

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street

Hartford, Connecticut 06103

Monday, September 8, 2014

Present: Commissioners Andrew Adil, Luis Caban, Mary Anne Charron, Donald M. Currey, Timothy Curtis, William A. DiBella, Allen Hoffman, Joseph H. Kronen, Maureen Magnan, Alphonse Marotta, James S. Needham, Mark A. Pappa, J. Lawrence Price, Kennard Ray, Albert F. Reichin, Pasquale J. Salemi, Helene Shay, Raymond Sweezy, Alvin E. Taylor (19)

Absent: Commissioners Daniel Camilliere, Janice Flemming, Michael W. Gerhart, Georgiana E. Holloway, William P. Horan, Joseph Klett, Kathleen J. Kowalyshyn, Thea Montanez, Hector Rivera, Richard W. Vicino and Special Representative Michael Carrier (11)

Also

Present: Charles P. Sheehan, Chief Executive Officer
Scott W. Jellison, Deputy Chief Executive Officer, Engineering & Operations
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
Gerald J. Lukowski, Director of Operations
Kelly Shane, Director of Procurement
Rob Constable, Manager of Budgeting and Analysis
Mike Curley, Project Manager
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 5:36 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 July 14, 2014 were approved.

Commissioner Reichin abstained.

2014 OPERATING BUDGET TRANSFER

From: Board of Finance

To: District Board

September 8, 2014

Staff is forecasting 2014 Metropolitan District operating budget deficits in the functional areas of a) Taxes and Fees, b) Operations and c) Water Pollution Control budgets. These deficits are the result of higher than expected personal property and real estate taxes versus budget, higher than anticipated repairs and maintenance activities resulting in increased overtime, material costs and safety costs versus budgeted expectations and higher utility expenses versus budget.

Management recommends that the required additional funding for these deficits be transferred from Contingency.

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 801 – Contingency	<u>\$534,000.00</u>	<u>\$717,300.00</u>	<u>\$1,251,300.00</u>
Total	<u>\$534,000.00</u>	<u>\$717,300.00</u>	<u>\$1,251,300.00</u>


 John M. Zinzarella
 Chief Financial Officer

It is therefore RECOMMENDED that it be:

Voted: That the District Board pass the following resolution:

Resolved: That transfers within the 2014 Budget Appropriations be approved as follows:

From:	General	Water	Total
Department 801 – Contingency	<u>\$534,000.00</u>	<u>\$717,300.00</u>	<u>\$1,251,300.00</u>
Total	\$534,000.00	\$717,300.00	\$1,251,300.00
To:	General	Water	Total
Department-731 Taxes & Fees	\$0.00	\$15,300.00	\$15,300.00
Department-30 Operations	234,000.00	702,000.00	936,000.00
Department-40 Water Pollution Control	300,000.00	0.00	300,000.00
Total	\$534,000.00	\$717,300.00	\$1,251,300.00

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**REFERRAL TO WATER BUREAU
BRINLEY STREET WATER PETITIONS**

On motion made by Commissioner Reichin and duly seconded, petitions for water services for 46-48 Brinley Street and 52 Brinley Street in Hartford were referred to the Water Bureau.

**WATER BUREAU
ENCROACHMENT AGREEMENT
LOT #6A LAKEVIEW AVENUE / HIDDEN VALLEY DRIVE, ROCKY HILL**

From: Water Bureau

To: District Board

September 8, 2014

On September 4, 2014, the Metropolitan District received a letter from Guy Rocamora, property owner of Lot #6A Lakeview Avenue/Hidden Valley Drive, Rocky Hill, requesting permission to permanently encroach upon the 20-foot portion of the District's 30-foot right-of-way, containing an existing 8-inch water main, located across private lands south of Hidden Valley Drive in Rocky Hill.

The purpose of this encroachment is to cross the existing right-of-way with electric, telephone and cable lines and a new paved driveway to serve the proposed house. As can be seen on the attached sketch, the only possibility the Owner has to develop this property is to cross the MDC right-of-way with utilities and a driveway.

The Owner has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing 8-inch water main located within the subject right-of-way and the District's accessibility along the length of the rights-of-way:

1. Any foundations associated with the construction of the proposed house must be located outside of the limits of the existing right-of-way. No additional permanent structures, other than the proposed electrical, telephone and cable conduits and driveway shall be located within the District's right-of-way.
2. Pipes crossing over or under the District's pipelines shall maintain an eighteen (18") inch vertical clearance. Any new pipes located on the parcel shall also maintain a minimum ten (10) foot horizontal clearance.
3. The Metropolitan District shall not be held liable for any damage caused to any utility listed above located within and adjacent to the right-of-way in the event of an emergency water main repair. The Metropolitan District will make every effort feasible to minimize damage to the utilities; however the cost for repairs to the utilities shall be the responsibility of the Owner.
4. The District reserves the right to remove pavement or structures within the right-of-way at any time if so required for maintenance or repair of the water main. The Owner shall bear any additional maintenance or repair costs necessitated by the presence of pavement and/or structures upon the right-of-way.

5. Care must be taken during construction not to disturb the existing water main. All heavy construction equipment must be located outside the limits of the right-of-way. Any earth moving equipment that will be utilized on the site over and adjacent to the water main shall be reviewed and approved by District staff prior to mobilization to the site.
6. An MDC inspector must be on the job site whenever work is being performed to install services within the right-of-way, at the expense of the Owner. The construction shall conform to District standards and 48-hours advance notice must be given to the District prior to any construction within the right-of-way.

Staff has reviewed the proposed construction plans and determined that there will be no negative impact on District property or infrastructure.

It is therefore RECOMMENDED that it be

VOTED: That the District Board pass the following resolution:

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 Guy Rocamora to encroach upon the 20-foot portion of an existing 30-foot water right-of-way south of Hidden Valley Drive, Rocky Hill, with electrical, telephone and cable lines and a paved driveway, as shown on the plan submitted by Hallisey, Pearson & Cassidy, Civil Engineers and Land Surveyors, dated June, 2014, providing that the District shall not be held liable for any costs or damage of any kind which may result during construction or in the following years as a result of the encroachment.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

BUREAU OF PUBLIC WORKS
ABANDONMENT OF SANITARY SEWER AND RELEASE OF RIGHTS-OF-WAY
QUAKER GREEN, LLC, WEST HARTFORD

From: Bureau of Public Works

To: District Board

September 8, 2014

On April 14, 2014, the District received a letter from Mr. Stan Cichy of GDC Homes, LLC., on behalf of Quaker Green LLC, requesting that the Metropolitan District abandon a portion of existing sanitary sewer in private lands north of School House Drive and west of Quaker Lane South, West Hartford, and to release a portion of the existing sanitary sewer easement within the property owned by Quaker Green, LLC known as parcel 5096 1 999 0001, as shown on the accompanying map. The purpose of this request is to accommodate a revised larger building footprint of a previously proposed residential apartment building approved under an existing DPA. The total number of units project-wide will remain the same and all charges have been paid.

The existing sanitary sewer easement was acquired by The Metropolitan District through a 2006 Developer's Permit-Agreement known as Quaker Green, West Hartford.

From an engineering standpoint, the abandonment of the existing section of sanitary sewer and release of a portion of the rights-of-way will not have a negative impact on the wastewater collection system, and no hardship or detriment would be imposed on others. Once approved, the existing lateral from #30 School House Drive will be removed. The existing lateral for #30 School House Drive will be relocated and tied into the existing 8-inch sewer main located in School House Drive as shown on the attached map. The new building will use a section of the remaining 8-inch sewer pipe leading to the existing manhole located in School House Drive as its building lateral connection.

It is therefore recommended that it be

Voted: That the District Board pass the following resolution:

Resolved: That the Chairman or Vice Chairman of the District Board be authorized to execute the abandonment of a portion of the existing sanitary sewers and release of a portion of the existing sanitary sewer easements on property owned by the Quaker Green, LLC as shown on the accompanying map and as recorded in the Town of West Hartford land records: Volume 3912 Pages 196 -203. The easement release shall be subject to approval by District Counsel as to form and content.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**BUREAU OF PUBLIC WORKS
ABANDONMENT OF SANITARY SEWER AND RELEASE OF RIGHTS-OF-WAY
DUNCASTER CAMPUS, BLOOMFIELD**

From: Bureau of Public Works

To: District Board

September 8, 2014

On July 30, 2014, the District received a letter from Mr. Jeffrey Olszewski of Fuss & O'Neill, Inc., on behalf of Duncaster, Inc., requesting that the Metropolitan District abandon a portion of existing sanitary sewer in private lands south of Mountain Avenue, Bloomfield, and to release a portion of the existing sanitary sewer easement within the property owned by Duncaster, Inc. known as parcel 1989, as shown on the accompanying map. The purpose of this request is to accommodate an addition to the Caleb Hitchcock Memory Care building footprint.

The existing sanitary sewer easement was acquired by The Metropolitan District through a 1983 DPA agreement with Duncaster, Inc.

From an engineering standpoint, the abandonment of the existing section of sanitary sewer and release of a portion of the right-of-way will not have a negative impact on the wastewater collection system, and no hardship or detriment would be imposed on others. Once approved, the existing 8-inch sanitary sewer main will be removed to make way for the foundation of the building addition. An MDC inspector will be on-site whenever work is being performed on the existing sanitary sewer line, at the expense of the Owner.

A new 8-inch sanitary sewer will be constructed around the proposed building addition. The new sewer will be constructed under a Developer's Permit Agreement with a new 20-foot permanent sanitary sewer easement granted to the District, as shown on the attached map. The total number of units will increase by 24-units project wide and outlet charges for these units will be due when the DPA is executed.

It is therefore recommended that it be

Voted: That the District Board pass the following resolution:

Resolved: That the Chairman or Vice Chairman of the District Board be authorized to execute the abandonment of a portion of the existing sanitary sewer and release of a portion of the existing sanitary sewer easement on property owned by Duncaster, Inc. as shown on the accompanying map and as

recorded in the Town of Bloomfield land records: Volume 303 Pages 339 - 343. The easement release shall be subject to approval by District Counsel as to form and content.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

**BUREAU OF PUBLIC WORKS
ABANDONMENT OF SANITARY SEWER
CHARTER OAK INTERNATIONAL ACADEMY, WEST HARTFORD**

From: Bureau of Public Works

To: District Board

September 8, 2014

On August 28, 2014, the District received a letter from Daniel Cefaratti, P.E. of BVH Integrated Services, on behalf of the Town of West Hartford, requesting that the Metropolitan District abandon the sanitary sewer within the former Parker Street, as shown on the accompanying map. The Town is proposing to abandon Parker Street as part of the proposed Charter Oak International Academy project. The purpose of this request is to accommodate the construction of the new school within the area currently occupied by the District's sanitary sewer pipe.

The proposal submitted includes the abandonment of approximately 250 feet of 8-inch sanitary sewer, as shown on the aforementioned map, which serves only the existing school. A new sanitary sewer lateral will be built from Oakwood Avenue to the existing school and subsequently connect to the new school building once completed.

An MDC inspector must be on the job site whenever work is being performed on the existing sanitary sewer line, at the expense of the Town. The construction shall conform to District standards and 48-hours advance notice must be given to the District.

The existing sanitary sewer pipe was originally constructed in a public roadway known as Parker Street; hence, no easement exists. All new connections to the new school building constructed as part of this project will utilize the existing sanitary sewer in Oakwood Avenue; therefore, no new public sewers will be needed on the site. All sewer charges have been satisfied for this property. From an engineering standpoint,

this proposed abandonment will not have a negative impact on the sanitary sewer system.

It is RECOMMENDED that it be

VOTED: That the District Board pass the following resolution:

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute the release of the existing sanitary sewer located on the property of the Town of West Hartford, formerly known as Parker Street, West Hartford. The said release shall be subject to satisfactory completion, and the subsequent acceptance by the District, of the sanitary sewer house connection for the existing Charter Oak School, which currently connects to the existing sanitary sewer within the subject parcel.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

SETTLEMENT OF PENDING LITIGATION CLAIM

EXECUTIVE SESSION

At 5:45 P.M., Chairman DiBella requested an executive session.

On motion made by Commissioner Reichin and duly seconded, the District Board entered into executive session in order to discuss the Pending Litigation Claim of Kathleen Drake.

Those in attendance during the executive session:

Commissioners Andrew Adil, Luis Caban, Mary Anne Charron, Donald M. Currey, Timothy Curtis, William A. DiBella, Allen Hoffman, Joseph H. Kronen, Maureen Magnan, Alphonse Marotta, James S. Needham, Mark A. Pappa, J. Lawrence Price, Kennard Ray, Albert F. Reichin, Pasquale J. Salemi, Helene Shay, Raymond Sweezy, Alvin E. Taylor, Attorneys Christopher Stone and Brendan Fox; Charles Sheehan and Scott Jellison

RECONVENE

At 5:54 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Reichin and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

To: District Board

September 8, 2014

Be It Hereby Resolved, that the Board of Commissioners of the Metropolitan District hereby authorizes the District Counsel, or his designee, to execute an agreement with Kathleen Drake ("Drake") settling any and all claims Drake has or may have against the District wherein Drake agrees to execute a general release in favor of the District and withdraw, with prejudice, the pending litigation captioned *Drake v. The Metropolitan District Commission*, Docket No. CV12-6033902, pending in Hartford Superior Court, and in exchange therefore, the District agrees 1) to waive any objection to the payment of Drake's attorney's fees and costs associated with said litigation by the District's insurer, AIG; and 2) to recall Drake to employment with the District at an EE-5 position within the District's Environment, Health and Safety Department, at a starting annual salary of \$56,016.30, effective December 28, 2014, and subject to the approval of said position as part of the District's FY2015 Budget; and

Be It Further Resolved, that the general release is subject to review and approval by District Counsel as to form and substance.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

ADJOURNMENT

The meeting was adjourned at 6:19 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval