

METROPOLITAN DISTRICT COMMISSION  
SPECIAL MEETING  
WATER BUREAU  
MONDAY, NOVEMBER 18, 2019  
4:00 P.M.

Location

Board Room  
District Headquarters  
555 Main Street, Hartford

Commissioners

Adil  
Buell  
Camilliere  
DiBella (Ex-Officio)  
Gardow  
Hall  
Holloway  
Ionno

Mandyck  
LeBeau  
Pane (VC)  
Salemi  
Sweezy (C)  
Taylor  
Special Representative  
Carrier

Quorum: 7

1. CALL TO ORDER
2. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
3. APPROVAL OF MEETING MINUTES OF OCTOBER 15, 2019
4. CONSIDERATION AND POTENTIAL ACTION RE: 2020 WATER RATES
5. CONSIDERATION AND POTENTIAL ACTION RE: WATER ASSESSMENT RATES AND MISCELLANEOUS CHARGES
6. CONSIDERATION AND POTENTIAL ACTION RE: WATER SERVICE INSTALLATION PROGRAM
7. CONSIDERATION AND POTENTIAL ACTION RE: ENCROACHMENT AVON VILLAGE CENTER PHASE 2
8. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
9. COMMISSIONER COMMENTS AND QUESTIONS
10. ADJOURNMENT

## REVISIONS TO DISTRICT WATER RATES

To: Water Bureau for consideration November 18, 2019

The 2020 budget in support of Water Operations calls for the water use rate to increase to \$4.01 per hundred cubic feet (CCF). The changes will become effective January 1, 2020.

A discussion of several rates that comprise the proposed schedule for 2020 and the recommendations pertaining to each follows:

### **Water Used Charge – Treated Water**

Staff recommends that the rate charged for the use of treated water based on actual metered consumption increase from \$3.50 per CCF to \$4.01 per CCF.

#### **CURRENT RATE**

~~\$3.50/100 Cu. ft.~~

#### **PROPOSED RATE**

\$4.01/100 Cu ft.

Staff also recommends approval of the mandated State of Connecticut Department of Public Health primacy fee of \$0.15 per month charged to each customer be identified as a separate line item on customer bills.

### **Customer Service Charge**

Revenues from this customer service charge are intended to support a portion of the fixed operating, maintenance and debt costs associated with water operations. There are no proposed changes to the Customer Service Charge for 2020. The customer service charges in the residential category (5/8", 3/4", and 1" meters) will remain at \$44.94 per quarter. The customer service charges for the 6" will remain at \$1,458.21 per quarter. The customer service charges for the 1 1/2", 2", 3", 4", 8", 10" and 12" meters will remain at \$145.80, \$233.40, \$437.67, \$730.65, \$2,313.48, \$5,333.31, \$5,689.14 per quarter respectively.

### **Surcharge Outside The Metropolitan District**

A fixed "surcharge" rate is added to all accounts for service outside the boundaries of the District. The surcharge is based on the size of the meter that serves each delivery point. Revenues from this charge are for the reimbursement of assets deployed. The surcharge rates have been set at the same rates as the Customer Service Charges. There are no proposed changes to the surcharge for 2020. The surcharge rates in the residential category (5/8", 3/4", and 1" meters) will remain at \$44.94 per quarter. The customer service charges for the 6" will remain at \$1,458.21 per quarter. The customer service charges for the 1 1/2", 2", 3", 4", 8", 10" and 12"

meters will remain at \$145.80, \$233.40, \$437.67, \$730.65, \$2,313.48, \$5,333.31, \$5,689.14 per quarter respectively.

#### **Water Used Charge – Untreated Water**

The District provides untreated water to other agencies and water companies for a fixed rate based on actual consumption. The current rate for this untreated or “raw” water is \$1.50 per hundred cubic feet of consumption. It is recommended that the charge for untreated water remain at the rate of \$1.50 per hundred cubic feet.

#### **Surcharge Outside the Metropolitan District for Capital Improvements**

A surcharge is added to the water rate to recover the cost of major capital improvements and/or upgrades such as water main extensions, pump stations, etc. in non-member towns. The surcharge is calculated based on the percentage of hydraulic capacity of each meter size in each non-member town.

#### **Private Fire Protection Charge**

Rates for private fire protection are charged to all fire service accounts, including combination services, based on the size of the service connection. Staff recommends monthly service charges for the 1", 2", 3", 4", 6", 8", 10" and 12" & Larger meters rates increase to \$5.00, \$22.85, \$29.74, \$44.64, \$74.80, \$240.00, \$375.00, \$540.00 respectively.

#### **Conclusion**

Staff believes that the foregoing rate change recommendations are justified, reflect the sound financial administration that has earned the District support among credit rating agencies and financial advisors, and are consistent with the policy direction of the Commission.

After reviewing the information contained herein

It is **RECOMMENDED** that it be

**Voted:** That the Water Bureau, acting under Section 5-4 of the District Charter, establishes revised water rates effective with the meter readings rendered on and after January 1, 2020, as set forth in the following “REVISIONS TO WATER SUPPLY ORDINANCES.”

**Further Voted:** That the following rates shall be charged to all customers and appear as a separate line item on customer bills:



1. State of Connecticut Department of Public Health primacy fee of \$0.15 per month

**Further  
Voted:**

That following the public hearing held on November 13, 2019, as required by Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, and Section 2-14 of the Charter of The Metropolitan District, the Water Bureau recommends to the District Board, through the Committee on MDC Government, approval of the following "REVISIONS TO WATER SUPPLY ORDINANCES" by the enactment of said proposed ordinances. (Additions are indicated in red and deletions are crossed out).

**REVISIONS TO WATER SUPPLY ORDINANCES**

**W-1 WATER RATES**

**SEC. W1a WATER USED CHARGE (TREATED WATER)**

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

BILLS RENDERED

RATE

MONTHLY

~~\$3.50~~ \$4.01 per 100 Cubic Feet

**SEC. W1b CUSTOMER SERVICE CHARGE**

The CUSTOMER SERVICE CHARGE is a service charge applicable to all metered services and services to be metered. The charge shall be determined from the size of each meter installed or to be installed on the premises, as follows:

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$14.98</u>
3/4"	<u>\$14.98</u>
1"	<u>\$14.98</u>
1 1/2"	<u>\$48.60</u>
2"	<u>\$77.80</u>
3"	<u>\$145.89</u>
4"	<u>\$243.55</u>
6"	<u>\$486.07</u>
8"	<u>\$771.16</u>
10"	<u>\$1,777.77</u>
12"	<u>\$1,896.38</u>

#### **SEC. W1c SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT**

In towns outside the limits of The Metropolitan District, in addition to charges under SEC. W1a and W1b, there shall be a surcharge determined from the size of the meter installed on the premises, as follows:

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$14.98</u>
3/4"	<u>\$14.98</u>
1"	<u>\$14.98</u>
1 1/2"	<u>\$48.60</u>
2"	<u>\$77.80</u>
3"	<u>\$145.89</u>
4"	<u>\$243.55</u>
6"	<u>\$486.07</u>
8"	<u>\$771.16</u>
10"	<u>\$1,777.77</u>
12"	<u>\$1,896.38</u>

#### **SEC. W1f SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT FOR CAPITAL IMPROVEMENTS**

In towns outside the limits of The Metropolitan District for which capital improvements or layout and assessment projects are constructed, in addition to charges under SEC. W1a, W1b and W1c, there shall be a surcharge on the water rates determined from the size of the meter installed on the premises, as follows:

### Farmington

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$0.74</u>	<u>\$1.27</u>
1"	<u>\$2.60</u>	<u>\$2.54</u>
1 1/2"	<u>\$12.40</u>	<u>\$5.09</u>
2"	<u>\$28.26</u>	<u>\$9.54</u>
3"	<u>\$41.96</u>	<u>\$222.54</u>
4"	<u>\$119.93</u>	<u>\$381.50</u>
6"	<u>\$43.32</u>	<u>\$508.67</u>
8"	<u>\$4,854.28</u>	<u>\$1,271.68</u>

### Glastonbury

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$3.58</u>	<u>\$2.16</u>
3/4"	<u>\$4.96</u>	<u>\$3.24</u>
1"	<u>\$9.59</u>	<u>\$4.32</u>
1 1/2"	<u>\$28.76</u>	<u>\$8.63</u>
2"	<u>\$49.83</u>	<u>\$16.19</u>
3"	<u>\$131.23</u>	<u>\$377.69</u>
4"	<u>\$128.08</u>	<u>\$647.48</u>

### South Windsor

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$.57</u>	<u>\$.40</u>
3/4"	<u>\$.70</u>	<u>\$.60</u>
1"	<u>\$1.73</u>	<u>\$.80</u>
1 1/2"	<u>\$2.22</u>	<u>\$1.60</u>
2"	<u>\$7.62</u>	<u>\$3.01</u>
3"	<u>\$87.23</u>	<u>\$70.18</u>
4"	<u>\$29.01</u>	<u>\$120.30</u>
6"	<u>\$25.10</u>	<u>\$160.41</u>

### Manchester

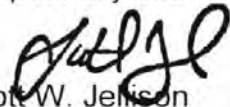
<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>
5/8"	<u>\$2.43</u>
1"	<u>\$7.29</u>
3"	<u>\$425.28</u>
6"	<u>\$972.07</u>

## SEC. W6f CHARGES FOR PRIVATE FIRE PROTECTION SERVICE

Charges for metered or unmetered connections to water mains supplying water for fire protection including combination services, shall be in accord with the following table:

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>	<u>MONTHLY CHARGE</u>
<u>1"</u>	<u>N/A</u>	<u>\$5.00</u>
<u>2"</u>	<u>\$19.85</u>	<u>\$22.85</u>
<u>3"</u>	<u>\$25.82</u>	<u>\$29.74</u>
<u>4"</u>	<u>\$38.77</u>	<u>\$44.64</u>
<u>6"</u>	<u>\$65.02</u>	<u>\$74.80</u>
<u>8"</u>	<u>\$240.00</u>	<u>\$240.00</u>
<u>10"</u>	<u>\$375.00</u>	<u>\$375.00</u>
<u>12" &amp; Larger</u>	<u>\$540.00</u>	<u>\$540.00</u>

Respectfully submitted,

  
Scott W. Jensen  
Chief Executive Officer

## **REVISIONS TO WATER ASSESSMENT RATES AND MISCELLANEOUS WATER CHARGES**

To: Water Bureau for consideration on November 18, 2019

In support of the annual water operating budget, staff is submitting these rates in conjunction with the revisions to the proposed Fiscal Year 2020 water rates and other peripheral charges associated with the delivery and sale of water as part of the annual budget adoption process.

Staff has reviewed these rates in light of the costs associated with them on a 'typical' model basis and makes the following recommendations:

It is RECOMMENDED that it be:

Voted: That the Water Bureau hereby adopts the following schedule of fees effective January 1, 2020:

### **Water Assessment Rates and Miscellaneous Water Charges**

	<b><u>Current</u></b>	<b><u>Proposed</u></b>
<b>Main Pipe Assessment</b>	\$95.00/ft	<u>\$95.00/ft</u>
<b><u>Service Pipe Taps</u></b>		
<b>Domestic</b> (includes spacer and meter costs):		
1" Service Tap with 5/8" Meter	\$670.00	<b>\$690.00</b>
1" Service Tap with 3/4" Meter	\$675.00	<b>\$730.00</b>
1-1/2" Service Tap with 1" Meter	\$800.00	<b>\$935.00</b>
2" Service Tap with 1-1/2" Meter	\$1,400.00	\$1,400.00
4" Service Tap with 2" Meter	\$1,450.00	\$1,450.00
4" Service Tap with 3" Meter	\$1,580.00	\$1,580.00
6" Service Tap with 4" Meter	\$1,780.00	\$1,780.00
8" Service Tap with 6" Meter	\$2,400.00	\$2,400.00
10" Service Tap with 8" Meter	\$3,370.00	\$3,370.00
<b>Fire Service</b>		
2" Fire Service Tap	\$650.00	<b>\$750.00</b>
4", 6", 8" Fire Service Tap	\$550.00	\$550.00



<b>Hydrants</b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>
Installed after the main	\$10,800.00	<b>\$11,500.00</b>
Hydrant Maintenance	\$125.00	<b>\$135.00</b>
Hydrant Relocation	\$15,000.00	\$15,000.00
	deposit +/- actual	deposit +/- actual
	cost + overhead	cost + overhead
Fire Flow Testing	\$400.00	\$400.00

### **Special Meter Charges and Deposits:**

#### **Hydrant Meters**

Administrative and meter reading fee, including connection and inspection fees + actual water use to be billed	\$1,000.00	\$1,000.00
Hydrant Meter Deposit	\$1,500.00	\$1,500.00

#### **Installation, Repair or Replacement of Company Meters**

5/8" meter	\$225.00	<b>\$250.00</b>
3/4" meter	\$260.00	\$260.00
1" meter	\$300.00	\$300.00
1-1/2" meter	\$1,000.00	\$1,000.00
2" meter	\$1,300.00	\$1,300.00
3" meter	\$1,425.00	<b>\$1,430.00</b>
4" meter	\$1,700.00	\$1,700.00
6" meter	\$2,700.00	\$2,700.00
8" meter	\$4,100.00	\$4,100.00
Radio transmitter unit	\$200.00	\$200.00

#### **Spacer Charges**

5/8", 3/4"	\$160.00	\$160.00
1"	\$165.00	\$165.00
1-1/2"	\$225.00	\$225.00
2" & larger	\$250.00	\$250.00

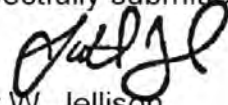
<b>3<sup>rd</sup> Party Damage to District Infrastructure</b>	actual cost	actual cost <sup>1</sup>
<b>Repair or Replacement (e.g. public hydrants)</b>	+ overhead	+ overhead

<sup>1</sup> The charge will be the District's cost of material, labor and equipment used, plus overhead at prevailing rates. In circumstances where this procedure for charging a customer would significantly delay the final billing, the District will use an appropriate estimate of its cost.

	<u>Current</u>	<u>Proposed</u>
<b>Lien Release Fee per lien</b> <i>(includes delinquent account review)</i>	\$90.00	\$90.00
<b>Condo Assoc. Lien Release Fee per lien</b> <i>(includes delinquent account review)</i>	\$26.00	N/A
<b>Customer Check Returned for Insufficient Funds</b>	\$60.00	\$60.00
<b>Water Turn-on after Shut-off for Non-Payment</b>	\$125.00	\$125.00
<b>Water Turn-on after Shut-off for Non-Payment</b> (subsequent event in same year)	\$225.00	\$225.00
<b>Customer Private Property Service Call*</b> <i>e.g. lack of water pressure, leak investigation, customer requested water service off/on, etc.</i> <i>*First customer service call is free of charge. The \$125 fee will be charged for subsequent calls within a rolling 12 month time period.</i>	N/A	<b>\$125.00</b>
<b>Inspection Service Calls – After Normal Work Hours and Scheduled Overtime/Emergency Inspections</b> <i>After Normal Work Hours are Monday to Friday 4pm to 8am or holidays/weekends.</i>	\$325.00	\$325.00
<b>Cross Connection Inspection Fee per building</b> <i>Required by CT Dept. of Public Health. Per DPH regulation, this inspection is required either annually or every five years. The fee will be billed monthly in advance in the amount of either \$2.50 per month (5 year inspection required) or \$12.50 per month (annual inspection required).</i>	\$150.00	\$150.00
<b>Backflow Device Testing per device</b> <i>Required by CT Dept. of Public Health but customer may hire private contractor to perform test</i>	\$90.00	\$90.00
<b>Failure to Properly Test/Maintain Backflow Device or Allow Access for Cross Connection Inspection Resulting in CT DPH Violation Within Previous Calendar Year or Failure to Install Backflow Device within 30 Days following Cross Connection Notice of Violation</b>	N/A	<b>\$225.00</b>

	<u>Current</u>	<u>Proposed</u>
<b>Administrative Review for Water Services</b>	\$465.00	<b>\$540.00</b>
<i>Includes but not limited to the following individual services; availability and capacity analysis, assessment/connection charge calculations, encroachment permits, abandonment of infrastructure, Engineering/Environmental survey and documentation request, new hydrant installation fee by developer or other (per hydrant), bulk water annual registration &amp; activation. The Administrative Review fee shall be paid for each individual service item.</i>		
<b>Tampering with meter, hydrant or water supply</b>		
First offense	\$500.00	\$500.00
Subsequent offenses	\$1,000.00	\$1,000.00
<b>Water Service Installation Charge</b>	<del>\$1,800.00</del>	<b>\$150 per foot</b>
<i>MDC will install the customer's water service from the public water main to the property line.</i>		

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

## **WATER SERVICE INSTALLATION PROGRAM**

To: The Water Bureau for consideration on November 18, 2019

Over the past year, several property owners throughout the District have petitioned for water service (Class 2 water main) in areas where they are currently served by community or individual wells and are experiencing supply or contamination issues. The District has also constructed several Class 1 Water Main projects over the past few years for the improvement and strengthening of the water distribution system in certain areas of the District. In order to connect to these new mains, the affected property owners are assessed and/or pay a connection charge, and also pay for the installation of the water service from the main to the building. It has come to staff's attention that many of the properties that abut these new water mains have not connected to them in the past because of the installation costs, the effort of hiring a contractor to do the work, or both. In addition, property owners have asked for assistance in renewing or replacing water services as part of non-MDC projects because of the age of pipes and leaks.

In 2017, to assist property owners in connecting to District water mains, the Water Bureau established a Water Service Installation Program ("Program") and associated charge to assist property owners in connecting to District water mains whereby MDC forces install the water service from the main to the property line at a charge of \$1,800 to the property owner. Since its initiation, 37 property owners have taken advantage of this program and connected to the MDC's water system. This rate is now being proposed to change to \$150 per foot of water service for 2020 to account for varied site conditions and actual construction costs.

As discussed in the September 11, 2019, Water Bureau meeting, staff is now proposing to expand the Program to include reimbursement to private contractors for new or renewed water services installations on private property, with reimbursement to the District by the property owner over time. Upon completion of the work, the District would pay the property owner's contractor for the cost of the work, up to \$10,000, and the property owner will repay the District over time, including interest at the same rate as water assessments (6%). The installation of a full length water service from the main to a building will be broken into two parts: (1) from the main to the street line will be current annual rate (proposed 2020 rate is \$150 per foot) and (2) from street line to the building will be at actual contractor's cost. The Program would offer property owners the ability to roll the installation costs of a new service into the property's assessment and for property owners to pay for the installation or renewal of services as part of their monthly water bill. The Program would be limited to domestic services for residential or commercial properties with services of 2-inches or less. Exceptions to the service size or type would be subject to approval of the Chief Executive Officer or his/her designee. Credit checks of property owners may be performed at the District's discretion. Water services will only be funded if the service is built to District standards



The benefits of renewing water services and establishing new water customers are numerous, including: controlling non-revenue water loss (eliminate potential leaks), improving the water quality and pressure to individual properties, and to increasing our revenue base through new water sales. If a water service is in need of renewal, the present MDC practice of renew the service within the public property portion will continue. The property owner will then be responsible for renewing the private portion of the service, if needed. Renewals must be for the full length of service piping rather than only a damaged portion. If the property owner wants to spot repair a damaged service line, it will not be eligible for the Program.

The Program is entirely voluntary but participants will be required to sign a waiver and voluntary lien as part of the Program. A list of qualified (licensed, bonded and insured) contractors will be available to property owners but property owners may select their own contractors so long as they meet all District requirements for such work.

Prior to acceptance into the Program, contracts and/or price quotes between the property owners and their contractor(s) must be submitted to Utility Services for review to verify the appropriateness of the cost proposal. The District reserves the right to deny any price proposal. Any increase in the price of the service construction due to unforeseen circumstances shall be approved by the District prior to funding. The owner shall be bound to the terms of the written contract with contractor. In order to pay the contractor for the work, the District will issue a two-party check addressed to the property owner and the contractor. The property owner will be required to endorse the check over to the contractor as acceptance of completed work and to pay for the completed work. A 10% down payment of the cost proposal shall be required from the property owner. If the contractor requires a deposit, the property owner will be responsible to pay the contractor. Monthly payments for borrowing will be a separate line item on the water bill. There will be no pre-payment penalties.

Funding of the program shall be established with a revolving fund from the Assessable Water Fund. For the first five years of the program, an appropriation of \$250,000 per year shall be allocated, and, coupled with the revenue from the principal and interest payments, the fund will become self-sustaining.

After reviewing the information contained herein

It is **RECOMMENDED** that it be:

**VOTED:** That the Water Bureau approves a Water Service Installation Program, effective January 1, 2020, for approved properties abutting Class 1 and Class 2 Water Mains, subject to the following terms:

## THE METROPOLITAN DISTRICT'S WATER SERVICE INSTALLATION PROGRAM

Scenario	Water Service Type – Domestic**	Residential or Commercial Services 2" or less***	
		Public Portion (within ROW)	Private Property Portion
<b>1</b>	Existing Service Renewal	District installs at own cost	Property Owner is responsible for actual cost of contractor. District pays contractor and Property Owner repays District over time.
<b>2</b>	New Service Class 1 Water Main – Pay charges when connect	District installs public portion, cost to owner \$150 per foot* with option to roll into connection charges	Property Owner is responsible for actual cost of contractor. District pays contractor, up to a cap, and Property Owner repays District over time.
<b>3</b>	New Layout & Assessment Class 2 (community well) – Assessment due upon water main completion	District installs public portion, cost to owner \$150 per foot* with option to roll into assessment	Property Owner is responsible for actual cost of contractor. District pays contractor, up to a cap, and Property Owner repays District over time.
<b>4</b>	New Layout & Assessment Class 2 (private well) – Assessment due upon water main completion	District installs public portion, cost to owner \$150 per foot* with option to roll into assessment	Property Owner is responsible for actual cost of contractor. District pays contractor, up to a cap, and Property Owner repays District over time.

\* Prevailing rate for a Water Service Installation Charge as established by Water Bureau

\*\*No fire services to be included

\*\*\* Exceptions subject to approval by CEO or designee

### **Criteria of Water Service Installation Program:**

- Residential/Commercial properties requiring a water service of 2" or less abutting an MDC water main. Exceptions to the service size or type would be subject to approval of the Chief Executive Officer or his/her designee.
- Renewals shall be installed for the full length of service pipe.
- Water services must be built to MDC standards.
- Limit of \$10,000 per property for water service installation/renewal for all work in public right-of-way and private property.
- Amount owed by property owner will be paid to District over fifteen or twenty years with same interest rate as water assessments (6%).
- Credit checks performed at District's discretion.
- Contracts and/or price quotes between the property owners and their contractors must be submitted to Utility Services for review to verify the appropriateness of the cost proposal. The District reserves the right to deny any price proposal. Any increase in price of construction must be approved by District in order for property owner to receive increase of District payment to contractor.
- Owner bound to terms of the written contract with Contractor.
- District will issue a two-party check addressed to the property owner and the contractor. The property owner will be required to endorse the check over to the contractor as acceptance of completed work and to pay for the completed work. A 10% down payment of the cost proposal shall be required from the property. Property owner will repay the District by monthly payments as a separate line item on the water bill.
- Any deposit required by the contractor will be the sole responsibility of the property owner.
- No pre-payment penalties
- Funding to be established with a revolving fund from the Assessable Water Fund
- \$250,000 per year for the first 5 years appropriated in fund, plus revenue from principle and interest payments, to establish a self-sustaining fund.

### **FURTHER**

**VOTED:** That the Controller or Chief Administrative Officer be requested to make tentative allocations for this project pending passage by the District Board, and payment for the same is authorized from the Assessable Water Fund.

Respectfully submitted,

Scott W. Jellison  
Chief Executive Officer

**CHERRY BROOK - RESERVOIR 6 SECTION II PIPELINE RIGHT-OF-WAY  
AVON VILLAGE CENTER PHASE 2, AVON  
ENCROACHMENT AGREEMENT**

To: Water Bureau for consideration on November 18, 2019

On September 10, 2019, the Metropolitan District received a request from Ronald Bomengen of Fuss & O'Neill, on behalf of the Carpionato Group, LLC, and Avon Town Center II, LLC, developer and owner, to permanently encroach upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot right-of-way, containing an existing 48-inch RCP raw water transmission main, located on 75 Bickford Drive, Avon (the "right-of-way"). This encroachment will provide parking and improvements in conjunction with the construction of residential buildings as part of the Avon Village Center Phase 2 mixed use development project, as shown on the accompanying map. On April 1, 2019, your Board approved an encroachment of 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.

The raw water pipeline right-of-way across the parcel was conveyed to the Metropolitan District by the Ensign-Bickford Company on December 27, 1961 in conjunction with the construction of the Cherry Brook – Reservoir 6 Section II Pipeline, and is recorded in the Town of Avon land records: Volume 45 Page 79. Item 6 of the easement document states that the Grantor "shall have the right to build public roads across any portion of said rights-of-way subject to approval of the Grantee herein in writing and provided such roads, including surfacing and grading, shall not interfere with the rights herein granted."

As stated previously, the purpose of this encroachment is to allow for the construction of parking areas and improvements, to include placement of storm sewers, water services, hydrant, concrete walkways, concrete curbing, light poles, ornamental fence and pillar, landscaping, bituminous concrete driveways and grading within the right-of-way (hereinafter collectively referred to as the "Improvements").

The Owner has agreed to the following conditions, in order to satisfy the District's concerns for protection of the existing 48-inch raw water transmission main located within the subject right-of-way and the District's accessibility along the length of the right-of-way:

1. No additional permanent structures, other than the proposed Improvements shall be located within the District's right-of-way.
2. Pipes crossing over or under the District's pipelines shall maintain a minimum eighteen (18") inch vertical clearance.



3. Grading shall be such that the surface of the right-of-way shall maintain not less than three (3) feet nor more than ten (10) feet of cover over the raw water pipeline.
4. The Metropolitan District shall not be held liable for any damage caused to any structure listed above located within or adjacent to the right-of-way in the event of an emergency raw water transmission main repair. The Metropolitan District will make every effort feasible to minimize damage to these structures; however, the cost for repairs to such structures shall be the responsibility of the Owner.
5. The District reserves the right to remove any improvements within the right-of-way at any time if so required for maintenance or repair of the raw water transmission main. The Owner shall bear any additional maintenance or repair costs necessitated by the presence of any improvements upon the right-of-way.
6. Care must be taken during construction not to disturb the existing raw water transmission main. All heavy construction equipment must be located outside the limits of the right-of-way when not in use. 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. Any damage to the existing raw water transmission main caused by any construction within the right-of-way shall be the responsibility of the Owner.
7. An MDC inspector must be on the job site whenever work is being performed by or on behalf of Owner to construct, maintain or repair any Improvements within the right-of-way. Any construction, maintenance or repair of the Improvements shall conform to District standards and 48-hours advance notice must be given to the District prior to any such construction, maintenance or repair 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.

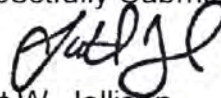
It is therefore RECOMMENDED that it be

VOTED: That the Water Bureau 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 as to form and content by District Counsel, granting permission to Avon Town Center II, LLC to encroach upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot raw water right-of-way located at 75 Bickford Drive, Avon, for the purpose of installing storm sewers and water services, concrete walkways, concrete curbing, light poles, ornamental fence and pillars, landscaping, bituminous concrete driveways and grading, 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.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott W. Jellison", written over the printed name.

Scott W. Jellison  
Chief Executive Officer



FUSS & O'NEILL

METROPOLITAN DISTRICT  
ENGINEERING & PLANNING

SEP 10 2019  
RECEIVED

September 6, 2019

Mr. Michael Curley, Manager of Technical Services  
The Metropolitan District  
Engineering & Planning  
555 Main Street  
P.O. Box 800  
Hartford, CT 06142-0800

RE: Avon Village Center Encroachment Permit Request  
Avon, CT  
Fuss & O'Neill Reference No. 2014 0986.S33

Dear Mr. Curley:

On the behalf of the Carpionato Group, LLC, I would like to request an encroachment permit for work associated with the construction of the Avon Village Center (AVC). The proposed project is located on approximately 100 acres of land north of Route 44 and west of Route 10/202. The portion of the project that will require an encroachment permit from The MDC is located near the intersection of Bickford Drive Extension, Bickford Drive, and Climax Road.

The AVC development will be constructed in multiple phases. This portion of construction is anticipated to begin in the summer of 2020. Construction activities within the MDC easement will include:

- Clearing and grubbing
- Earth moving (excavation and fill)
- Removal of an existing light pole
- Installation of utility and stormwater system infrastructure
- Installation of bituminous concrete driveways, concrete walkways, and concrete curbs
- Installation of light poles
- Installation of ornamental fence and pillars
- Installation of landscape features and plants

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Detailed plans for all proposed construction within the MDC easement are enclosed with this letter.

Construction activities will begin on the west side of Climax Road. Clearing, grubbing, and earthwork will proceed in the north westerly direction towards Bickford Drive Extension. The

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contractor will take special considerations while doing construction activities within the areas of the 100-foot easement. The following is a general order of construction for this area within the Phase 1 Avon Village Center development.

1. Clear, grub, and grade for a temporary access and utility road within the parcel south west of the Climax Road, Bickford Drive, and Bickford Drive Extension.
2. Install temporary utilities and construct the temporary access road (located beyond the limits of the 100-foot MDC easement).
3. Rough grade and prepare for site construction.
4. Construct stormwater management and water service improvements for the site.  
Construct storm sewer over the 48-inch raw water main through the portion of the MDC easement.
5. Install light pole bases and buried conduit.
6. Construct parking lot base and install base course of pavement.
7. Install concrete sidewalk.
8. Install final course of pavement.
9. Install ornamental fencing and pillars in the portion of the MDC easement.
10. Complete site restoration and landscape plantings.

Any and all construction activities that take place within the limits or close proximity of The MDC easement will require the supervision of an MDC inspector. 48-hours must be given to any and all construction activities that take place within the easement.

With the exception of the portion of the main located in Bickford Drive Extension, construction equipment cannot be transported directly over the location of the 48-inch raw water line. In order to move construction equipment from one side of the raw water line, a temporary bridge must be placed on the ground surface to redirect the equipment loads to either side of the raw water line and not directly over the top of the raw water line. Construction equipment cannot be stored over the location of the 48-inch raw water line.

Compaction of earth and roadway base within the vicinity of the raw water main must be done by hand operated equipment and not by large, driven machinery, with the exception of installing the base course and final course of pavement. Vibratory rollers should not be used when compacting base material or pavement sections within the vicinity of the raw water main.

Please consider this a formal request for a permanent encroachment permit to develop the AVC improvements within the MDC easement.





FUSS & O'NEILL

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If you have any questions, please don't hesitate to call me at (860) 646-2469, ext. 5253.

Sincerely,

Ronald E. Bomengen, PE, LEED AP  
Associate/Department Manager

Enclosures:

Plans Entitled: "Avon Village Center – Phase 1, MDC Encroachment Permits" Sheets MDC-111,  
112, 113, & 114, dated 08/09/2019

c: Jennifer Ottalagana

