

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, April 3, 2017

Present: Commissioners Andrew Adil, John Avedisian, Luis Caban, Daniel Camilliere, Donald M. Currey, William A. DiBella, Allen Hoffman, Jean Holloway, Kathleen J. Kowalyshyn, Byron Lester, Alphonse Marotta, Whit Osgood, Dominic M. Pane, Hector Rivera, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor and Richard W. Vicino (18)

Absent: Commissioners Mary Anne Charron, Janice Flemming-Butler, Matthew B. Galligan, William P. Horan, Sandra Johnson, Maureen Magnan, Mark A. Pappa, Bhupen Patel, J. Lawrence Price, Michael Solomonides, Christopher Syrek and Special Representative Michael Carrier (12)

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
Steve Bonafonte, Assistant District Counsel
John S. Mirtle, District Clerk
Susan Negrelli, Director of Engineering
Robert Schwarm, Director of Information Technology
Kelly Shane, Director of Procurement
Robert Zaik, Interim Director of Human Resources
Christopher Levesque, Director of Operations
Tom Tyler, Director of Facilities
Michael Curley, Manager of Technical Services
Nick Salemi, Special Services Administrator
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 5:40 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.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Judy Allen of 25 Fowler Drive West Hartford spoke regarding Agenda Item #12b “MDC Policy on WUCC Established Exclusive Service Areas and Involuntary Acquisition of Small Water Companies”

APPROVAL OF MINUTES

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

Commissioners Kowalyshyn 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 6:28p.m. Commissioner Kowalyshyn exited the meeting.

EXTENSION FOR FILING UPDATE TO CWP LONG TERM CONTROL PLAN

To: District Board

April 3, 2017

Be It Hereby Resolved, that the Board of Commissioners of The Metropolitan District hereby authorizes the Chief Executive Officer, or his designee, to request from the State of Connecticut Department of Energy and Environmental Protection a one year extension, from December 29, 2017 to December 31, 2018, to file the District’s update to the Clean Water Project Long Term Control Plan.

Respectively 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 HUMAN RESOURCES**

To: District Board April 3, 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 Robert Zaik as Director of Human Resources for The Metropolitan District.

At a meeting of the Committee on Organization held on April 3, 2017, it was:

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 Robert Zaik as Director of Human Resources 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.

**BOARD OF FINANCE
APPROVAL FOR STATE OF CONNECTICUT FINANCING
DWSRF NO. 2017-7055**

To: District Board April 3, 2017
From: Board of Finance

At a meeting of the Board of Finance held on April 3, 2017, it was:

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

RESOLUTION OF THE DISTRICT BOARD WITH RESPECT TO THE ISSUANCE OF INTERIM FUNDING OBLIGATIONS AND PROJECT LOAN OBLIGATIONS PURSUANT TO THE PROJECT LOAN AND SUBSIDY AGREEMENT DWSRF NO. 2017-7055 BETWEEN THE STATE OF CONNECTICUT AND THE METROPOLITAN DISTRICT UNDER THE DRINKING WATER STATE REVOLVING FUND PROGRAM

RESOLVED:

Section 1. The Chairman and the District Treasurer or Deputy Treasurer are authorized to execute and deliver any and all Interim Funding Obligations and Project Loan Obligations in the aggregate amount not to exceed \$2,905,408.44. Such Interim Funding Obligations shall be dated as of their date of issue, shall mature within six months of the Scheduled Completion Date, shall bear interest at the rate of two percent (2.00%) per annum, shall be payable as to principal and interest as provided in the Project Loan and Subsidy Agreement DWSRF No. 2017-7055 to be entered into with the State of Connecticut (the "Agreement") and, to the extent not paid prior to maturity from The Metropolitan District funds, may be renewed by the issuance of Interim Funding Obligations or Project Loan Obligations, all as provided in the Agreement. Capitalized terms used herein and not defined shall have the meanings ascribed to them in the Agreement.

Section 2. The Project Loan Obligations shall be dated as of their date of issue, shall mature no later than twenty years from the Scheduled Completion Date, shall bear interest at the rate of two percent (2.00%) per annum and shall be payable as to principal and interest as provided in the Agreement.

Respectively submitted,

John S. Mirtle, Esq.
District Clerk

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

**WATER BUREAU
594 ALBANY TURNPIKE (ROUTE 44), CANTON
ENCROACHMENT AGREEMENT**

To: District Board

April 3, 2017

From: Water Bureau

On March 7, 2016, upon approval and recommendation of the Water Bureau, The Metropolitan District Commission (the "Board"), approved a request by David and Jacqueline Mott, property owners of a certain parcel of land known as 594 Albany Turnpike, Canton, Connecticut (collectively, the "Owners"), requesting permission to permanently encroach upon the Barkhamsted-Nepaug Pipeline Right-of-Way, containing an existing 48-inch RCP raw water transmission main (the "Main"), located across private lands south of Albany Turnpike in Canton, Connecticut (the "Right-of-Way") for the purpose of installing electric, telephone and cable lines and a new paved driveway to serve a proposed house on such parcel. As part of this approval, the Board required that "a formal encroachment agreement shall be executed by the [O]wner[s] and the Metropolitan District, consistent with current practice involving similar requests[.]" which agreement is subject to approval as to form and content by District Counsel; and 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." On or about April 14, 2016, MDC staff prepared the encroachment agreement and sent the same to Owners for review and execution.

Notwithstanding the foregoing approval, Owners have refused to execute the encroachment agreement, and instead have proceeded, without any notice to the MDC or its staff, with construction of the single-family house on the subject parcel in complete disregard of the safety and integrity of the Main. Such construction has included the installation of a 1,000 gallon underground propane tank in a location abutting the southern edge of the Right-of-Way (See Exhibit A attached hereto and made a part hereof), which tank and its location were not disclosed by Owners either in their encroachment request or in the site plan or other documents submitted by or on behalf of Owners in connection with such request. Staff has also confirmed that the Owners' "Call Before You Dig" permit/ticket for such installation expired in October of 2016, and was not properly continued for purposes of remaining in effect when the tank was installed in January of 2017. Given the present location of the tank and its dimensions (approximately 12' long, 4' wide and 5' high), it is in all likelihood that the excavation required for such installation necessitated an unauthorized encroachment within the Right-of-Way. In addition, the Owners have stockpiled or caused to be stockpiled, excavated soils within the Right-of-Way. As a result of Owners' above actions, MDC secured a court order prohibiting any further excavation on the subject property (the utilities and driveway permitted under the encroachment authorization had not been installed at time of such order) until a formal hearing for a permanent injunction on the matter can be held, which hearing was scheduled for February 16, 2017 at 10:00 am in Hartford Superior Court.

Immediately prior to the above scheduled hearing the parties were able to reach an accord that was embodied in a court approved order that permitted a one-time encroachment in the Right-of-Way for the purpose of installing the aforementioned utilities and driveway subject to and in accordance with all the

material provisions of the March 7, 2016 encroachment approvals of the Water Bureau and the Board. In addition, the Owners agreed to immediately removal the excavate soils that were stockpiled on the Right-of-Way, and to work with MDC in good faith to relocate the propane tank to a mutually acceptable location on the Owners' property where it will not pose any threat or danger to the safety or integrity of the Main. Please be advised that this accord only resolves the injunction action brought by the MDC against the Owners, and the underlying lawsuit (i.e., a quiet title action) remains in tact and will proceed absent a final settlement.

In light of the foregoing, Staff is recommending that the Water Bureau: (i) vote to go into an executive session in order to discuss the pending litigation against the Owners and the strategy for the same; and (ii) reconsider its approval of the above encroachment and modify such approval by including the following supplemental terms and conditions, and provide a recommendation and accompanying resolution to the Board for action on such modified approval.

1. The encroachment agreement as fully executed by the District and Owners be recorded on the Canton Land Records.

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 David and Jacqueline Mott to encroach upon the existing Barkhamsted-Nepaug Pipeline 75-foot Right-of-Way south of Albany Turnpike in Canton, with electrical, telephone and cable lines and a paved driveway, as shown on the plan submitted by Robert Green Associates, LLC, Surveyors and Engineers, 6 Old Waterbury Road, Terryville, CT, dated December 18, 2015 revised through February 9, 2016, consistent with the approval of such encroachment authorized by the District Board on March 7, 2016, as modified by the supplemental terms and conditions set forth above, and 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,

Scott W. Jellison
Chief Executive Officer

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

**WATER BUREAU
DISCUSSION RE: MDC POLICY ON WUCC ESTABLISHED EXCLUSIVE
SERVICE AREA AND INVOLUNTARY ACQUISITION OF SMALL WATER
COMPANIES**

Susan Negrelli, Director of Engineering, briefed the District Board on issues related to the Water Utility Coordinating Committee established Exclusive Service Areas and potential involuntary acquisition of small water companies.

**WATER BUREAU
BOWLES PARK/WILLOW CREEK, HARTFORD
ABANDONMENT OF WATER MAIN**

To: District Board

April 3, 2017

From: Water Bureau

On January 17, 2017, the District received a letter from Kristen Solloway of Fuss & O'Neill on behalf of The City of Hartford and Hartford Housing Authority, Owner and Developer of Bowles Park/Willow Creek, requesting that the Metropolitan District abandon the existing water mains within portions of Nahum Drive and Berkeley Drive in Hartford, as shown on the accompanying map. The purpose of the request is to enable the construction of a new residential development. The Owner will in turn build new public water mains to service the development. The existing water mains were built in 1950 by the City of Hartford Housing Authority under a Developer's Permit-Agreement with the Metropolitan District.

The proposal submitted includes the abandonment of approximately 3,100 feet of 8-inch water main in Nahum Drive and approximately 1,000 feet of 6-inch water main in Berkeley Drive, as shown on the aforementioned map. The existing water mains were originally constructed in a public roadway; therefore no easements exist.

From an engineering standpoint, the abandonment of the existing water mains will not have a negative impact on the District's water distribution system, and no hardship or detriment would be imposed on others. The proposed new water mains will be constructed within the subject parcel under a new Developer's Permit-Agreement.

At a meeting of the Water Bureau held on April 3, 2017, it was:

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 the abandonment of the existing water mains on property of

the City of Hartford, Nahum Drive and Berkeley Drive, Hartford, as shown on the accompanying map.

Respectively submitted,

John S. Mirtle, Esq.
District Clerk



January 17, 2017

Michael T. Curley
The Metropolitan District
555 Main Street
Hartford, CT 06142

Re: Willow Creek/Bowles Park
Abandonment Request

Dear Mr. Curley:

The Willow Creek/Bowles Park project has been approved by the City of Hartford's Planning and Zoning Commission for a new zone and masterplan as by right. This project will be redeveloped in phases and sections of sanitary sewer and storm drainage will remain on line until the future phases are constructed. It is understood that the sections of sanitary sewer and storm drainage remaining on line until the full build out, will continue to be the responsibility of the MDC and access will be maintained for maintenance purposes.

As discussed at our December 16, 2016 meeting, below is a request for abandonment of sanitary sewer, water, and storm drainage at the following locations:

Water Services and Main:

1. Nahum Drive – All services with the exception of the Boys and Girls Home
2. Berkley Drive – All services

Sanitary Sewer Service and Mains and Storm Drainage:

1. Nahum Drive - See attached plan
2. Berkley Drive – See attached plan

We trust the information enclosed will be sufficient for you to place this request on the appropriate MDC board agendas. Please do not hesitate to contact me with any questions or comments. I can be reached at 860-646-2469 x-5344 or ksolloway@fando.com

Sincerely,

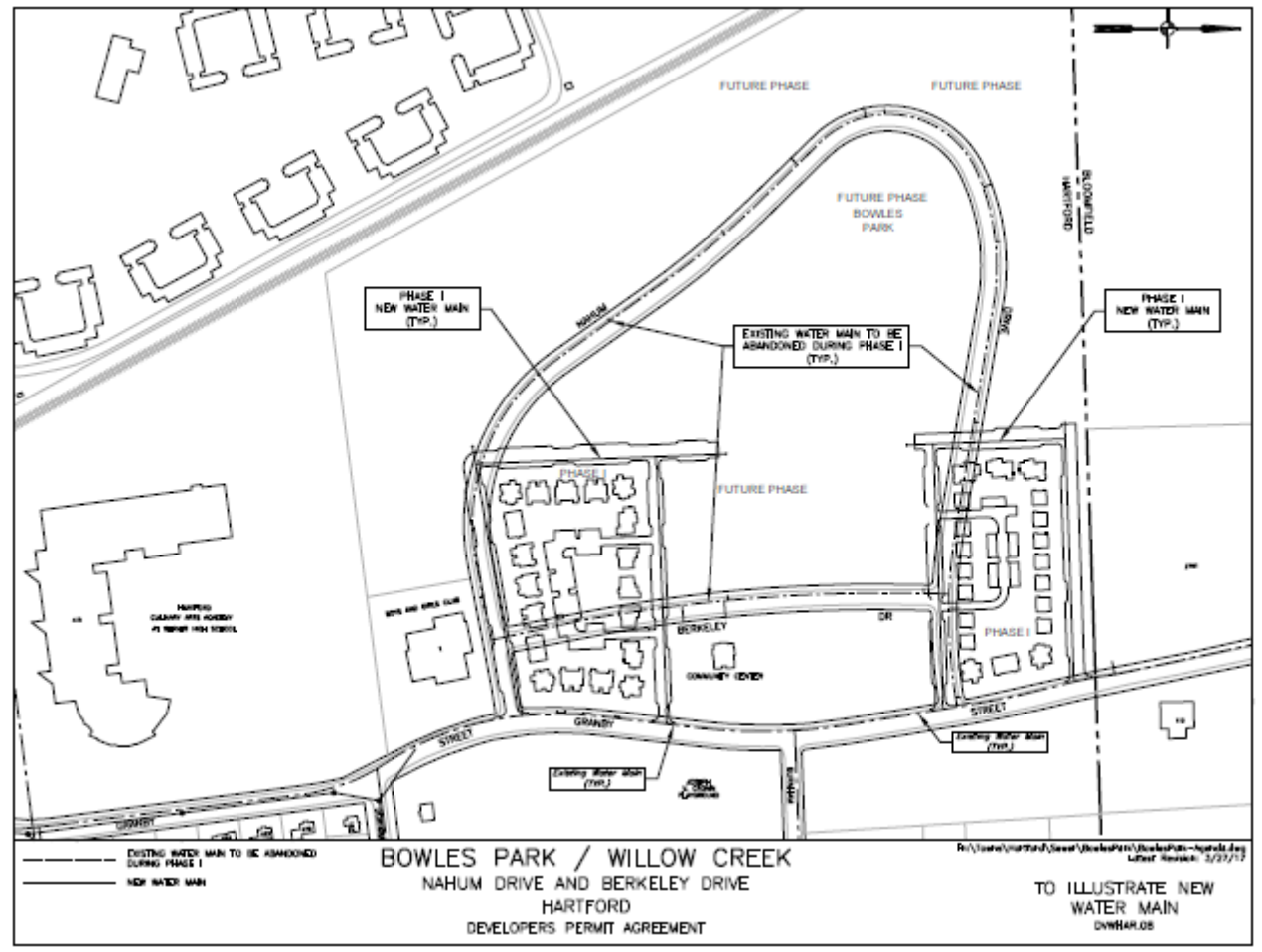
Kristen E. Solloway, P.E.
Vice President

cc: Anthony Rowan, ATR Construction Services
Todd McClutchy, JHM Financial Group

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

Without objection, Agenda Items #13A “Release of Right-of-Way and Abandonment of Sanitary Sewer and Storm Sewers-Bowles Park/Willow Creek Hartford” and #13B “Acceptance of Sewers Built by Developers Permit Agreement- East Maxwell Drive, West Hartford” were consolidated.

**BUREAU OF PUBLIC WORKS
 BOWLES PARK/WILLOW CREEK, HARTFORD
 RELEASE OF RIGHT-OF-WAY AND ABANDONMENT OF SANITARY AND
 STORM SEWERS**

To: District Board

April 3, 2017

From: Bureau of Public Works

On January 17, 2017, the District received a letter from Kristen Solloway of Fuss & O’Neill on behalf of The City of Hartford and Hartford Housing Authority,

Owner and Developer of Bowles Park/Willow Creek, requesting that the Metropolitan District abandon and release portions of the existing sanitary and storm sewers and easements within private lands, west of Granby Street in the vicinity of Nahum Drive and Berkeley Drive in Hartford, as shown on the accompanying map. The purpose of the request is to enable the construction of a new residential development.

The Developer intends to install new sanitary and storm sewers under a Developer's Permit Agreement for Phase 1 of this project and will grant the District new 20-foot permanent sanitary and storm easements along the proposed sewers. The original easements were acquired by the Metropolitan District through a Developer's Permit-Agreement in June, 1950.

From an engineering standpoint, the release of the requested portions of these easements and abandonment of the sanitary and storm sewers will not have a negative impact on the District's sewer system, and no hardship or detriment would be imposed on others.

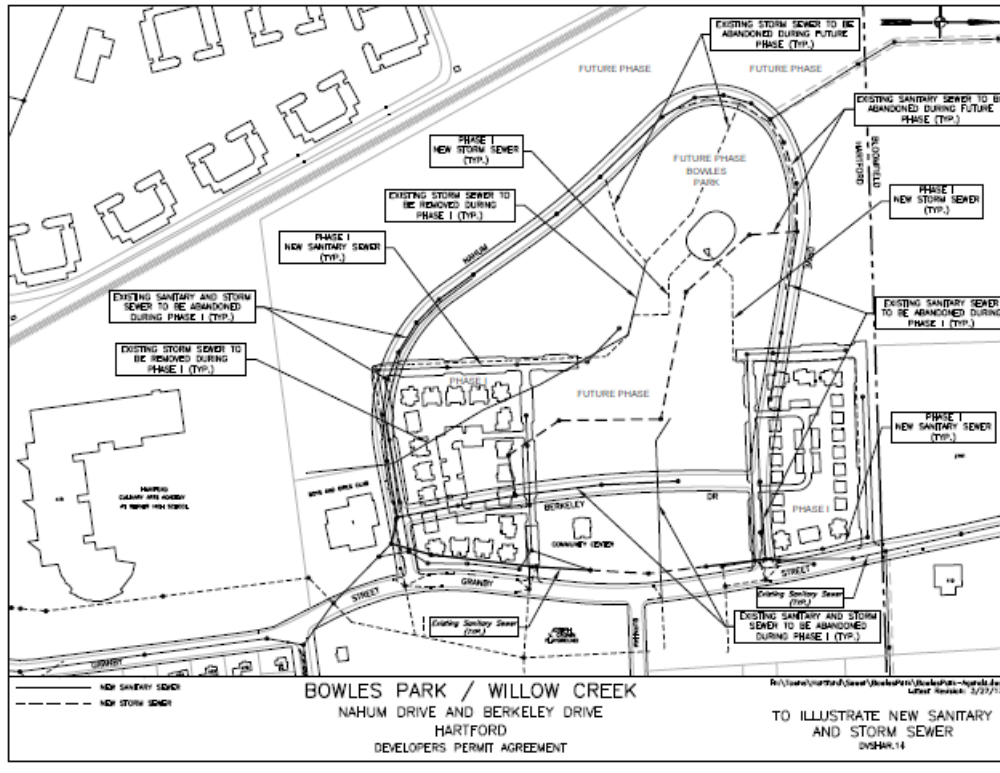
At a meeting of the Bureau of Public Works held on April 3, 2017, it was:

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 the release of portions of the existing sanitary and storm sewer easements and discontinued sanitary and storm sewers on property owned by the City of Hartford, as shown on the accompanying map and as recorded in the City of Hartford land records in Volume 902, Page 208 and Volume 933, Page 89. The release shall be subject to approval by District Counsel as to form and content.

Respectively submitted,

John S. Mirtle, Esq.
District Clerk



**BUREAU OF PUBLIC WORKS
ACCEPTANCE OF SEWERS BUILT BY DEVELOPER'S
PERMIT-AGREEMENT**

To: District Board

April 3, 2017

From: Bureau of Public Works

The sewers outlined in the following resolution have been constructed under Developer's Permit-Agreement in accordance with the plans, specifications and standards of the District, and the Director of Engineering has certified to all of the foregoing.

At a meeting of the Bureau of Public Works held on April 3, 2017, it was:

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

Resolved: That, in accordance with Section S8g of the District Ordinances, the following is incorporated into the sewer system of The Metropolitan District as of the date of passage of this resolution:

<u>Sewers In</u>	<u>Built By</u>	<u>Completion Date</u>
East Maxwell Drive, West Hartford BIL.DVSWHF.05	Developer: Sard Custom Homes Contractor: Red Door Construction	May 29, 2015

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

On motion made by Commissioner Caban and duly seconded, the reports were received and resolutions for Agenda Items #13A “Release of Right-of-Way and Abandonment of Sanitary Sewer and Storm Sewers- Bowles Park/Willow Creek Hartford” and #13B “Acceptance of Sewers Built by Developers Permit Agreement- East Maxwell Drive, West Hartford” were adopted unanimously.

SETTLEMENT OF PENDING LITIGATION CLAIM

To: District Board

April 3, 2017

BE IT HEREBY RESOLVED, that pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to settle the lawsuit captioned *Maurice Dumont v. The Metropolitan District et al.*, Docket No. HHD-CV-16-6069946-S (“*Litigation*”), for the total sum of \$10,000.00, subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including but not limited to a general release containing a confidentiality provision from the plaintiff, and formal withdrawal of said action.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Judy Allen of 25 Fowler Drive, West Hartford provided written comments:

MDC District Board Meeting 4/3/17 General Public Comments

I want to share some of the ways in which water has been showing up in my life lately.

March 22nd was World Water Day. Trinity Church in NYC held a conference called Water Justice. I was able to watch at a remote location in Wallingford hosted by an engineer who works for Aquarian. He makes a yearly trip to Malawi (not as an employee) where he established a water system for a small village. He goes back each year to ensure it is working well, answer technical questions, and check on the process of their water council.

I read a book called Water for Hartford. Chairman DiBella provided information for the book. It's a history of creating the water supply in Hartford, how the MDC came into existence. I think it should be required reading for all commissioners. I learned a lot

On your website is a link to an article appearing in West Hartford Life also about the history of the MDC. Complete with lots of pictures.

An article in the Hartford Courant reported that the bottled water industry grew from the decline in sales of soda. But now sales of bottled water are declining and the industry has begun to add sweetener, flavor, and a bit of fizz in the hopes of creating new markets and profits. The article questions, is this new product water, or is it soda?

An article in the latest Connecticut magazine addressed rising sea levels and climate change along CT's coast by interviewing all coastal towns to determine what measures they are taking to address this.

The State Water Plan is getting closer to completion. The draft language for many parts will be available on DEEP's website. It contains a wealth of information giving you a sense of the diversity of water across our state.

As you know, the MDC will soon have a consumer advocate and I know there are mixed feelings about this. Since the MDC's will be based on South Central's, I decided to look them up. The minutes from their Representative Policy Board reports how even member votes on everything, even approval of minutes. They expect members of their governing board to put in 200 hours a year!

Some CT Water Companies are members of the national Alliance for Water Efficiency. Memberships are a minimum of \$500 and a cap of \$25,000. They're experts on water utilities including rate structures for sustainability. Maureen Westbrook of the Connecticut Water Company is on their board of directors and could tell you about the benefits and services for members. At your last meeting there was some comment about a study on sewer user fees expecting to cost more than \$25,000. To me the Alliance for Water Efficiency is a far better value. Certainly at least something to check out.

In the March issue of Connecticut magazine is an article about hidden treasures in our state. One is the Seville Dam in Barkhamsted (You can read about its construction in the Water For Hartford). It's a favorite place for photographers as Bald Eagles are apt to be soaring there.

You're in the business of water. But that shouldn't preclude an appreciation for all the ways water is vital in the grand scheme of things.

Judy Allen
West Hartford, CT

ADJOURNMENT

The meeting was adjourned at 7:06 P.M.

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval