

**THE METROPOLITAN DISTRICT COMMISSION
JOHN J. ROSSI BUILDING**

231 Brainard Road, Hartford
Monday, September 12, 2016

Present: Commissioners Andrew Adil, Luis Caban, Donald M. Currey, William A. DiBella, Allen Hoffman, William P. Horan, Kathleen J. Kowalyshyn, Joseph H. Kronen, Maureen Magnan, Alphonse Marotta, James S. Needham, Whit Osgood, Bhupen Patel, Mark A. Pappa, Hector Rivera, Pasquale J. Salemi and Michael Solomonides (17)

Absent: Commissioners Daniel Camilliere, Mary Anne Charron, Timothy Curtis, Janice Flemming-Butler, Matthew B. Galligan, Jean Holloway, Sandra Johnson, Joseph Klett, Byron Lester, J. Lawrence Price, Kennard Ray, Helene Shay, Raymond Sweezy, Richard W. Vicino and Special Representative Michael Carrier (15)

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
John S. Mirtle, District Clerk
Robert Schwarm, Director of Information Technology
Kelly Shane, Director of Procurement
Jenna Lombardo, Manager of Financial Control
Julie McLaughlin, Special Services Administrator
Nick Salemi, Special Services Administrator
James Masse, Network Analyst
Carrie Blardo, Assistant to the Chief Operating Officer
Cynthia A. Nadolny, Executive Assistant
Joe Laliberte, CDM Smith

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:36 P.M.

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.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

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

To: the MDC district board

From: Judy Allen
25 Fowler Dr.
West Hartford, CT

For inclusion in the minutes of the 9/12/16 MDC District Board Meeting
Public Comments Related to Agenda Items

#1 Minutes from the last meeting of the District Board on 8/1/2016.

The board voted on a "Resolution for Condemnation of 1040 New Britain Ave., West Hartford" on 8/1/16. The minutes as posted on the MDC website reflect the resolution was submitted to the board but does not indicate from who. Past minutes of the district board all indicate that resolutions sent to the board indicate which board, bureau or committee sent the recommendation and include the vote taken by that body to refer the matter to the district board.

The minutes from the Bureau of Public Works on 8/1/16 meeting indicate that a quorum was not present therefore "any intended action taken by the Bureau of Public Works did not constitute official action." Based on that it would seem any action taken by the district staff based on the vote of 8/1/16 for the condemnation of 1040 New Britain Ave. is not really authorized.

#9 Discussion regarding WPC and WUCC.

I have been able to attend meetings of the Water Planning Council (WPC), as well as the Steering Committee, the Science and Technology subcommittee, and the Policy subcommittee. And I have attended the last 2 Water Utility Coordinating Committee (WUCC) meetings. At the recent Science and Technology meeting an issue was raised about the lack of access to Water Supply Plans (WSP) for any of CT's water companies. The Department of Public Health (DPH), who is authorized to make those plans available has refused stating all that information is confidential. The consultants who signed confidentiality agreements for the specific purpose of having access to the WSPs are also being denied this information. In response to a FOIA request for the MDC's water supply plan, DPH, who currently has plan, replied that through an agreement with Homeland Security the entire MDC water plan can not be released. This data is needed by the Science and Technology subcommittee. Without access to each water company plan, there is an enormous gap. The MDC district board expressed concern that the state WPC was moving ahead without input from the WUCC's. Yet the WUCC's seem to be unwilling to agree to that input. The consultants indicate in no other state have they ever encountered such resistance. In fact other states have been anxious to supply such plans in order to ensure their state water plan was as accurate and complete as it could be. CT is the only state with such complete opposition and that opposition is led by the MDC. There is not reason why the WSPs cannot be released with specific security information redacted, such as the location of critical infrastructure. Keeping secret the MDC's plans for future water supply development, expectations about future water supply needs, or current water supply challenges has nothing to do with national security. This data will not become available to the public. As stated above, the consultants have signed confidentiality agreements to have access for the purpose of compiling data that can be used by the science and technology subcommittee.

The goal of the state WPC has been characterized in district board meetings as a process being led by environmentalists who care more for the environment than they do for CT water supply. This process was initiated when drought conditions years ago threatened water supplies for drinking water, a problem that is facing the state again in very serious ways.

There are 17 issues the WPC is charged with addressing. These are:

1. Identify the quantities and qualities of water that are available for public water supply, health, economic, recreation and environmental benefits on a regional basin scale considering both surface water and groundwater
2. Identify present and projected demands for water resources on a state-wide and regional basin scale
3. Recommend the utilization of the state's water resources, including surface and subsurface water, in a manner that balances public water supply, economic development, recreation and ecological health
4. Recommend steps to increase the climate resiliency of existing water resources and infrastructure
5. Make recommendations for technology and infrastructure upgrades, interconnections and such major engineering works or special districts which may be necessary, including the need, timing and general cost thereof
6. Recommend land use and other measures, including an assessment of land acquisition or land protection needs, where appropriate to ensure the desired quality and abundance of water and to promote development in concert with available water resources
7. Take into account desired ecological, recreational, agricultural, industrial and commercial use of water bodies
8. Inform residents of the state about the importance of water resource stewardship and conservation
9. Establish conservation guidelines and incentives for consumer water conservation with due consideration for energy efficiency
10. Develop a water reuse policy with incentives for matching the quality of the water to the use
11. Meet data collection and analysis needs to provide for data driven water planning and permitting decisions
12. Take into account the ecological, environmental, public health and safety and economic impact that implementation of the state water plan will have on the state
13. Include short and long-range objectives and strategies to communicate and implement the plan
14. Seek to incorporate regional and local plans and programs for water use and management and plans for water and sewerage facilities in the state water plan
15. Promote intra-regional solutions and sharing of water resources
16. Develop and recommend strategies to address climate resiliency including the impact of extreme weather events
17. Identify modifications to laws and regulations that are necessary in order to implement the recommendations of the state water plan.

I'd like to highlight #3 in which the goal is to balance public water supply, economic development, recreation and ecological health.

Environmentalists are not the enemy. Whatever your definition of an environmentalist is, I probably qualify. And I want to drink clean water too. The MDC leadership would be better served to start talking and planning for how they can adapt to changing needs and changing regulations, rather than hide behind national security in the hopes of maintaining the status quo.

APPROVAL OF MINUTES

On motion made by Commissioner Caban and duly seconded, the meeting minutes of August 1, 2016 were approved.

Commissioners Magnan and Needham abstained.

REPORT FROM DISTRICT CHAIRMAN

No report was given.

REPORT FROM CHIEF EXECUTIVE OFFICER

Scott Jellison, Chief Executive Officer presented the monthly CEO Report

REPORT FROM DISTRICT COUNSEL

R. Bartley Halloran, District Counsel, presented the monthly District Counsel Report.

**WATER PLANNING COUNCIL AND WATER UTILITY
COORDINATING COMMITTEES (WUCCS)**

R. Bartley Halloran, District Counsel, gave a presentation regarding the Water Planning Council and the WUCC

Commissioners Osgood and Marotta exited the meeting at 6:37 P.M.

Without objection, Agenda Items 10A "2016 Operating Budget Transfer" and 10B "Fiscal Year 2016 Budget Amendment" were consolidated and considered together.

**BOARD OF FINANCE
2016 OPERATING BUDGET TRANSFER**

To: District Board September 12, 2016

From: Board of Finance

The 2016 Metropolitan District operating budget is currently experiencing deficits in both the Information Technology and Special Agreements & Programs budgets. The Information Technology budget deficit is the result of higher than forecasted software maintenance service fees as a result of the IT infrastructure investments which have been placed into service during the current year. The Special Agreements & Programs budget deficit is due to the District's portion of increased construction associated with Mattabassett District.

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>\$205,900.00</u>	<u>\$330,100.00</u>	<u>\$536,000.00</u>
Total	<u>\$205,900.00</u>	<u>\$330,100.00</u>	<u>\$536,000.00</u>
To:	General	Water	Total
Department-171 Information Systems	\$141,900.00	\$288,100.00	\$430,000.00
Department-741 Special Agreements & Programs	\$64,000.00	\$42,000.00	\$106,000.00
Total	<u>\$205,900.00</u>	<u>\$330,100.00</u>	<u>\$536,000.00</u>

Respectfully Submitted,

John S. Mirtle, Esq.
District Clerk

**BOARD OF FINANCE
FISCAL YEAR 2016 BUDGET AMENDMENT**

To: District Board

September 12, 2016

From: Board of Finance

The 2016 adopted operating budget contained certain assumptions with regard to revenues and the allocation for Employee Benefits. These assumptions included forecasted water consumption, anticipated sludge quantities as well as, the successful resolution of the CRRRA arbitration in 2016. As resolution of the CRRRA arbitration will not be achieved in 2016, the allocation assumptions for Employee Benefits has to be adjusted to reflect the revised reality. Accordingly, certain revenue line items in both the water utility and sewer budgets, must also be adjusted to ensure that each of their 2016 budgets remain balanced.

Therefore it is **RECOMMENDED** that it be

Voted: That the 2016 Budget Revenues be amended as follows: Water Budget Revenues Sale of Water of \$74,015,300 be reduced by \$3,320,900 to \$70,694,400 and the Sewer Budget Revenues-Revenue from Other Government Agencies of \$3,963,400 be increased by \$2,000,000 to \$5,963,400 and Other Revenues of \$11,854,700 be increased by \$1,320,900 to \$13,175,600 and the total amount remains \$149,287,400.

And that the 2016 Budget Expenditures be amended as follows: Water Budget Expenditures-Employee Benefits be reduced by \$3,320,900 and the Sewer Budget Expenditures-Employee Benefits be increased by \$3,320,900 and the total amount remains \$149,287,400 to be referred to the District Board for acceptance and approval.

Respectfully Submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Kowalyshyn and duly seconded, the reports for resolutions 10A "2016 Operating Budget Transfer" and 10B "Fiscal Year 2016 Budget Amendment" were received and the resolutions adopted by unanimous vote of those present.

SETTLEMENT OF LITIGATION

To: District Board

September 12, 2016

From: Personnel, Pension and Insurance Committee

Be It Hereby Resolved, that the Board of Commissioners of the Metropolitan District hereby authorizes the District Counsel, or his designee, to execute a "Settlement Agreement and General Release" with Deborah Smith ("Smith") settling any and all claims Smith has or may have against The Metropolitan District ("District"), its subsidiaries, divisions, affiliates and related entities, successors and assigns, assets, employee benefit plans or funds, and any of its respective past and/or present commissioners, directors, officers, fiduciaries, agents, attorneys, trustees, administrators, employees and assigns, specifically including its Deputy Chief Executive Officer of Business Services and Chief Financial Officer (collectively, "Releasees"), wherein Smith agrees to execute a general release in favor of the Releases and dismiss, with prejudice, the pending litigation filed in the United States District Court for the District of Connecticut captioned "***Deborah Smith v. Metropolitan District Commission, et al.***", Civil Case No. 3:14-cv-01466 (JBA)", and in exchange therefore, the District agrees to waive any objection to the payment to Smith by the District's insurer, AIG, the total sum of \$60,000.00, representing claimed damages including back wages, non-wage related compensation and attorney's fees and costs;

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

Be It Further Resolved, that District Counsel, or his designee, is authorized to execute any other documents reasonably necessary to effect this settlement.

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.

SETTLEMENT OF PENDING LITIGATION CLAIM

To: District Board

September 12, 2016

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 *Judy Brusby v. The Metropolitan District et al.*, Docket No. HHD-CV-11-6024042-S ("*Litigation*"), for the total sum of \$28,000.00, subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including but not limited to a general release 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 report was received and resolution adopted by unanimous vote of those present.

Commissioner Kowalyshyn exited the meeting at 6:45 P.M.

**CLEAN WATER PROJECT AND RELATED CONDEMNATION
PROCEEDINGS UPDATE**

Joe Laliberte, of CDM Smith, gave an update and presentation on the Clean Water Project and Related Condemnation Proceedings.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Judy Allen, of 25 Fowler Drive, West Hartford submitted written comments and spoke regarding the following citizen petition:

To the District Board of the MDC

From Judy Allen
25 Fowler Dr.
West Hartford, CT.

For inclusion in the minutes of the district board meeting 9/11/16

General Comments from the Public

Members of the Save Our Water CT have collected 60 signatures to request that the MDC implement additional ways for giving notice about upcoming public hearings. These signatures were collected among our friends over a holiday weekend, and I believe represent that there are many interested in more participation in MDC public hearings. I am pleased to have received in the mail an invitation to be put on an MDC mailing list so that I can receive important updates and information. Our petition includes ways to expand upon this. The petition will be part of the record for this meeting, and I invite you to read it in more detail.

I have questions of concern to me that hopefully you will be discussing later in the meeting.

Those concerns include:

In 2014 the MDC changed its ordinances with regard to what purposes the SSSC could be used; specifically, the permissible uses changed from exclusively principal and interest on bonds and loans for the Clean Water Project to exclusively for capital improvement projects for the Clean Water Project. What does this change do and does it impact the rates customers pay for the SSSC?

It does not appear that sewer rates are subject to any form of public comment other than through the traditional budget process. Is there a way for public concerns specifically over sewer rates to be heard?

What opportunities exist for the public to have input on the budget? For example, are there any board, committee or bureau meetings that will be reviewing or discussing the budget that the public can attend and comment on before the actual budget is proposed for adoption by the board? If so, how is notice provided and can the agenda be finalized and published further than three days before the meeting?

Additionally

The Non-Municipal Tax Exempt Sewer Charge. The following are not exact quotes, just my understanding of their meanings.

In the sewer ordinance S12c(3) it defines a Non-Municipal Tax Exempt User as a user that pays no Ad Valorem taxes.

Sec. S12f Explains that Non-Municipal Tax Exempt User Charges apply to those with an equivalent sewer flow greater than 12,200 ccf per year.

Sec. S12g(2) Volume of flow used for reporting quantities shall be based on measures of sewerage discharged to the sewer system by the user.

Sec. S12j For purposes of computing charge to be paid by Non-Municipal Tax Exempt Users, liquid flow charge rates are based on sewer flow in ccf.

Sec. S12k Non-Municipal Tax Exempt Users charge shall be based upon the users' sewer flow

Chapter 3 of the MDC Charter Sec. 3-13

Tax charges for the ensuing year shall be divided among the towns in proportion provided for which the total revenue received yearly from direct taxation in each town, including also that which would have been received from all property exempted from taxation under the provisions of any special act, or by town vote.

I believe that this means that Non-Municipal Tax Exempt Users applies only to customers discharging more than 12,200 ccf per year, based on sewer flow measured, which would require a meter. Additionally the method for computing the tax on member towns includes the tax collected as well as the tax that would have been collected from property exempted from taxation.

Therefore this Non-Municipal Tax Exempt Users charge does not apply to a customer discharging less sewage than 12,200 ccf per year, with no sewer meter, and who qualifies for property tax exemption.

To: The District Board of the Metropolitan District Commission
555 Main Street
Hartford, CT 06142

For inclusion in the minutes of the MDC District Board Meeting on September 12, 2016

We the undersigned, request that the Metropolitan District Commission (MDC) implement additional ways for giving notice to its customers about upcoming proposed changes in ordinances and by-laws, especially for the upcoming changes to the water and sewer rates for 2017. We understand that the MDC is required by Charter to give notice of such public hearings in a local newspaper. However there is nothing that precludes the MDC from employing additional methods for such notice.

The MDC has expressed its desire to be more transparent and increase public involvement. We appreciate the efforts the MDC has already made, but that is not enough.

We request the following methods be implemented for the upcoming hearings regarding proposed changes to water and sewer rates:

1. Notice by email to all MDC customers, the timing of which to correspond to notice given in the print media. The content of this notice should include the full text of the proposed changes, the date, time and place of the hearing, and how the public may participate if unable to attend a hearing.
2. Notice on the MDC website which provides a link from its homepage directly to the full text of the proposed ordinance changes, the date, time and place of the public hearing and how customers may participate if unable to attend a hearing.
3. Inclusion of a notice in customer bills directing them to the MDC website.

We fully understanding the MDC Charter requires notice of public hearings to be published in a local newspaper, but this does not preclude additional means of notification.

Print Name	Signature	Town
1. Paula Jones	Paula M Jones	Bloomfield
2. Kevin Gough	Kevin Gough	Bloomfield
3. Carol Loughran	Carol Loughran	Windsor
4. Sharon MANN	Sharon Mann	BLOOMFIELD
5. David Mann	David Mann	BLOOMFIELD
6. Jane Nadell-Hein	Jane Nadell-Hein	Bloomfield
7. CHIP CATON	Chip Caton	BLOOMFIELDS
8. Zellene Sandler	Zellene Sandler	Bloomfield

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Print Name	Signature	Town
1. VERONICA GRAHAM	<i>Veronica Graham</i>	Hartford CT
2. Lewis Fyles	<i>Lewis Fyles</i>	Hartford CT
3. Russell Ruth	<i>Russell Ruth</i>	Hartford CT
4. Rodamu Vazquez	<i>Rodamu Vazquez</i>	Hartford CT
5. Wayne Baker	<i>Wayne Baker</i>	Manchester CT
6. Rolfe Jones	<i>Rolfe Jones</i>	Bloomfield, CT
7. E. L. Robinson	<i>E. L. Robinson</i>	Bloomfield CT
8. Joseph Chavel	<i>Joseph Chavel</i>	Bloomfield CT

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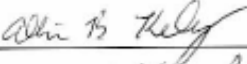
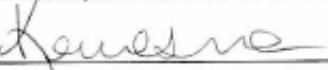
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Print Name	Signature	Town
1. Thomas Connolly		Bloomfield
2. Jeffrey Vida		Bloomfield
3. Christine Bongiorno		Bloomfield
4. Sherif Chance		Bloomfield
5. Raymond Couture	E. HARTFORD	RAYMOND COUTURE
6. Allison Kelly		Bloomfield
7. Stewart Barnhart		Bloomfield
8. Kewesha		Bloomfield

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Print Name	Signature	Town
1. Sheila Denion	<i>Sheila Denion</i>	W. Hartford
2. Carmela Garofalo	<i>Carmela Garofalo</i>	Bloomfield
3. Peter McGahie	<i>Peter McGahie</i>	West Hartford
4. Edickie Ozark	<i>Ed</i>	WEST HARTFORD
5. Eileen Ozark	<i>Eileen Ozark</i>	West Hartford
6. ^{Mary E. Kilian} Mary E. Kilian	<i>Mary E. Kilian</i>	West Hartford
7. Paul Trubig	<i>Paul Trubig</i>	West Hartford
8. Beverly Trubig	<i>Beverly Trubig</i>	West Hartford

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Print Name	Signature	Town
1. Judith Allen	Judith Allen	West Hartford
2. CRAIG STARK	Craig Stark	West Hartford
3. Kathleen Stark	Kathleen M. Stark	West Hartford
4. Carole Drake	Carole Drake	West Hartford
5. Fernando de Pereira	Fernando de Pereira	West Hartford
6. Idalina Pereira	Idalina Pereira	West Hartford
7. SANTA G. DAVIS	Santa G. Davis	West Hartford
8. Lois Elsesser	Lois Elsesser	West Hartford

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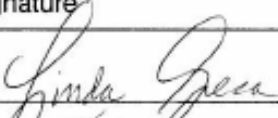
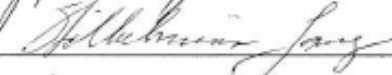
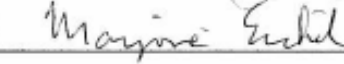
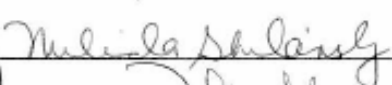
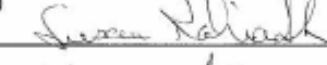


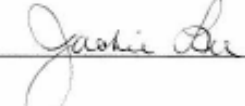
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3. Inclusion of a notice in customer bills directing them to the MDC website.

We fully understand the MDC Charter requires notice of public hearings to be published in a local newspaper, but this does not preclude additional means of notification.

Print Name	Signature	Town
1. Linda Greca		New Britain
2. Wilhelmina Lanz		Hartford
3. Marjorie Eickel		Bloomfield
4. Melinda Shilansky		West Hartford
5. Susan Rabinovitch		West Hartford
6. Maxine Straks		West Hartford
7. ROBERT S. HAK		West Hartford
8. Jackie Lee		W. Hartford

To: The District Board of the Metropolitan District Commission
555 Main Street
Hartford, CT 06142

For inclusion in the minutes of the MDC District Board Meeting on September 12, 2016

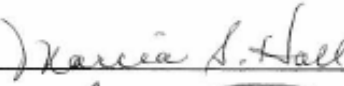
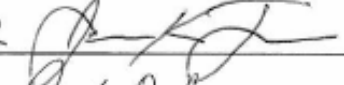
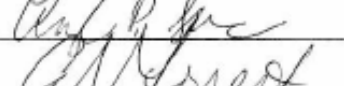
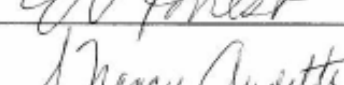
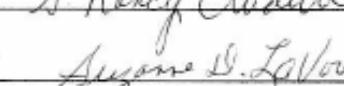

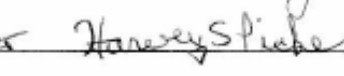

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1. MARCIA S. HALL		West Hartford, CT 06107
2. JAMES K. FARMER		WEST HARTFORD, CT
3. Angela P. Shenk		West Hartford, CT 06110
4. Elizabeth Newton		West Hartford, CT 06119
5. NANCY AUDETTE		Bloomfield CT 06022
6. Suzanne D. Lavoie		West Hartford, CT 06119
7. Elaine Deasy		West Hartford, CT 06119
8. Harvey S. Picker		West Hartford, CT 06107

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1. Judith Lanz Sedor	<i>Judith Lanz Sedor</i>	Windsor/East Granby
2. VALERIE Rossetti	<i>Valerie Rossetti</i>	Bloomfield
3. Tollie Miller	<i>Tollie Miller</i>	Bloomfield
4. _____	_____	_____

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Print Name	Signature	Town
1. _____	_____	_____
2. _____	_____	_____
3. _____	<i>Shirley B. Gault</i>	<i>West Hartford</i>
4. _____	_____	_____

ADJOURNMENT

The meeting was adjourned at 7:01 P.M.

ATTEST:

John S. Mirtle, Esq.
 District Clerk

 Date of Approval