC") (as hereinafter defined).

A UC is an "agreement that is not binding solely because the District employee or representative who made it lacked the authority to enter into that agreement on behalf of the District." "Ratification" is defined as the "process by which a UC is formalized, approved and paid." The "ratifying official" as used herein shall mean the Director of Procurement, or another District employee at the same or higher level thereof as designated by the District CEO to be the ratifying official with the authority as delegated by such CEO to ratify a UC.

Ratification of a UC shall only occur when utilizing the following procedure and meeting all of the conditions thereunder:

1. Supplies or services have been provided to and accepted by the District, or the District otherwise obtained or will obtain a benefit resulting from performance of the UC;

2. The ratifying official has the authority to enter into a contractual commitment;
3. The resulting contract would otherwise have been proper if made by authorized District personnel consistent with District ordinances, by-laws, procedures and signing authorizations;
4. The ratifying official reviewing the UC determines the price to be fair and reasonable;
5. The ratifying official recommends ratification and legal counsel concurs with that recommendation;
6. Funds are available and were available at the time the UC was made; and
7. The ratification is in accordance with any other limitations prescribed under District ordinances, by-laws, procedures and signing authorizations.

Failure to meet any of the above requirements will result in a non-ratifiable UC. The appropriate disciplinary action, if any, will be taken against the District personnel who entered into such UC irrespective of whether a UC is ratified or not. A decision not to ratify an UC may not result in unjust enrichment to the District.

The Director of Procurement shall establish specific implementation protocols in order to implement the above Ratification of Unauthorized Commitments procedure, subject to any applicable federal or state law or regulation.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Taylor, the proposed addition to the General Ordinances was referred to the Committee on MDC Government.

**PERSONNEL, PENSION AND INSURANCE COMMITTEE
SETTLEMENT OF PROPOSED WORKER'S COMPENSATION CLAIM**

To: District Board

April 1, 2019

From: Personnel, Pension and Insurance Committee

Upon recommendation from District staff, the Personnel, Pension and Insurance Committee hereby recommends to the District Board of Commissioners adoption of the following resolution:

At a meeting of the Personnel, Pension and Insurance Committee held on April 1, 2019, it was:

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 execute any and all documents reasonably necessary to effect the settlement of any and all claims pertaining to workers' compensation for James Lagos in the amount of \$149,782.00.

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.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

David Silverstone, the Independent Consumer Advocate, announced that he will be holding a public meeting for District customers on May 2, 2019 at 2:00PM at the West Hartford Town Hall.

COMMISSIONER QUESTIONS AND COMMENTS

Commissioner LeBeau requested early release of the budget schedule.

Commissioner Salemi congratulated the newly appointed Chief Operating Officer & Chief Administrative Officer.

ADJOURNMENT

The meeting was adjourned at 6:59 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval