

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street

Hartford, Connecticut 06103

Monday, March 6, 2017

Present: Commissioners Andrew Adil, John Avedisian, Luis Caban, Daniel Camilliere, Donald M. Currey, William A. DiBella, Allen Hoffman, Jean Holloway, Sandra Johnson, Byron Lester, Maureen Magnan, Alphonse Marotta, Whit Osgood, Dominic M. Pane, J. Lawrence Price, Hector Rivera, Pasquale J. Salemi, Michael Solomonides, Raymond Sweezy, Christopher Syrek, Alvin Taylor and Richard W. Vicino (22)

Absent: Commissioners Mary Anne Charron, Janice Flemming-Butler, Matthew B. Galligan, William P. Horan, Kathleen J. Kowalyshyn, Mark A. Pappa, Bhupen Patel, Kennard Ray and Special Representative Michael Carrier (9)

Also

Present: Scott W. Jellison, Chief Executive Officer
John M. Zinzarella, Deputy Chief Executive Officer, Business Services
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
Brendan Fox, Assistant District Counsel
John S. Mirtle, District Clerk
Robert Schwarm, Director of Information Technology
Kelly Shane, Director of Procurement
Robert Zaik, Interim Director of Human Resources
Christopher Levesque, Assistant Manager of Water Treatment
Kerry E. Martin, Assistant to the Chief Executive Officer
Carrie Blardo, Assistant to the Chief Operating Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:32 PM

ROLL CALL AND QUORUM

The District Clerk called the roll and informed Chairman DiBella that a quorum of the Commission was present, and the meeting was declared a legal meeting of the District Board of The Metropolitan District of Hartford County, Connecticut.

PLEDGE OF ALLEGIANCE

Those in attendance stood and recited the Pledge of Allegiance.

INTRODUCTION OF NEW COMMISSIONER AND ADMINISTRATION OF OATH OF OFFICE

The District Clerk swore in Commissioner Christopher Syrek of West Hartford.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Judy Allen of 25 Fowler Drive West Hartford requested Commissioners be identified by name before speaking.

APPROVAL OF MINUTES

On motion made by Commissioner Caban and duly seconded, the meeting minutes of February 6, 2017 were approved.

Commissioners Adil and Taylor abstained.

REPORT FROM DISTRICT CHAIRMAN

No report delivered by the District Chairman

REPORT FROM CHIEF EXECUTIVE OFFICER

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

REPORT FROM DISTRICT COUNSEL

R. Bartley Halloran delivered the District Counsel's Report.

At 5:58p.m. Commissioner Currey exited the meeting.

At 6:10p.m. Commissioners Price and Adil exited the meeting.

At 6:59p.m. Commissioner Osgood exited the meeting.

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF DIRECTOR OF FACILITIES**

To: District Board

March 6, 2017

From: Committee on Organization

Pursuant to Section B3b of the District By-Laws, it is the recommendation of the staff of The Metropolitan District and approved by the Committee on Organization to appoint Thomas A. Tyler as Director of Facilities for The Metropolitan District.

Therefore, it is **RECOMMENDED**:

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 Thomas A. Tyler as Director of Facilities for The Metropolitan District.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Sweezy and duly seconded, the report was received and resolution adopted unanimously.

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF DIRECTOR OF OPERATIONS**

To: District Board

March 6, 2017

From: Committee on Organization

Pursuant to Section B3b of the District By-Laws, it is the recommendation of the staff of The Metropolitan District and approved by the Committee on Organization to appoint Christopher J. Levesque as Director of Operations for The Metropolitan District.

Therefore, it is **RECOMMENDED**:

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 J. Levesque as Director of Operations for The Metropolitan District.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Camielliere and duly seconded, the report was received and resolution adopted unanimously.

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF DIRECTOR OF OPERATIONS**

To: District Board March 6, 2017
From: Committee on Organization

Therefore, it is **RECOMMENDED**:

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

Resolved: The following Commissioners are hereby appointed to the following Committees:

WATER BUREAU

Andrew Adil
Byron Lester
Georgiana Holloway
Domenic Pane
Christopher Syrek
Alvin Taylor

BUREAU OF PUBLIC WORKS

John Avedisian

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Sweezy and duly seconded, the report was received and the resolution, as amended by the Committee on Organization, adopted unanimously.

Agenda item #11A “Enroachment Agreement- 594 Albany Turnpike Canton, CT” and #11B “MDC Policy on WUCC Established Exclusive Service Area and

Involuntary Acquisition of Small Water Companies” were passed due to the Water Bureau meeting being cancelled due to lack of a quorum.

PETITION FOR DISABILITY RETIREMENT

No action was taken on Agenda item #12B “Petition for Disability Pension” because disability retirement is within the exclusive jurisdiction of the Personnel, Pension & Insurance Committee and no action is necessary, or warranted, by the District Board.

AMENDMENT TO DISTRICT PENSION PLAN RE: SZESTAKOW CLAIM SETTLEMENT

WHEREAS, The Metropolitan District (the “MDC”) is the sponsor of the Retirement Plan for Employees of The Metropolitan District (the “Retirement Plan”); and

WHEREAS, the District Board of the MDC has the authority to adopt amendments to the Retirement Plan upon the recommendation of the Personnel, Pension and Insurance Committee of the MDC (the “PPI Committee”); and

WHEREAS, it is desirable that the PPI Committee recommend to the District Board of the MDC that it adopt an amendment to the Retirement Plan which provides that, pursuant to the MDC’s settlement agreement with Donna Szeszakow, her benefit under the Retirement Plan shall be determined after imputing six (6) additional years of credited service for her so that she has a total of twenty-five (25) years of credited service, after stipulating her final average earnings as \$100,000, after requiring that she repay to the Plan the amount of her prior lump sum withdrawal from the Plan, increased by five percent interest (5%), compounded annually from the date of the withdrawal, and after requiring that she contribute to the Plan five percent (5%) of the amount of certain imputed compensation for the six (6) year period that begins in 2012.

NOW, THEREFORE, BE IT

RESOLVED: That the PPI Committee does hereby recommend to the District Board that it adopt Amendment No. 9 to the Retirement Plan in substantially the form presented to this meeting, together with any modifications that are determined by counsel for the MDC to be necessary or desirable to effectuate the intention thereof and to comply with the requirements of the Internal Revenue Code of 1986, as amended; and further

RESOLVED: That the PPI Committee does hereby recommend to the District Board that the chief executive officer of the MDC or any other officer designated by the chief executive officer be authorized and empowered, for and on behalf of the MDC, to take any and all actions which may be necessary or desirable to effectuate the intention of the foregoing resolution.

**AMENDMENT NO. 9 TO
THE RETIREMENT PLAN FOR EMPLOYEES OF
THE METROPOLITAN DISTRICT**

The Metropolitan District, a governmental entity organized under the laws of the State of Connecticut (the “Employer”), has adopted this Amendment No. 9 to the Retirement Plan for Employees of The Metropolitan District (the “Plan”), effective March 6, 2017.

1. Article II of the Plan shall be amended by deleting Section 2.16 thereof and substituting therefor the following new Section 2.16:

“2.16 *‘Final Average Earnings’* means the greater of: (a) twelve times the average of a Participant’s monthly Compensation during the thirty-six (36) consecutive months preceding the Participant’s severance from employment; or (b) the average of the Participant’s Compensation for the three calendar years (whether or not consecutive) during the ten calendar years preceding the calendar year of the Participant’s severance from employment which produce the highest such average.

For the period on and after April 1, 1989 and prior to July 1, 1997, Final Average Earnings meant the greater of: (a) twelve times the average of a Participant’s monthly Compensation during the forty-eight (48) consecutive months preceding the Participant’s severance from employment; or (b) the average of the Participant’s Compensation for the four calendar years (whether or not consecutive) during the ten calendar years preceding the calendar year of the Participant’s severance from employment which produced the highest such average.

For the period prior to April 1, 1989, Final Average Earnings meant the greater of: (a) twelve times the average of a Participant’s monthly Compensation during the sixty (60) consecutive months preceding the Participant’s severance from employment; or (b) the average of the Participant’s Compensation for the five calendar years (whether or not consecutive) during the ten calendar years preceding the calendar year of the Participant’s severance from employment which produced the highest such average.

Anything herein to the contrary notwithstanding, the Final Average Earnings of Donna Szeshtakow shall be \$100,000.”

2. Article II of the Plan shall be further amended by deleting Section 2.34 thereof and substituting therefor the following new Section 2.34:

“2.34 *‘Years of Credited Service’* means the period beginning on a Participant’s Date of Employment or Reemployment and ending on the commencement date of a Break in Service; *provided, however*, that Years of Credited

Service shall not include any period during which the Participant does not make Participant Contributions to the Plan. Years of Credited Service shall be computed on the basis of whole Years of Credited Service and completed calendar months.

All of a Participant's Years of Credited Service shall be aggregated in determining the amount of the Participant's Accrued Benefit, whether or not the Years of Credited Service are consecutive; *provided, however*, if a Participant receives a lump sum distribution pursuant to Section 9.3, is reemployed by the Employer, and does not recontribute the lump sum distribution to the Plan following his or her Date of Reemployment pursuant to Section 9.4, then the Participant's Years of Credited Service earned prior to his or her Date of Reemployment shall not be aggregated with his or her Years of Credited Service earned on or subsequent to his or her Date of Reemployment.

Anything herein to the contrary notwithstanding, in the case of Donna Szeszakow, six (6) Years of Credited Service shall be added to the number of Years of Credited Service determined pursuant to the provisions set forth above in this Section 2.34 so that she shall be credited with a total of twenty-five (25) Years of Credited Service for all purposes under the Plan, including the provisions of Sections 2.21 and 5.2."

3. Article IV of the Plan shall be amended by deleting subsection (a) of Section 4.1 thereof and substituting therefor the following new subsection (a):

"Section 4.1 (a) Each Participant shall contribute to the Plan, by means of payroll deduction, an amount equal to the following:

- (i) For each Participant who is hired or rehired on or after October 4, 2015, seven percent (7%) of his or her Compensation; and
- (ii) For each Participant who was hired prior to October 4, 2015, five percent (5%) of his or her Compensation.

In the event that a Participant's Compensation is increased, his or her contribution to the Plan shall be increased in a corresponding manner at the same time.

For the period prior to April 1, 1989, each Participant was required to contribute to the Plan, by means of payroll deduction, an amount equal to three percent (3%) of his or her Compensation. For the period on and after April 1, 1989 and prior to October 4, 2015, each Participant was required to contribute to the Plan, by means of payroll deduction, an amount equal to five percent (5%) of his or her Compensation.

Anything herein to the contrary notwithstanding, Donna Szeszakow, in addition to making any contributions required pursuant to the provisions set forth above in this subsection (a) for years prior to 2012, shall contribute to the Plan five percent (5%) of

the following amounts that, for purposes of this subsection (a), shall be considered her Compensation for the years set forth below:

2012:	\$ 91,455.76
2013:	\$ 94,199.41
2014:	\$ 97,025.42
2015:	\$ 99,451.05
2016:	\$101,937.33
2017:	\$101,937.33.

Donna Szestakow's contribution pursuant to the preceding sentence shall be made by payroll deduction from the amount payable to her under her settlement agreement with the Employer that is reportable on Form W-2."

4. Article IX of the Plan shall be amended by adding the subsection (c) to Section 9.4 thereof:

"(c) Anything herein to the contrary notwithstanding, Donna Szestakow, pursuant to her settlement agreement with the Employer, shall repay to the Plan the amount of her prior lump sum distribution, increased by five percent (5%) interest compounded annually from the date of that prior lump sum distribution, and this repayment shall be deducted by the Employer from the amount payable to her under such settlement agreement with the Employer that is reportable on Form W-2."

Witness:

THE METROPOLITAN DISTRICT

By _____

Name:

Title:

Date:

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Salemi and duly seconded, the report was received and the resolution adopted unanimously.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Judy Allen of 25 Fowler Drive, West Hartford read the following comments:

General Public Comments
District Board Meeting 3/8/17

As commissioners you are very concerned about the rising costs of the Clean Water Project and the impact that has on consumer bills. Some have expressed thoughts about the need to spread the cost of this out to customers who don't use sewers but do use our water, or even further, to the whole Hartford region.

In 2015 you voted in an ordinance that created the high volume water user discounts on water, and you also voted for creation of discounts to the Special Sewer Service Charge.

Depending on what rate the Special Sewer Service Charge is in the future, by the time Niagara gets up to its full capacity they will be saving millions of dollars that the MDC will not be collecting for the Clean Water Project. Before you spread the cost of the Clean Water Project out to others, lets collect the full amount from high volume water users.

The water rate you charge all your residential customers is already below the industrial rates charged by most other water companies in CT. You boast that you have one of the lowest water rates in the state. So why would Niagara need a discount on water to be encouraged to bring their bottling plant to a MDC town?

I'd suggest that the high SSBC is not appealing to new development and keeps industry from choosing to locate here. So a discount on that would definitely sweeten the pot. With the costs of the Clean Water Project soaring, are you willing to continue to offer discounts?

When Niagara approached the MDC to ask if you could provide water service for them, just like any other customer, you determined that you had the capacity and means to deliver the water necessary for Niagara to get up to full capacity of 4 lines.

One hitch, the means to deliver that much water hadn't been built yet. So in your next year's CIP budget you will find a \$7.5 million water main extension in Bloomfield. This won't be paid for by Bloomfield, it won't be paid for by Niagara, this will be paid for by the 8 member towns. Will you vote for it?

Excluding other towns from weighing in on a decision like that is unfair. Nobody wants to tell any town what to do or not do. We share ownership of the MDC. No one town should be able to dictate to another town how to use our shared water supply and infrastructure. The MDC doesn't get to dictate what is in the best interest of any one town.

Towns have been meeting with your MDC leadership about the financial crisis created by the possibility that Hartford might not be able to meet an ad valorem payment. Some are talking about a sewer user fee, something the MDC seems to be opposing.

Let me tell you what the ad valorem system does for me personally. I live in West Hartford. I live in the home my parents built in 1956 for \$20,000. Since that time my home has appreciated in value and my property taxes have risen as well but my income has not. I live on social security, my last year's property tax was about \$5,000, a huge chunk of my income. If we went to a sewer user fee, the town would save \$10 million. Now my property taxes wouldn't be going down, but that kind of savings helps keep it from rising too fast. I'm glad to pay a sewer user fee. That I might not get as much of an exemption on my taxes, doesn't bother me - I don't make enough money to itemize.

West Hartford has some very wealthy residents, it also has some very poor. W. Hartford's poverty rate is 8%, higher than Bloomfield, Glastonbury, Wethersfield, and Newington. West Hartford's average residential property tax bill is around \$10,000. Mine is half of that. Average doesn't tell you the whole story. Each town is different, no one size fits all. The ad valorem system is broken and leads to more inequity than a sewer user fee would.

A town and its residents can decide what to do with the money they won't be paying to the MDC. They can apply it to property taxes, they can put it toward a new project, or find other ways to bring value to their residents.

Yes, with a sewer user fee customers will directly be responsible for their water bill, yes it will be a pain for the MDC to have to add sewers to the water bills, yes it could increase collection problems, yes, you will get complaints, yes, it does create more headaches than if the towns do all the raising of funds for you.

Towns have the same headaches all the time and they find creative ways to solve them. The MDC seems to be waiting for the towns to fix their problems too.

The Charter contains reasons for doing or avoiding many things. While some of it has been updated, much of it has not. It still refers to the property rights of insane people and married women. It created an ad valorem system of funding sewer operations in 1929, but someone in 1941 decided that a sewer user fee might be a good idea. Somehow the MDC fell backward into the ad valorem system again. Chapter 10 in your charter says you may charge a sewer user fee to fund the operations of your sewers. I'm not a lawyer. You can read it. Does it really require a change to your charter to return to a sewer user fee?

Your Charter needs an overhaul to bring the MDC into the 21st century. It's amazing to me that you have built an amazing computer system that is state of the art. While you have an ancient Charter that still says married women aren't allowed to make their own decisions about their property.

Judy Allen
West Hartford

ADJOURNMENT

The meeting was adjourned at 7:13 P.M.

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval