

THE METROPOLITAN DISTRICT COMMISSION

Hartford, Connecticut 06103

Wednesday, July 7, 2021

PRESENT: Commissioners John Avedisian, William A. DiBella, David Drake, Peter Gardow, Allen Hoffman, Gary LeBeau, Dominic M. Pane, Bhupen Patel, Pasquale J. Salemi, Ray Sweezy, Alvin Taylor, Calixto Torres, and James Woulfe (12)

REMOTE

ATTENDANCE: Commissioners Andrew Adil, Donald Currey, James Healy, Christian Hoheb, Jean Holloway, Shubhada Kambli, Mary LaChance, Jacqueline Mandyck, and Bhupen Patel (9)

ABSENT: Commissioners Clifford Avery Buell, Richard Bush, David Ionno, Byron Lester, Diane Lewis, Maureen Magnan, Michael Maniscalco, Alphonse Marotta, Jon Petoskey, Richard W. Vicino, and New Britain Special Representative Michael Carrier (11)

ALSO

PRESENT: Scott W. Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John S. Mirtle, District Clerk
Christopher Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer
Sue Negrelli, Director of Engineering
Bob Schwarm, Director of Information Services
Tom Tyler, Director of Facilities
Robert Constable, Manager of Treasury
Michael Curley, Manager of Technical Services
Tra Phan, Controller
Nick Salemi, Communications Administrator
Victoria S. Escoriza, Executive Assistant
Julie Price, Professional Level Associate
David Silverstone, Independent Consumer Advocate

CALL TO ORDER

The meeting was called to order by District Chairman DiBella at 5:31 PM

ROLL CALL AND QUORUM

The District Clerk called the roll and informed the Chairman 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 June 7, 2021 were approved.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard

REPORT FROM DISTRICT CHAIRMAN

Chairman DiBella stated that a Strategic Planning Committee meeting will be held in the near future to consider the FOG and solid waste program that the MDC currently has with UCONN.

REPORT FROM CHIEF EXECUTIVE OFFICER

Chief Executive Officer Scott Jellison discussed the incineration capacity at the Hartford WPCF. He also informed the Board that he was contacted by EPA to let the MDC know that EPA will be using the MDC's Integrated Plan as a model for other utilities across the country. He further discussed the DPH primacy fee ending effective 7/1/2021, as well as the money owed by the City of Hartford and Hartford Housing Authority.

REPORT FROM DISTRICT COUNSEL

Christopher Stone, District Counsel, provided an update on the status of legal collections.

**BUREAU OF PUBLIC WORKS
712 CEDAR STREET, NEWINGTON
ENCROACHMENT AGREEMENT**

To: District Board

July 7, 2021

From: Bureau of Public Works

In a letter dated May 5, 2021, Rod Szwelicki of Vanasse Hangen Brustlin, Inc., on behalf of Gold Coast Properties CT1, LLC, (“Gold Coast” or “Owner”) and Fenn Road Associates, LLC, (“Fenn Road Associates”) the future and current owners respectively of the above-referenced property (the “Property”), has requested permission from The Metropolitan District (“MDC” or “District”) to encroach on the MDC’s existing twenty-foot-wide (20’) sewer easement situated on the Property (the “Easement”) for the purpose of constructing and installing site improvements for and in connection with a proposed hotel development project. This new encroachment is in addition to the previously approved sanitary sewer lateral, gas service and water service encroachments, which were approved by the BPW at a meeting held on March 10, 2021, as shown on the attached map (the “Map”).

Fenn Road Associates has entered into a Purchase and Sale Agreement for the Property with Gold Coast, and anticipates that a closing will occur in the near future. Fenn Road Associates has given Gold Coast permission to submit this encroachment permit application for the following described work for such construction and installation of these site improvements that Gold Coast will undertake on the Property after such closing.

The proposed work entails: installing electrical and telecommunication lines within the Easement as shown on the Map (collectively, the “Improvements”). The proposed lines will be installed with minimal earthwork above the MDC’s existing eight-inch (8”) PVC sanitary sewer and its appurtenances situated within the Easement (collectively, the “Sewer”) with a minimum of two feet (2’) of vertical clearance between this Sewer and such lines, and the grades will not change. Eversource will require a fifteen-foot-wide (15’) easement (centered on these lines) which will overlap perpendicularly with the Easement (the “Eversource Easement”). The Sewer was built in 1994 and the Easement was acquired by the MDC through the MDC Capital Improvement Project known as “724 Cedar Street, Newington” and filed on the Newington land records in Volume 986, at Page 71.

MDC staff has concluded that the Improvements are minor and that there will be no detriment to the Sewer as a result.

Gold Coast has agreed to the following conditions in order to satisfy the District’s concerns for protection of the Sewer and to maintain accessibility along the length of the Easement:

1. Care must be taken during the performance of work for the Improvements or any maintenance, repair or replacement of the same not to disturb the Sewer. All heavy construction equipment must be located outside of the limits of the Easement right-of-way (“ROW”) when not in use. Any earth moving equipment that will be utilized on the ROW over and adjacent to the Sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the Sewer caused by any construction, maintenance, repair, replacement or associated activities by or on behalf of

Owner for or in connection with the Improvements within the ROW shall be the responsibility of the Owner.

2. No additional permanent improvements, other than the proposed Improvements, shall be located within the ROW.
3. The District reserves the right to remove Improvements within the ROW at any time if so required for maintenance, repair or replacement of the Sewer or any part thereof. Owner shall bear any additional maintenance, repair or replacement costs necessitated by the presence of Improvements within the ROW, including any such costs incurred by the District.
4. In the event of a sewer emergency caused by the proposed excavation described above, the Owner shall provide, install, operate and remove, at the Owner's expense, an appropriately sized bypass pump and appurtenances.
5. An MDC inspector must be on the job site whenever work is being performed within the ROW, and Owner shall be responsible for the cost and expense of such inspector. Any construction of the Improvements as well as any subsequent construction, maintenance, repair or replacement of the Improvements shall conform to District standards and forty-eight (48) hours advance notice must be given to the District prior to commencing any such activities within the ROW.
6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the Sewer in the areas of the construction upon completion of backfilling and restoration of the excavated areas. The videos will be delivered to the District for the purposes of assessing the post-activity condition of the Sewer.
7. The Owner shall maintain the District's standard form of requisite insurance as stipulated in the MDC's most current Guidance Manual for Developers' Permit Agreements, which insurance shall remain in force and effect during the performance of any work with in the ROW.
8. Notwithstanding any provision of the Eversource Easement, the terms and conditions of the encroachment agreement authorized in the resolution below shall control and prevail with respect to the ROW, and any work or activities conducted by or on behalf of Eversource therein.

Staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between Gold Coast and MDC, following the completion of the sale of the Property to Gold Coast, whereby

Gold Coast becomes the fee owner of the Property, and consistent with current practice involving similar requests, and filed on the Town of Newington land records.

At a meeting of the Bureau of Public works on June 9, 2021, it was:

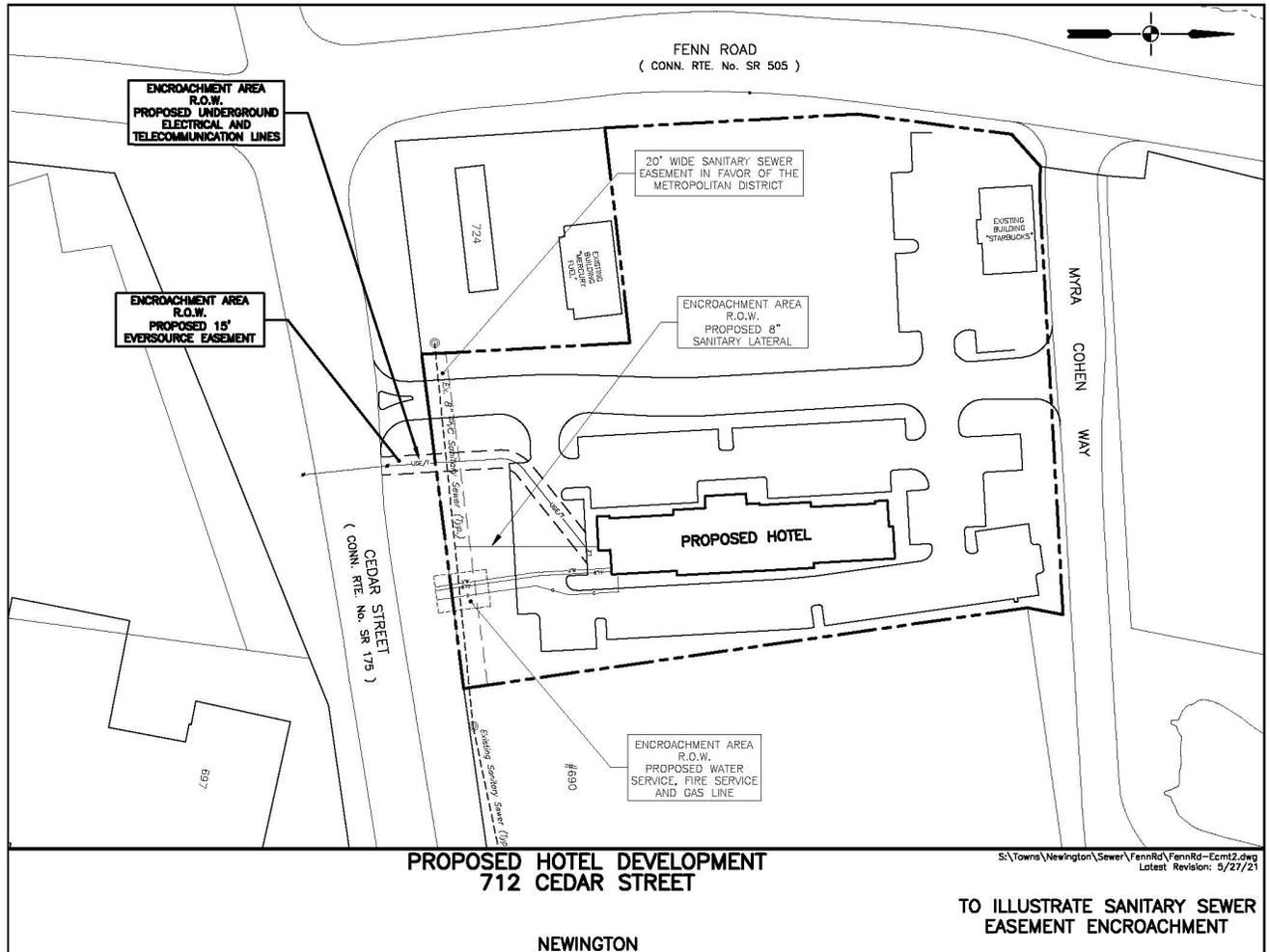
VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement, subject to approval of form and content by District Counsel, granting permission to Gold Coast Properties CT1, LLC to encroach upon the MDC's existing twenty-foot-wide (20') sanitary sewer easement situated on the Property in order to: (i) perform the work for the Improvements in connection with the planned redevelopment of the Property as shown on plans submitted by VHB, Proposed Hotel Development, Fenn Road & Cedar Street, Newington, Connecticut, Utility Plan C-4 and (ii) maintain, repair and replace such Improvements, provided that the District shall not be held liable for any cost or damage of any kind from the present and in the following years as a result of any encroachment authorized hereby, and further provided that such agreement shall not be effective until fully executed by The Metropolitan District and Gold Coast Properties CT1, LLC, and recorded on the Newington land records. In the event that: (i) such full execution and recording does not occur within three (3) months of the completion of the sale of the Property to Gold Coast Properties CT1, LLC, or (ii) such sale does not occur within one (1) year from the date of this resolution, then such resolution shall be null and void, and of no further force and effect.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk



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

**BUREAU OF PUBLIC WORKS
SCOTT DRIVE, BLOOMFIELD
ENCROACHMENT AGREEMENT**

To: District Board

July 7, 2021

From: Bureau of Public Works

In a letter dated March 25, 2021, John Serdechny, on behalf of Eversource Energy (“Eversource” or “Owner”), has requested permission from The Metropolitan District (“MDC” or “District”) to encroach on the MDC’s existing twenty-foot-wide (20’) sewer easement situated on private lands owned by Eversource, located off of Scott

Drive in Bloomfield, Connecticut and identified as MBL: 128-4-11-14 on the Town of Bloomfield, Connecticut Assessment Parcel Map (the "Property," and such easement is hereinafter referred to as the "Easement"), for the purpose of replacing a primary electric cable which is required to maintain the integrity of the electrical system in this area.

The proposed work entails the installation of a 3-inch electrical conduit as shown on the accompanying map, excavation and fill, and limited roadway paving (collectively, the "Improvements"). The proposed conduit will be installed thirty inches (30") deep using directional boring with minimal earthwork above the MDC's existing eight inch (8") clay tile sanitary sewer and its appurtenances situated within the Easement (collectively, the "Sewer Line") with a minimum of two and half feet (2.5") of vertical clearance between the Sewer Line and such conduit and limited roadway repaving. The Sewer Line was built in 1958 and the Easement across the Property was acquired by the MDC through the MDC Capital Improvement Project known as "Turkey Hill Area North, Bloomfield" and filed on the Bloomfield land records in Volume 80, at Page 28.

MDC staff has concluded that the Improvements are minor and that there will be no detriment to the Sewer Line as a result.

Eversource has agreed to the following conditions in order to satisfy the District's concerns for protection of the Sewer Line and to maintain accessibility along the length of the Easement:

1. Care must be taken during the performance of work for the Improvements or any maintenance, repair or replacement of the same not to disturb the Sewer Line. All heavy construction equipment must be located outside of the limits of the Easement right-of-way ("ROW") when not in use. Any earth moving equipment that will be utilized on the ROW over and adjacent to the Sewer Line shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the Sewer Line caused by any construction, maintenance, repair, replacement or associated activities by or on behalf of Owner for or in connection with the Improvements within the ROW shall be the responsibility of the Owner.
2. No additional permanent improvements, other than the proposed Improvements, shall be located within the ROW.
3. The District reserves the right to remove Improvements within the ROW at any time if so required for maintenance, repair or replacement of the Sewer Line or any part thereof. Owner shall bear any additional maintenance, repair or replacement costs necessitated by the presence of Improvements within the ROW, including any such costs incurred by the District.
4. In the event of a sewer emergency caused by the proposed excavation described above, the Owner shall provide, install, operate and remove, at

- the Owner's expense, an appropriately sized bypass pump and appurtenances.
5. An MDC inspector must be on the job site whenever work is being performed within the ROW, and Owner shall be responsible for the cost and expense of such inspector. Any construction of the Improvements as well as any subsequent construction, maintenance, repair or replacement of the Improvements shall conform to District standards and forty-eight (48) hours advance notice must be given to the District prior to commencing any such activities within the ROW.
 6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the Sewer Line in the areas of the construction upon completion of backfilling and restoration of the excavated areas. The videos will be delivered to the District for the purposes of assessing the post-activity condition of the Sewer Line.
 7. The Owner shall maintain the District's standard form of requisite insurance as stipulated in the MDC's most current Guidance Manual for Developers' Permit Agreements, which insurance shall remain in force and effect during the performance of any work with in the ROW.

Staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between Eversource and MDC, and consistent with current practice involving similar requests, and filed on the Town of Bloomfield Land Records.

At a meeting of the Bureau of Public Works held on June 9, 2021, it was:

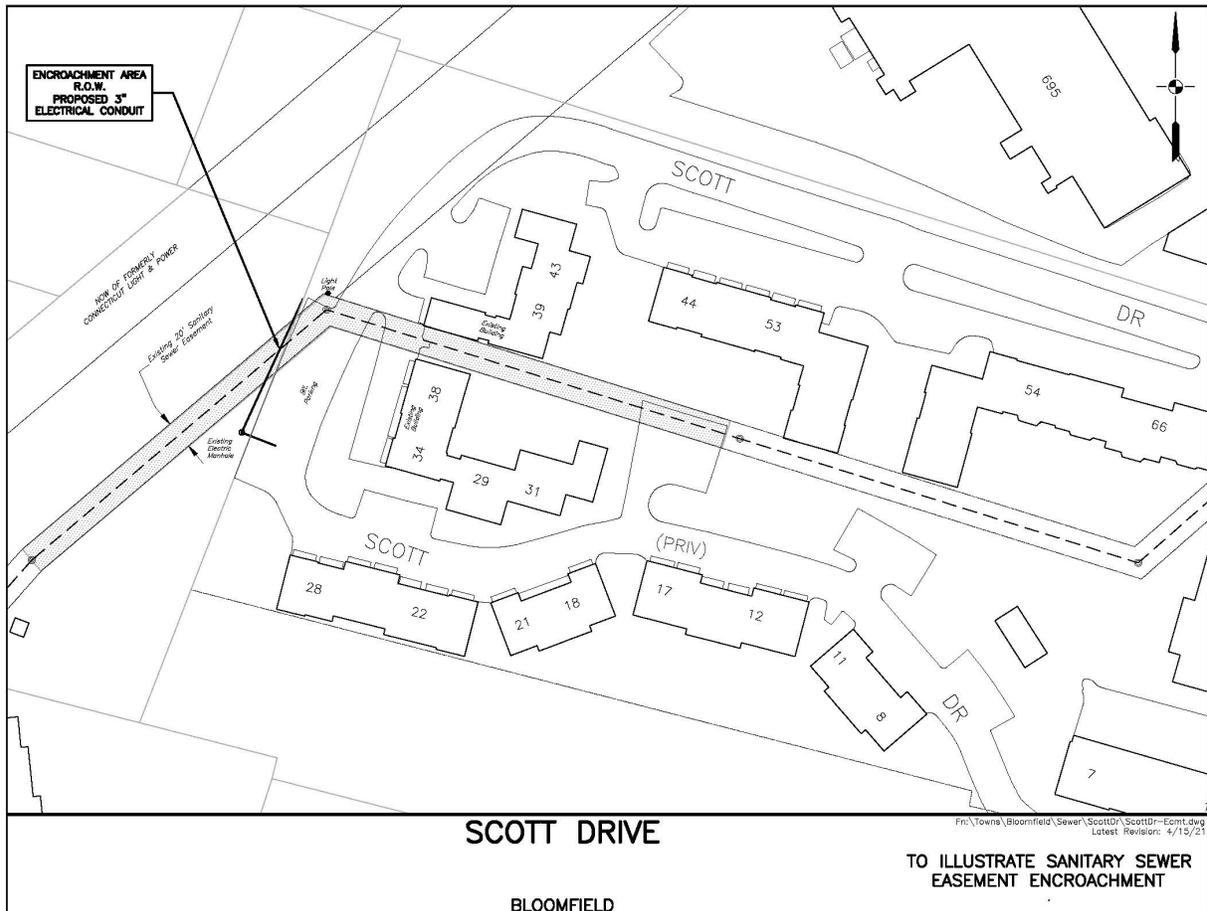
VOTED: That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement, subject to approval of form and content by District Counsel, granting permission to Eversource Energy to encroach upon the MDC's existing twenty-foot-wide (20') sanitary sewer easement situated on the Property in order to: (i) perform the work for the Improvements as shown on the plan submitted by Eversource and (ii) maintain, repair and replace such Improvements, provided that the District shall not be held liable for any cost or damage of any kind from the present and in the following years as a result of any encroachment authorized hereby, and further provided that such agreement shall not be effective until fully executed by The Metropolitan District and Eversource, and recorded on the Bloomfield land records. In the event that such full execution and recording does not occur within three (3) months from the date of passage of this resolution, then it shall be null and void, and of no further force and effect.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk





410 Sheldon St
Hartford, CT 06106
860-280-2038
John.Serdechny@Eversource.com

March 25, 2021

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

RE: MDC Encroachment Permit Request for
Scott Drive Bloomfield, CT

Dear Mr. Curley,

On behalf of Eversource Energy, I would like to request an encroachment permit for Scott Drive in Bloomfield, CT. We will need to be replace primary electric cable on Scott Drive which will infringe on your 20 foot sanitary easement located on the west side of the property as depicted in the detailed construction plans enclosed with this letter. This construction is required to maintain the integrity of the electrical system in this area. The construction activity in the vicinity of this sanitary easement will comprise of directional boring by a qualified contractor to install conduit and primary cable as well as the possibility of earth moving (Excavation and fill) as well as limited roadway repaving.

Please consider this a formal request for a permanent encroachment permit to permanently install our primary cable within the MDC easement.

If you need to discuss this application submittal in more detail please contact me via email at john.serdechny@Eversource.com or you may call me at -860-280-2038.

Sincerely,

John Serdechny
Field Engineering Design
Eversource

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

**BUREAU OF PUBLIC WORKS
5, 7 & 9 TUNXIS AVENUE, BLOOMFIELD
ENCROACHMENT AGREEMENT**

To: District Board

July 7, 2021

From: The Bureau of Public Works

In a letter dated February 17, 2021, John Liddon of Kleinfelder, Inc., on behalf of ExxonMobil Environmental and Property Solutions Company (“ExxonMobil”), has requested permission from The Metropolitan District (“MDC” or “District”) to encroach upon a certain part of an existing twenty-foot-wide (20’) sanitary sewer right-of-way, known as the Bloomfield Trunk Sewer, east of the Wash Brook and west of Tunxis Avenue, located on certain real properties known as 7 & 9 Tunxis Avenue in Bloomfield, Connecticut (the “Easement,” and such properties are hereinafter collectively referred to as the “Properties”). Because certain soils and groundwater below the surface of the Properties have been identified as being contaminated with petroleum hydrocarbons above applicable standards established by the Connecticut Department of Energy and Environmental Protection (“CTDEEP”), the proposed encroachment will allow ExxonMobil to perform remedial excavation of soils and groundwater in areas within the Easement, as shown on the accompanying map, pursuant to a Voluntary Remediation Program under Connecticut General Statutes §22a-133x (the “Program”).

The Properties are comprised of two (2) separate parcels, 7 Tunxis Avenue, formerly part of two (2) parcels (5&7 Tunxis Avenue) and formerly occupied by a Mobil Service Station, and 9 Tunxis Avenue, formerly occupied by Bloomfield Hardware. The Properties are currently owned by RBS Realty Enterprise, LLC (“RBS”) (7 Tunxis Avenue) and Naro Family Limited Partnership (“Naro”) (9 Tunxis Avenue).

A separate encroachment agreement, approved by the Board at its December 7, 2020, meeting, was executed between the Naro, RBS and MDC, to allow improvements to be constructed within the Easement in conjunction with the commercial redevelopment of 5-9 Tunxis Avenue. These improvement activities are currently in progress.

The proposed work by ExxonMobil entails clearing and grubbing, excavation and backfilling, dewatering, and placement of topsoil and plantings (collectively, the “Improvements”). Excavation will terminate at approximately three feet (3’) above the top of the existing twenty-four-inch (24”) reinforced concrete trunk sewer and its appurtenances situated within the Easement (collectively, the “Sewer”). The contaminated soils excavated will be dewatered and removed from the site. Sedimentation and erosion controls will be implemented in accordance with the CTDEEP General Permit. The open excavation will be filled with clean gravel and topsoil, and grades will be matched with the proposed grading for the redeveloped

site. The resulting finished grade change does not adversely affect the structural integrity of the Sewer.

Since some contamination on the Properties will remain in place and not be removed pursuant to the above described remediation to be undertaken by ExxonMobil in accordance with the Program, an Environmental Land Use Restriction (“ELUR”) is required to be filed on the Bloomfield land records to ensure that any disturbance of these remaining soils and groundwater is performed with prior written notice to CTDEEP and in accordance with proper soil and groundwater management practices and restrictions set forth in the ELUR.

RBS, Naro and ExxonMobil, through its agent Kleinfelder, Inc., have agreed to the following conditions in order to satisfy the District’s concerns for protection of and access to the Sewer located within the Properties, and to maintain accessibility along the length of the Easement thereon.

1. Care must be taken during the construction of the work for the Improvements not to disturb the Sewer. All heavy construction equipment must be located outside of the limits of the Easement (the “Easement Area”) when not in use. Any earth moving equipment that will be utilized on the Easement Area over and adjacent to the Sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the Sewer caused by any construction or associated activities within the Easement Area by or on behalf of ExxonMobil shall be the responsibility of ExxonMobil.
2. No additional permanent improvements, other than the proposed Improvements, shall be located within the Easement Area.
3. The District reserves the right to remove Improvements within the Easement Area at any time if so required for maintenance, repair or replacement of the Sewer or any part thereof, and will backfill the excavation, restore to grade, compact and patch pavement as necessary. ExxonMobil shall bear any additional maintenance, repair or replacement costs necessitated by the presence of Improvements within the Easement Area.
4. In the event of a sewer emergency caused by the proposed excavation described above, ExxonMobil shall provide, install, operate and remove, at ExxonMobil’s expense, an appropriately sized bypass pump and appurtenances.
5. An MDC inspector must be on the job site whenever work is being performed within the Easement Area, at the expense of ExxonMobil. Any construction of the Improvements as well as any construction, maintenance, repair or replacement of the Improvements shall conform to District standards and forty-eight (48) hours advance notice must be given to the District prior to commencing any such activities within the Easement Area.

6. ExxonMobil shall perform a CCTV inspection, witnessed by an MDC inspector, of the Sewer in the areas of the construction upon completion of backfilling and restoration of the excavated areas. The videos will be delivered to the District for the purposes of assessing the post-activity condition of the Sewer.
7. ExxonMobil shall maintain the District's standard form of requisite insurance as stipulated in the MDC's most current Guidance Manual for Developers' Permit Agreements, which shall remain in force and effect during the performance of any work with in the Easement Area.
8. ExxonMobil shall reimburse the District for all costs incurred by the District and associated with the installation of protective measures for the Sewer, including but not limited to the installation of approximately four hundred linear feet (400') of interior pipe liner (manhole to manhole) between Mountain Avenue (CT 178) and the next upstream manhole to enhance the structural integrity of the Sewer, prolong necessary pipe repairs thereto, and to limit potential disturbance of contaminated soils exceeding CTDEEP Direct Exposure Criteria within the Easement Area.

District staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between RBS, Naro and ExxonMobil and The Metropolitan District, consistent with current practice involving similar requests.

At a meeting of the Bureau of Public Works held on June 9, 2021, it was:

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

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement with RBS, Naro and ExxonMobil, subject to approval of form and content by District Counsel, granting permission to ExxonMobil Environmental and Property Solutions Company (ExxonMobil) to encroach upon the existing twenty-foot-wide (20') sanitary trunk sewer easement off of Tunxis Avenue in private lands, in Bloomfield, Connecticut, for the purpose of ExxonMobil performing the planned remediation of the property as shown on plans submitted by Kleinfelder, Inc., entitled "Excavation Plans Prepared by Kleinfelder Former Mobil Service Station No. 01-EPF 5 & 7 Tunxis Avenue Bloomfield, Connecticut, Sheets 1 through 5" dated 2/10/21, provided that the District shall not be held liable for any cost of damage of any kind in the following years as a result of the encroachment, and further provided that such agreement shall not be effective until fully executed by The Metropolitan District, RBS, Naro and ExxonMobil, and recorded on the Bloomfield Land Records, with The Metropolitan District's execution of such agreement being subject to and contingent upon the full execution of the ELUR Agreement (as hereinafter defined). In the event that such full execution and recording does not occur within three (3)

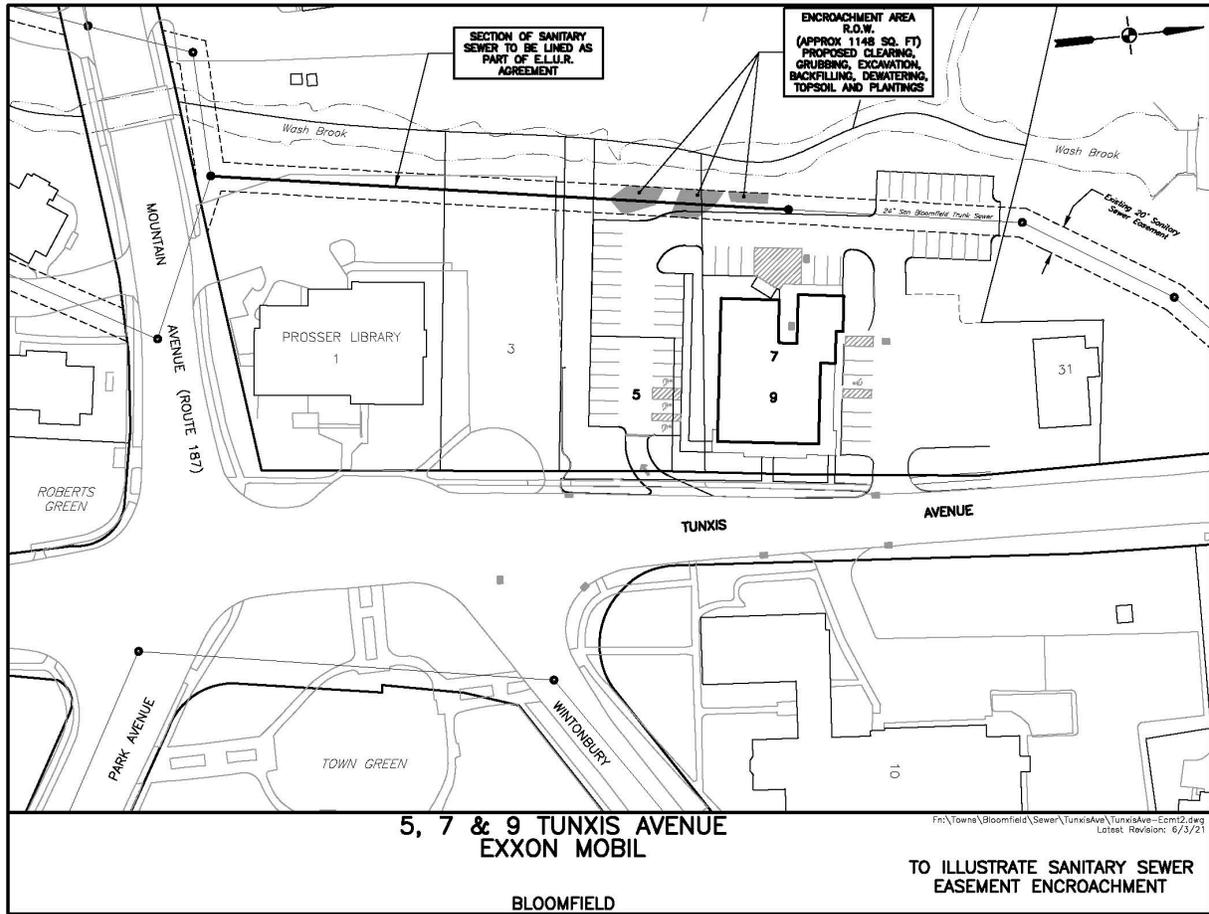
months of the date of this resolution, then such resolution shall be null and void, and of no further force and effect.

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement with RBS, Naro and ExxonMobil and any other necessary parties regarding the ELUR on the Properties, which agreement shall include: (a) a provision requiring the District to be reimbursed for (i) the costs for the installation of the pipe liner set forth in Condition #8 above, and (ii) any and all costs incurred by the District in complying with the ELUR; and (b) any other terms and conditions deemed by the District Counsel to be acceptable and in the best interests of the District ("ELUR Agreement").

Respectfully submitted,

A handwritten signature in black ink that reads "John Mirtle". The signature is written in a cursive, flowing style.

John S. Mirtle, Esq.
District Clerk





February 17, 2021

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

Re: TEMPORARY SEWER EASEMENT ENCROACHMENT PERMIT REQUEST

Former Mobil Service Station No. 01-EPF
5, 7 & 9 Tunxis Avenue
Bloomfield, CT 06002

Dear Mr. Curley,

Kleinfelder, Inc. (Kleinfelder), on behalf of ExxonMobil Environmental and Property Solutions Company (ExxonMobil), is requesting an encroachment permit for the remedial excavation of soils within the 20-foot-wide MDC sewer easement at 7 & 9 Tunxis Avenue. This remedial excavation project area includes isolated areas along an approximately 130-foot-long section of the MDC easement on 7 Tunxis Avenue and the southern section of 9 Tunxis Avenue in Bloomfield, Connecticut, as identified in the accompanying drawings.

The subject property comprises of two individual parcels, one designated as 7 Tunxis Avenue and one as 9 Tunxis Avenue. The 7 Tunxis Avenue parcel was formerly part of two parcels (5 & 7 Tunxis Avenue) that made up the former Mobil Service Station No. 01-EPF. The 9 Tunxis Avenue parcel is an adjacent off-site property formerly operated as Bloomfield Hardware. These properties are currently owned by Naro Family Limited Partnership (9 Tunxis Avenue) and RBS Realty Enterprises, LLC (7 Tunxis Avenue).

The excavation is the selected remedy to address residual petroleum impacts to soil at the site for the purposes of complying with the Connecticut Department of Energy and Environmental Protection (DEEP) Remediation Standard Regulations (RSRs). Soil impacts have been fully characterized and a conceptual site model has been developed, suggesting that these residual impacts are the result of historic releases from a former fuel oil underground storage tank (UST) servicing the former Bloomfield Hardware building on 9 Tunxis Avenue; a former fuel oil UST servicing the former Mobil service station building on 5 & 7 Tunxis Avenue; and possible surface releases from the parking lot of the former Mobil service station. Remedial excavation activities proposed within the MDC easement will include:

- Clearing and grubbing
- Earth moving (excavation and backfilling)
- Dewatering (as necessary)
- Placement of topsoil and plantings (according to approved Town of Bloomfield Inland Wetlands permit)



Polluted soils will be temporarily stockpiled on-site pending subsequent loading into trucks for off-site disposal at a Federal and State permitted disposal facility.

Sediment and erosion controls will be used to prevent sediment migration. Erosion controls will be used surrounding the excavation area; on and around stormwater catch basins; and surrounding stockpiles in accordance with Connecticut DEEP General Permit for Stormwater and Dewatering Wastewaters from Construction Activities, the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, and as detailed in the accompanying drawings.

Redevelopment activities at the subject properties are in progress. As part of the redevelopment J.R. Russo & Associates, LLC on behalf of Naro Family Limited Partnership and RBS Realty Enterprises, LLC have obtained approval from the MDC to reduce the grade in a portion of the MDC easement by removing fill material, within the remedial excavation work area. The accompanying plans incorporate the approved J.R. Russo plans, dated 10/21/20, to match the reduced grade during restoration activities.

This proposed work is planned to terminate the remedial excavation at an elevation approximately 3 feet above the top of the 24-inch reinforced concrete pipe (RCP). Restoration will include backfilling to elevations that range from current grade to the south of the excavation area (approximately elevation 118') to the north side of the excavation area (approximately elevation 112') matching the property owners redevelopment planned grade, and gradually dipping down toward Wash Brook (approximately elevation 106') as depicted in the accompanying drawings. These proposed restoration grade elevations represent an approximate soil cover of 12' to 9' over the sewer pipe. Restoration will be completed with slope stabilizing plantings in accordance with the Town of Bloomfield Inland Wetlands and Watercourse permit regulations.

All work completed will, at all times, consider the safety of personnel and utility infrastructure, including, but not limited to the 24-inch RCP sewer pipe, as detailed in the accompanying drawings.

Sincerely,
Kleinfelder, Inc.

A handwritten signature in black ink, appearing to read "John Liddon".

John Liddon, LEP
Project Professional

cc: E&PS (electronic file)

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

DEBT ISSUANCE RESOLUTION TO REFUND CERTAIN OF THE DISTRICT'S GENERAL OBLIGATION BONDS, REVENUE BONDS AND/OR CLEAN WATER FUND OBLIGATIONS AND TO ISSUE REVENUE BONDS FOR NEW MONEY FOR THE CLEAN WATER PROJECT

ISSUANCE OF UP TO \$204,500,000 IN REFUNDING REVENUE BONDS AND UP TO \$20,000,000 IN REVENUE BONDS.

To: District Board

July 7, 2021

From: Board of Finance

Staff is seeking authority for the District to issue up to \$204,500,000 in revenue bonds that will refund up to \$16,000,000 of the District's General Obligation Bonds, Issue of 2013, Series B (the "2013 Bonds") and/or up to \$137,500,000 of the District's Clean Water Project Revenue Bonds, 2014 Series A (Green Bonds) (the "2014 Bonds" and together with the 2013 Bonds, the "Refunded Revenue Bonds") and/or up to \$51,000,000 of the District's State of Connecticut Clean Water State Revolving Fund Project Loan Obligations (the "CWF Loans," and together with the Refunded Revenue Bonds, the "Refunded Obligations") and to issue up to \$20,000,000 in revenue bonds to provide additional funds for the Clean Water Project.

Hilltop Securities, Inc. has completed a financial analysis of the District's outstanding debt and recommended that the District refund various maturities of the District's Refunded Obligations. Based on current market conditions, Hilltop Securities, Inc. is projecting net present value savings for the refunding. Based on these projections, staff recommends that the District refund various maturities of the District's Refunded Obligations.

Bond counsel prepared the following resolution for consideration by the Board of Finance:

At a meeting of the Board of Finance held on July 7, 2021, it was:

Voted: That the Board of Finance finds that the issuance of up to \$20,000,000 in revenue bonds to provide additional funds for the Clean Water Project is in the best interests of the District.

Voted: That the Board of Finance finds, based on the recommendation of staff, that the redeeming of the Refunded Obligations will result in a net present value savings to the District, and is in the best interests of the District.

Voted: That the Board of Finance recommends to the District Board adoption of the following resolution:

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$204,500,000 CLEAN WATER PROJECT REFUNDING REVENUE BONDS OF THE METROPOLITAN DISTRICT AND AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$20,000,000 CLEAN WATER PROJECT REVENUE BONDS OF THE METROPOLITAN DISTRICT, THE EXECUTION AND DELIVERY OF A SUPPLEMENT TO THE SPECIAL OBLIGATION INDENTURE OF TRUST, AND RELATED AGREEMENTS

WHEREAS, the Metropolitan District (the “District”) has entered into a consent decree of the United States District Court of the District of Connecticut, by and between the District, the United States Department of Justice, the U.S. Attorney’s Office, the United States Environmental Protection Agency and the State of Connecticut Attorney General (the “U.S. Consent Decree”), and a consent order and a general permit for nitrogen discharges, and existing municipal national pollutant discharge elimination system permits of the State of Connecticut Department of Energy and Environmental Protection, formerly the State of Connecticut Department of Environmental Protection (“CDEP”) entered into by and between the District and the Commissioner of the CDEP (the “Connecticut Consent Order” and together with the U.S. Consent Decree, the “Governmental Orders”), including, but not limited to the obligation to provide for (i) the rehabilitation and reconstruction of portions of the District’s sanitary sewer systems, (ii) the renovation of the combined sewer system, (iii) improvements to water pollution control facilities, (iv) development of a nitrogen removal program, (v) the separation of sewerage and storm water drainage collection systems, (vi) the construction of additional storage, conveyance and treatment facilities (herein referred to as the “Project”);

WHEREAS, the District to date has appropriated \$1.928 billion in capital expenditures for the costs of the Project, and authorized the issuance of \$1.6 billion in its bonds for purposes of financing such capital expenditures;

WHEREAS, the District has issued its \$25,030,000 General Obligation Bonds, Issue of 2013, Series B (the “**Refunded General Obligation Bonds**”) and its \$140,000,000 Clean water Project Revenue Bonds, 2014 Series A (Green Bands) (the “**Refunded Revenue Bonds**”);

WHEREAS, the District has issued \$426,360,545 in outstanding principal amount State of Connecticut Clean Water State Revolving Fund Project Loan Obligations (the “**CWF Loans**” and together with the Refunded General Obligation Bonds and the Refunded Revenue Bonds, the “**Refunded Obligations**”);

WHEREAS, the District has by ordinance adopted October 1, 2007 adopted Section S12x of its Ordinances Relating to Sewers, which provides for a Special Sewer Service Charge for customers of the District who utilize the District’s sewer system and are furnished water directly by the District (the “**Special Sewer Surcharge**”), which

Special Sewer Surcharge shall be established annually through the District's budget approval process, shall be uniformly applied to, and be proportional to the quantity of water used by, such customers, and shall be used exclusively for the payment of principal and interest on certain bonds issued or which may be issued and other loans, including State of Connecticut Clean Water Fund loans, to finance all costs associated with any and all measures necessary to comply with the Governmental Orders, including the costs of the Project;

WHEREAS, Chapter 103 of the General Statutes, the Municipal Sewerage Act (the "Municipal Act") provides for the issuance of bonds, notes and other obligations by a municipality, including the District, which may be secured as to both principal and interest by a pledge of revenues to be derived from sewerage system use charges, including the Special Sewer Surcharge;

WHEREAS, the District's Charter, as amended by Special Act 90-27, and as it may be amended from time to time (the "Charter," and together with the Municipal Act, the "Authorizing Acts"), provides for the issuance of bonds, notes and other obligations by the District, and in connection therewith to enter into reimbursement agreements or similar agreements in connection with credit facilities, including, but not limited to, letters of credit or policies of bond insurance, remarketing agreements and agreements for the purpose of moderating interest rate fluctuations;

WHEREAS, the District proposes to issue special obligation bonds to be secured by a pledge of the Special Sewer Surcharge pursuant to the Authorizing Acts;

WHEREAS, special obligation bonds issued pursuant to the Municipal Act are not subject to the limit on indebtedness of the District provided for in the Charter;

WHEREAS, the District proposes to issue bonds pursuant to the Special Obligation Indenture of Trust dated as of June 1, 2013 (the "**Special Obligation Indenture**") and a Fourth Supplemental Indenture thereto (the "**Fourth Supplemental Indenture**") and together with the Special Obligation Indenture, the "**Indenture**") with U.S. Bank National Association, to finance the costs of the Project;

WHEREAS, the Indenture provides for the issuance of the Special Obligation Bonds (the "**Bonds**") of the District, payable solely from the Special Sewer Surcharge, and other receipts, funds or moneys pledged under the Indenture, if any, and that such Bonds shall be special obligations of the District, payable solely from Pledged Revenues, and other receipts, funds or moneys pledged under the Indenture, and respective supplemental indentures thereto for each series of Bonds;

WHEREAS, the Board of Finance found, based on the recommendation of Hilltop Securities Inc., that the redemption of the Refunded Obligations will result in a net present value savings to the District and is in the best interests of the District;

WHEREAS, the District proposes to issue up to \$202,500,000 of its revenue bonds in one or more series (collectively the “**2021 Refunding Bonds**”) to refund all or any portion of the Refunded Obligations which were issued to fund costs of the Project, and up to \$20,000,000 of its revenue bonds (the “**2021 New Money Obligations**”) and collectively with the 2021 Refunding Bonds, the “**2021 Obligations**”) to fund costs of the Project;

WHEREAS, the District intends to prepare a preliminary official statement and final official statement for the purpose of presenting information in connection with the offering and sale of the 2021 Obligations;

WHEREAS, the District proposes to issue and sell the 2021 Obligations to an underwriter or underwriters pursuant to a bond purchase agreement (the “**Contract for Purchase**”), to be negotiated between the District and the underwriters;

WHEREAS, a portion of the series of the 2021 Refunding Bonds used to refund the Refunded Revenue Bonds are expected to be issued on terms such that the interest thereon shall not be excludable from gross income for federal income tax purposes;

WHEREAS, the series of the 2021 Refunding Bonds used to refund the CWF Loans and the 2021 New Money Obligations are expected to be issued on terms such that the interest thereon shall be excludable from gross income for federal income tax purposes, and for the purpose of establishing such terms and giving assurance as to future compliance with the Internal Revenue Code of 1986, the District proposes to enter into a Tax Certificate and Tax Compliance Agreement;

WHEREAS, pursuant to Rule 15c2-12 promulgated by the U.S. Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, as part of the offering of the 2021 Obligations the District proposes to enter into a Continuing Disclosure Agreement.

NOW THEREFORE, BE IT RESOLVED, by the District Board as follows:

Section 1. Not exceeding \$204,500,000 refunding revenue bonds (the “**2021 Refunding Bonds**”) of the Metropolitan District (the “District”) may be issued in one or more series and in such principal amounts as the Chairman, or in his absence, the Vice Chairman, and the District Treasurer, or in his absence, the Deputy Treasurer (the “**Authorized Officers**”) shall determine to be in the best interests of the District for the purpose of achieving net present value savings and/or to moderate debt service payments. The 2021 Refunding Bonds are hereby authorized to refund all or any portion of any one or more maturities of the District’s outstanding Refunded Obligations, or so much of them as may be determined by the Authorized Officers, plus the costs of issuing the 2021 Refunding Bonds. Each series of the 2021 Refunding Bonds shall mature in such amounts and on such date or dates as shall be determined by the Authorized Officers, provided that no 2021 Refunding Bonds shall mature later than the final maturity date of the last maturity of any Refunded Obligations being refunded by such series. The 2021 Refunding Bonds shall bear

interest payable at such rate or rates as shall be determined by the Authorized Officers. The 2021 Refunding Bonds shall be executed in the name and on behalf of the District by the manual or facsimile signatures of the Authorized Officers, bear the District seal or a facsimile thereof, and be approved as to their legality by Shipman & Goodwin LLP, Bond Counsel to the District. The Authorized Officers are authorized to negotiate, execute and deliver one or more Contracts of Purchase setting forth all the terms of sale of the 2021 Refunding Obligations, including the underwriters' discount for such sale, in such form as they shall deem necessary and appropriate. The aggregate denominations, form, details, and other particulars thereof, including the terms of any rights of redemption and redemption prices, the designation of the certifying, paying, registrar and transfer agent, shall be subject to the approval of the Authorized Officers. The net proceeds of the sale of the 2021 Refunding Bonds, after payment of underwriters' discount and other costs of issuance, shall be deposited in one or more irrevocable escrow accounts in an amount sufficient to pay the principal of, interest and redemption premium, if any, due on the Refunded Obligations to their maturity or earlier redemption pursuant to the plan of refunding. The Authorized Officers are authorized to appoint an escrow agent and other professionals and to execute and deliver any and all escrow, investment and related agreements necessary to provide for such payments on the Refunded Obligations and to provide for the transactions contemplated hereby. The Authorized Officers are authorized to execute and deliver on behalf of the District such documents necessary or desirable for the issuance of the 2021 Refunding Bonds and the redemption of the Refunded Obligations. The Authorized Officers are authorized to execute and deliver one or more Tax Certificates and Tax Compliance Agreements for the 2021 Refunding Bonds used to refund the CWF Loans on behalf of the District in such form as they shall deem necessary and appropriate, and to rebate to the federal government such amounts as may be required pursuant to the Tax Certificate for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended.

Section 2. The District Board finds that the issuance of a portion of the 2021 Refunding Bonds used to refund the Refunded Revenue Bonds on a taxable basis is in the best interests of the District.

Section 3. Not exceeding \$20,000,000 revenue bonds of the Metropolitan District, (the "**2021 New Money Obligations**") and together with the Refunding Bonds, the "**2021 Obligations**") are hereby authorized to be issued to fund such portion of the authorized and unissued balances of the capital appropriations for the Project, plus the costs of issuing the 2021 New Money Obligations. The 2021 New Money Obligations shall be dated the date of their delivery, shall mature in annual installments of principal and bear interest semi-annually each year until maturity. The 2021 New Money Obligations shall be payable at and certified by U.S. Bank National Association, which bank shall also serve as registrar and transfer agent for the 2021 New Money Obligations. The Authorized Officers are authorized to execute and deliver one or more Tax Certificates and Tax Compliance Agreements for the 2021 New Money Obligations on behalf of the District in such form as they shall deem necessary and appropriate, and to rebate to the federal government such amounts as

may be required pursuant to the Tax Certificate for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended.

Section 4. The District Board determines it is advisable and in the best interest of the District to authorize, and does hereby authorize, the District to enter into the Fourth Supplemental Indenture to the Special Obligation Indenture and to effect the pledge of the Special Sewer Surcharge as provided for therein, such Fourth Supplemental Indenture to be in the form, or substantially the form, as has been or shall be distributed to the District Board, and authorizes the Authorized Officers to execute and deliver such Fourth Supplemental Indenture in such form, with such further changes and additions as they shall approve, such approval to be conclusively evidenced by the execution and delivery of such Fourth Supplemental Indenture by such Authorized Officers.

Section 5. The District Board also determines to deposit into the Rate Stabilization Fund established under the Indenture and subject to the pledge of the Indenture, all Special Sewer Surcharge revenues of the District which have not heretofore been used by the District to pay indebtedness of the District.

Section 6. The District Board authorizes the use of such preliminary official statement in connection with the public offering of the 2021 Obligations as the Authorized Officers shall deem advisable, and authorizes the Authorized Officers, in the name of the District, to deem the preliminary official statement and such supplements final when appropriate and execute a final official statement and such supplements, and any further amendment or supplement thereto, in connection with and after the sale of the 2021 Obligations.

Section 7. The Authorized Officers are hereby authorized to determine the principal amount, maturities, rate or rates of interest, redemption terms, and the other particulars of the 2021 New Money Obligations, and to deliver the 2021 New Money Obligations to the purchaser thereof in accordance with this resolution. The Authorized Officers are authorized to negotiate, execute and deliver one or more Contracts of Purchase setting forth all the terms of sale of the 2021 New Money Obligations, including the underwriters' discount for such sale, in such form as they shall deem necessary and appropriate. The 2021 New Money Obligations shall be executed in the name and on behalf of the District by the manual or facsimile signatures of the Authorized Officers, bear the District seal or a facsimile thereof, and be approved as to their legality by Shipman & Goodwin LLP, Bond Counsel to the District. The Authorized Officers are authorized to execute and deliver a Tax Certificate and Tax Compliance Agreement for the 2021 New Money Obligations issued on a tax-exempt basis on behalf of the District in such form as they shall deem necessary and appropriate, and to rebate to the federal government such amounts as may be required pursuant to the Tax Certificate for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended. The Authorized Officers are authorized to execute and deliver a Continuing Disclosure Agreement and any and all agreements and documents necessary to effect the issuance and sale of the 2021 New Money Obligations in accordance with the terms of this

resolution. The Authorized Officers and other proper officers of the District are hereby authorized to do and perform such acts, and execute and deliver, in the name of the District, such additional instruments, agreements and certificates as they deem necessary or appropriate to carry into effect the intent of the foregoing resolutions, and as shall not be inconsistent with the foregoing resolutions.

Section 8. The District hereby determines and declares, for purposes of Section 7-263 of the Connecticut General Statutes, that the 2021 Obligations are part of a single plan of finance that also includes all prior borrowings from the State of Connecticut Clean Water State Revolving Fund for the purpose of financing the Project, and all prior general obligation bonds of the District (but not any bond anticipation notes issued in anticipation of the issuance of such general obligation bonds) issued for purposes of financing the Project.

Section 9. The District hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution, or otherwise as may be allowed under the Regulations, in the maximum amount and for the Projects with the proceeds of the 2021 New Money Obligations authorized to be issued by the District. The 2021 New Money Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Projects, or such later date the Regulations may authorize. The District hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Authorized Officers are authorized to amend such expression of official intent to bind the District pursuant to such changes he deems necessary or advisable to maintain the continued exemption from federal income taxation of interest on the 2021 New Money Obligations.

Section 10. This resolution will take effect immediately.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL
OBLIGATION BONDS OF THE METROPOLITAN DISTRICT IN AN AMOUNT NOT
TO EXCEED \$160,000,000 AND GENERAL OBLIGATION REFUNDING BONDS IN
AN AMOUNT NOT TO EXCEED \$18,000,000**

To: District Board

July 7, 2021

From: Board of Finance

At a meeting of the Board of Finance held on July 7, 2021, it was:

VOTED: That the Board of Finance recommends to the District Board adoption of the following resolution from Bond Counsel.

BE IT RESOLVED:

SECTION 1. The Metropolitan District (the "District") General Obligation Bonds (the "**New Money Bonds**") in an amount not to exceed \$160,000,000, are hereby authorized to be issued to: (a) redeem the District's \$95,000,000 General Obligation Bond Anticipation Notes maturing September 1, 2021, plus any interest accrued thereon, (b) fund \$65,000,000 of new money for Capital Improvement Projects (the "Projects"), and (c) pay certain costs of issuance for the New Money Bonds. The New Money Bonds are authorized to be issued to fund such portion of the authorized and unissued balances of the capital appropriations contained in certain bond resolutions adopted to finance capital budget items enacted by the District Board, and for such Projects as determined by the Chairman, or in his absence, the Vice Chairman, and the District Treasurer, or in his absence the Deputy Treasurer (the "**Authorized Officers**"). Proceeds of the New Money Bonds shall be used to finance the expenditures for any of the purposes or Projects and for any supplemental purposes or projects the Board of Finance and the District Board may from the date hereof authorize to be financed by the issuance of bonds.

SECTION 2. The District's General Obligation Refunding Bonds (the "**Refunding Bonds**"), in an amount not to exceed \$18,000,000 are hereby authorized to be issued to refund all or any portion of the outstanding maturities of the District's General Obligation Bonds, Issue of 2013, Series A (the "**Refunded Bonds**"), which may be optionally redeemed on or after February 1, 2022, and to pay certain costs of issuance for the Refunding Bonds. The District is authorized to enter into and deliver a forward purchase contract or agreement in connection with the sale and issuance of the Refunding Bonds, providing for the issuance of the Refunding Bonds on a date to permit the Refunding Bonds to be issued on a tax-exempt basis. The New Money Bonds together with the Refunding Bonds are collectively referred to herein as the "**Bonds**."

SECTION 3. The New Money Bonds shall be dated on or about September 1, 2021 and the Refunding Bonds shall be dated on or about November 3, 2021. The Bonds shall have maturity dates in accordance with the Connecticut General

Statutes, as amended, and shall bear interest payable semi-annually each year until maturity and be issued in fully registered form. The Bonds shall be payable at and certified by U.S. Bank National Association, which bank shall also serve as registrar and transfer agent for the Bonds. The Bonds may be sold as single issues or consolidated with any other authorized issues of bonds of the District. The Bonds shall be sold by the District Treasurer, or in his absence, the Deputy Treasurer, in one or more competitive offerings or negotiated offerings, in the discretion of the District Treasurer, or in his absence, the Deputy Treasurer. If sold in one or more competitive offerings, the Bonds shall be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost to the District, and in no case for a sum less than par and accrued interest to the date of delivery, and the District Treasurer, or in his absence the Deputy Treasurer, is hereby authorized to determine the principal amount to be issued, the principal amount to mature in each year, the optional redemption date(s) and redemption premium(s), if any, and the rate or rates of interest on the Bonds, and deliver the Bonds to the purchaser(s) thereof in accordance with this resolution. If sold in one or more negotiated offerings, the Authorized Officers are authorized to negotiate, execute and deliver one or more bond purchase agreements for the Bonds setting forth all the terms and conditions of the sale in such form as they shall deem necessary and appropriate, and deliver the Bonds to the purchaser(s) thereof in accordance with this resolution.

SECTION 4. The Bonds shall be executed in the name and on behalf of the District by the manual or facsimile signatures of the Authorized Officers, bear the District seal or a facsimile thereof, and be approved as to their legality by Shipman & Goodwin LLP, Bond Counsel to the District. The Authorized Officers are authorized to execute and deliver a Tax Certificate and Tax Compliance Agreement on behalf of the District in such forms as they shall deem necessary and appropriate, and to rebate to the federal government such amounts as may be required pursuant to the Tax Certificate for the purpose of complying with the requirements of the Internal Revenue Code of 1986, as amended. The Authorized Officers are authorized to execute and deliver a Continuing Disclosure Agreement and any and all agreements and documents necessary to effect the issuance and sale of the Bonds in accordance with the terms of this resolution. The Authorized Officers are authorized to appoint an escrow agent and other professionals and to execute and deliver any and all escrow, investment and related agreements necessary to provide for such payments on the Refunded Bonds and to provide for the transactions contemplated hereby. The Authorized Officers are authorized to execute and deliver on behalf of the District any documents or instruments necessary or desirable for the issuance of the Bonds.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

**WATER BUREAU
AUTHORIZATION FOR SALE OF DISTRICT REAL PROPERTY
705 KEENEY STREET, MANCHESTER**

To: District Board

July 7, 2021

The Metropolitan District ("District") is the owner of real property located at 705 Keeney Street in the Town of Manchester ("Property") totaling approximately 27 acres. The District obtained ownership of the property in 1947 when the District purchased the East Hartford Water Company's holdings. Since that time, the Property has remain undeveloped and in 2014 was transferred to the District's pension plan via a specifically created limited liability company, Pension Fund Land LLC, along with other parcels totaling approximately 570 acres. In January of 2020, the majority of the land held by the pension plan was sold to the Town of Glastonbury, but not the Property. Pursuant to Section 2-12a of the District Charter, whenever the District intends to sell, transfer or convey any lands not part of the existing reservoir system, the District is required to notify the chief executive officer of each municipality wherein such lands are located. After notification to the Town, it is recommended that the District attempt to sell the Property "as is" to an interested buyer via a sealed bidding process open to the general public.

It is **RECOMMENDED** that it be:

VOTED: That the District Board approve passage of the following resolution:

RESOLVED: That pursuant to Section 2-12a of the District Charter, the above-referenced sale of 705 Keeney Street in Manchester is hereby authorized for the purposes set forth above, upon the above terms and conditions, and such other terms and conditions as the District's Chief Executive Officer as well as the District Counsel deem appropriate and in the best interests of the District; and be it further

RESOLVED: That prior to sale of the Property, District staff shall provide written notice to the Town of Manchester offering sale of the Property "as is" under the terms, conditions and compensation deemed appropriate by the Chief Executive Officer; and be it further

RESOLVED: That upon completion of a sealed bidding process open to the general public, the final disposition of the Property be decided by the District Board.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

EXECUTIVE SESSION

At 6:52 P.M., Chairman DiBella requested an executive session to discuss agenda items #11 "Hartford Landfill Including Pending Litigation", agenda item #12 "Pending Litigation - Betz v. MDC" and agenda item #13 "Pending Litigation – MDC v. Marriott International."

On a motion made by Commissioner Pane and duly seconded, the District Board entered into a joint executive session to discuss agenda item #11 "Hartford Landfill Including Pending Litigation", agenda item #12 "Pending Litigation – Betz v. MDC" and agenda item #13 "Pending Litigation – MDC v. Marriott International."

Without objection, agenda items #12 "Pending Litigation – Betz v. MDC" and agenda item #13 "Pending Litigation – MDC v. Marriott International" were taken up prior to agenda item #11 "Hartford Landfill Including Pending Litigation" in the Executive Session.

Those in attendance during the executive session:

Commissioners Andrew Adil, John Avedisian, Donald Currey, William A. DiBella, David Drake, Peter Gardow, James Healy, Allen Hoffman, Christian Hoheb, Jean Holloway, Shubhada Kambli, Mary LaChance, Gary LeBeau, Jacqueline Mandych, Dominic M. Pane, Bhupen Patel, Pasquale J. Salemi, Ray Sweezy, Alvin Taylor, Calixto Torres, and James Woulfe; Chief Executive Officer Scott W. Jellison; District Counsel Christopher Stone, Assistant District Counsel John Mirtle; Chief Operating Officer Chris Levesque; Chief Administrative Officer Kelly Shane.

At 7:07 PM, Commissioner Kambli recused herself from discussion of agenda item #11 "Hartford Landfill Including Pending Litigation" due to a conflict and exited executive session.

RECONVENE

At 8:04 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Taylor and duly seconded, the District Board came out of executive session and reconvened.

**PENDING LITIGATION
BETZ V. MDC**

To: District Board

July 7, 2021

In October 2019, Plaintiff Robert Betz commenced a civil action against The Metropolitan District and an employee alleging negligence related to a motor vehicle accident. The case is scheduled for trial on July 15, 2021. During settlement negotiations with the Plaintiff, the parties have agreed, pending approval of the District Board, to forego a trial and participate in binding arbitration.

It is **RECOMMENDED** that it be:

VOTED: That the District Board approve passage of the following resolution:

RESOLVED: That pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorize District Counsel, or his designee, to consent to binding high/low arbitration in lieu of proceeding to trial for the pending state lawsuit captioned **ROBERT BETZ v. DANIEL SYLVESTER & THE METROPOLITAN DISTRICT COMMISSION**, Docket No. HHD-CV19-6119311-S, with the high/low parameters of \$15,000 to \$60,000 for a possible award to the plaintiff.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

HARTFORD LANDFILL INCLUDING PENDING LITIGATION

To: District Board

July 7, 2021

It is **RECOMMENDED** that it be:

VOTED: That the District Board approve passage of the following resolution:

RESOLVED: The Board of Commissioners of The Metropolitan District hereby consents to the withdrawal of the pending state lawsuit captioned ***THE METROPOLITAN DISTRICT v. CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION & KATIE DYKES COMMISSIONER OF THE DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION***, Docket No. HHD-CV19-6117265-S, and directs District Counsel to effect said withdrawal forthwith.

FURTHER

RESOLVED: The Board of Commissioners of The Metropolitan District directs District Counsel to make an application to withdraw the pending Supreme Court appeal in the matter of MDC v. DEEP AC 43832.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

Commissioner Pane made a motion to amend the resolution as shown above in redline. The amendment passed by unanimous vote of those present. Commissioner Kambli abstained.

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

ADJOURNMENT

The meeting was adjourned at 8:09 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval