

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, April 4, 2022

PRESENT: Commissioners John Avedisian, Richard Bush, William A. DiBella, David Drake, Peter Gardow, James Healy, Allen Hoffman, Jacqueline Mandyck, Dominic Pane, Pasquale J Salemi, Ray Sweezy, Alvin Taylor, Calixto Torres and James Woulfe (14)

REMOTE ATTENDANCE: Commissioners Andrew Adil, Donald Currey, Christian Hoheb, Mary LaChance, Gary LeBeau, Byron Lester, Diane Lewis, Maureen Magnan, Bhupen Patel, Jon Petoskey and Richard W. Vicino (11)

ABSENT: Commissioners Clifford Avery Buell, Jean Holloway, David Ionno, Michael Maniscalco, Alphonse Marotta, and New Britain Special Representative Michael Carrier (6)

ALSO PRESENT: Scott W. Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John S. Mirtle, District Clerk
Robert Barron, Chief Financial Officer
Christopher Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer
Sue Negrelli, Director of Engineering
Robert Schwarm, Director of Information Technology (Remote attendance)
Tom Tyler, Director of Facilities
Jamie Harlow, Director of Human Resources (Remote attendance)
David Rutty, Director of Operations
Diana Phay, Manager of Treasury
Michael Curley, Manager of Technical Services
Nick Salemi, Communications Administrator
Anthony Spaziani, IT Consultant (Remote attendance)
Carrie Blardo, Assistant to the Chief Operating Officer
Victoria Escoriza, Executive Assistant
Joseph Szerejko, Independent Consumer Advocate

CALL TO ORDER

The meeting was called to order by District Chairman William DiBella at 5:30 PM

ROLL CALL AND QUORUM

The District Clerk called the roll and informed District Chairman William 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

APPROVAL OF MINUTES

On motion made by Commissioner Gardow and duly seconded, the meeting minutes of March 7, 2022 were approved.

Commissioner LeBeau entered the meeting at 5:35 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Joan Facey of Hartford spoke regarding sewer connection issues at her property on Magnolia Street after the demolition of 59 Magnolia Street. She asked the Board to direct staff to promptly handle her claim for damages.

Halob Eason, a member of the Upper Albany Avenue area spoke in support of Joan Facey and environmental justice.

June Lyons spoke in support of Ms. Facey's claim and complained how she has been personally treated by MDC Staff in regards to applying for a backwater valve. She asked the Board to direct staff to address her backwater valve application.

Brother Brunel Bourgeois of the North End Church of Christ spoke regarding damages from a sewer backup at his church on Albany Avenue.

Chris Williams, Member of the North End Church of Christ, urged for a resolution by the MDC for Ms. Facey's sewer backup issue.

State Representative Tom Delnicki spoke regarding item #12. He stated the intent of his amendment to Senate Bill 322 is to allow the four non-member town Commissioners to vote specifically on water rates.

Ellsworth Cross of the Upper Albany area stated that investigations have been ongoing for Ms. Facey's sewer backup issue and requested prompt resolution of the claim.

Commissioner Sweezy requested that a full report be given to the Bureau of Public Works, or the full District Board regarding the Upper Albany Area.

REPORT FROM CHIEF EXECUTIVE OFFICER

Chief Executive Officer Scott Jellison reported to the District Board that recreational rates will remain the same for 2022 as they were in 2021.

REPORT FROM DISTRICT COUNSEL

District Counsel Christopher Stone reported to the District Board on Colebrook Dam legislation pending in Congress, the DEEP Landfill and the DRB/Tunnel matter.

Without objection, Commissioner Sweezy moved to amend the agenda to include item #8A, "POTENTIAL SETTLEMENT OF PENDING LITIGATION- PRECISION TRENCHLESS LLC v SAERTEX MULTICOM LP"

**SETTLEMENT OF PENDING LITIGATION
*PRECISION TRENCHLESS LLC et al v SAERTEX MULTICOM LP et al***

To: District Board April 4, 2022

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 accept a settlement offer of \$1,000,000.00 as full and final settlement of the District's claim pending in the ***PRECISION TRENCHLESS LLC et al v SAERTEX MULTICOM LP et al*** litigation, Docket No. 3:19-CV-00054(JCH), subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including but not limited to a general release.

Respectfully submitted,



Scott W. Jellison
Chief Executive Officer

Commissioner Bush recused himself from voting on this resolution.

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

APPOINTMENT OF COMMISSIONERS TO ETHICS ADVISORY BOARD

Chairman DiBella appointed Commissioners Lewis, Patel and Woulfe to the Ethics Advisory Board as full members and Commissioners Hoffman and Gardow as alternates.

**BOARD OF FINANCE
DWSRF 2022-7102**

To: District Board

April 4, 2022

From: Board of Finance

At a meeting of the Board of Finance on April 4, 2022, it was:

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

RESOLVED:

Section 1. The Chairman, or in his absence, the Vice-Chairman, and the District Treasurer, or in his absence, the Deputy Treasurer, are authorized to execute and deliver the Project Loan and Subsidy Agreement DWSRF 2022-7102 to be entered into with the State of Connecticut (the "Agreement") and any and all Interim Funding Obligations and Project Loan Obligations for DWSRF 2022-7102 in the aggregate amount not to exceed \$3,217,347.40, to fund the replacement of existing water mains and service connections in the East Hartford Wickham Hill Area. Such Interim Funding Obligations shall be dated as of their date of issue, shall mature within six months of the Scheduled Completion Date, as defined in the Agreement, shall bear interest at a rate of two percent (2.00%) per annum, shall be payable as to principal and interest as provided in 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 a rate of two percent (2.00%) per annum and shall be payable as to principal and interest as provided in the Agreement.

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.

2022 OPEB FUNDING

Without objection, Chairman DiBella referred the 2022 OPEB Funding to the Board of Finance

**BUREAU OF PUBLIC WORKS
249-257 SILVER LANE, EAST HARTFORD
ENCROACHMENT AGREEMENT**

To: District Board

April 4, 2022

From: Bureau of Public Works

In a letter dated February 9, 2022, James W. Dutton, L.S., of Dutton Associates, LLC, on behalf of Quality Petroleum 3 LLC, the owner of the above-referenced property (the "Property"), has requested permission from The Metropolitan District ("MDC" or "District") to encroach on the MDC's existing 20-foot sanitary sewer easement, encompassing an existing 8-inch sanitary sewer, situated on the Property ("ROW") for the purpose of constructing and installing site improvements for and in connection with a proposed convenience store and retail gasoline outlet redevelopment project.

The proposed work entails: (i) earth moving (excavation and fill within the easement at a maximum grade change of 12-inches), (ii) excavation of light pole bases for relocation, (iii) installing new bituminous concrete pavement, concrete curbing, concrete slab and landscaping, and (iv) installing electrical conduits and stormwater system infrastructure (12-inch High Density Polyethylene Pipe), all within such 20-foot easement as shown on the accompanying map (collectively, the "Improvements"). The proposed piping and utilities will be installed above the existing sanitary sewer with a minimum of six feet of vertical clearance between this sewer and such piping and utilities. The existing sanitary sewer was built in 2005 and the easement across the Property was conveyed to the MDC through a Developer's Permit Agreement entitled "Meadow Lane Farms" and acquired by the MDC through an easement filed on the Town of East Hartford land records, Vol. 1891, pg. 288.

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

Quality Petroleum 3 LLC ("Owner") has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing sanitary sewer located within the Property and to maintain accessibility along the length of the MDC's 20-foot 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 existing sanitary sewer. All heavy construction equipment must be located outside of the limits of the ROW when not in use. Any earth moving equipment that will be utilized on the ROW over and adjacent to the existing sanitary sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing sanitary sewer caused by any construction, maintenance, repair, replacement or associated activities 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 sanitary sewer. 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. Taking into account that Owner constructed or caused the construction of the building in close proximity to the sewer, the Owner shall also bear all responsibility and restoration costs for any damage to the building and appurtenances and/or building foundation caused by such proposed excavation and any subsequent excavation performed by or on behalf of Owner, the MDC or any other party, except to the extent of any negligence by MDC or any party acting on its behalf in performing any such subsequent excavation.
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 48-hours advance notice must be given to the District prior to commencing any such activities within the ROW, except in the case of an emergency, in which case notice must be provided to the District as soon as practicable. Such inspector shall have the unilateral right to halt performance of any such work in the event the integrity of the sewer is in any way threatened as determined by such inspector in his or her sole and absolute discretion.
6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the existing sanitary sewer in the areas of the construction prior to and upon completion of backfilling and restoration of the excavated

areas. The videos will be delivered to the District for the purposes of assessing the pre- and post-activity condition of the sanitary sewer.

7. The Owner shall maintain the District's standard form of 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 within the ROW pursuant to the encroachment contemplated herein.

Staff has reviewed this request and considers it feasible.

A formal, written encroachment agreement shall be executed between Quality Petroleum 3 LLC and MDC, which agreement shall include the above conditions and be filed on the Town of East Hartford Land Records.

At a meeting of the Bureau of Public Works held on March 17, 2022, 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 the above conditions and subject to approval of form by District Counsel, granting permission to Quality Petroleum 3 LLC to encroach upon the existing 20-foot 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 Dutton Associates, LLC, "Plan of Proposed Encroachments over the Sanitary Sewer Easement Proposed Convenience Store and Retail Gasoline Outlet 249 & 257 Silver Lane Prepared for Quality Petroleum, LLC East Hartford, Connecticut", Sheet A-19-050-E and (ii) maintain, repair and replace such Improvements, provided that: (a) 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, (b) Quality Petroleum 3 LLC shall reimburse MDC for any attorney fees and other costs incurred by MDC in enforcing the encroachment agreement, and (c) such agreement shall not be effective until fully executed by The Metropolitan District and Quality Petroleum 3 LLC, and recorded on the East Hartford land records. In the event that such agreement is not executed by Quality Petroleum 3 LLC within three (3) months of the date this resolution is passed by the District Board, 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 Torres and duly seconded, the report was received and resolution adopted by unanimous vote of those present.

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

To: District Board

April 4, 2022

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.

It is therefore **RECOMMENDED** that, pursuant to Section S8g of the Sewer Ordinances re: "Acceptance of Developer's Sewers," it be

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> |
|---|---|---|-------------------------------|
| 1 | Ollari Farm Estates Rocky Hill DVSRKH03 | Developer: RJD Development Contractor: Accurate Excavating | October 15, 2020 |

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

PROPOSED AMENDMENT TO SENATE BILL 322

The Commissioners discussed Representative Delnicki's proposed amendment to Senate Bill #322 to allow non-member town Commissioners to vote on water rates.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

No one from the public appeared to be heard.

COMMISSIONERS COMMENTS AND QUESTIONS

Commissioner Sweezy mentioned he has been reading editorials regarding the redevelopment at Brainard Airport, and they often reference a 2006 redevelopment proposal by the MDC. He requested to see the 2006 development proposal at an upcoming District Board meeting.

Commissioner Torres asked that any matters at 65 Magnolia Street be resolved quickly.

Commissioner Bush exited the meeting at 7:03 PM

Commissioner Salemi requested a brief presentation to the District Board on MDC's Cybersecurity.

Commissioner Hoffman asked questions regarding 65 Magnolia Street.

Commissioner Mandyck thanked Scott Jellison and the MDC Staff for the work done to help the Anna Grace CREC Magnet School for their opening.

ADJOURNMENT

The meeting was adjourned at 7:20 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval