

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, June 6, 2022

PRESENT: Commissioners Andrew Adil, John Avedisian, Richard Bush, William A. DiBella, David Drake, Peter Gardow, Allen Hoffman, Jacqueline Mandyck, Dominic Pane, Bhupen Patel, Jon Petoskey, Ray Sweezy, Alvin Taylor, Calixto Torres and James Woulfe (15)

REMOTE ATTENDANCE: Commissioners C. Avery Buell, Donald Currey, Christian Hoheb, Jean Holloway, David Ionno, Maureen Magnan, and Richard W. Vicino (7)

ABSENT: Commissioners James Healy, Mary LaChance, Byron Lester, Diane Lewis, Michael Maniscalco, Alphonse Marotta, Pasquale J Salemi, and New Britain Special Representative Michael Carrier (8)

ALSO PRESENT: Citizen Member Joan McCarthy Gentile
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
Tom Tyler, Director of Facilities
Jamie Harlow, Director of Human Resources
David Ruttly, Director of Operations
David Baker, 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 Avedisian and duly seconded, the meeting minutes of May 2, 2022 were approved.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

Commissioner Petoskey entered the meeting at 5:34 PM

REPORT FROM CHIEF EXECUTIVE OFFICER

Chief Executive Officer Scott Jellison updated Commissioners on a draft letter received from DEEP regarding the Integrated Plan, Colebrook Reservoir, resuming water shutoffs for the first time in 2 years, water shutoffs for customers who have refused access to replace water meters or radio frequency devices for long durations, as well as the MDCs inability to recruit enough lifeguards to open recreation at Lake McDonough.

REPORT FROM DISTRICT COUNSEL

District Counsel Christopher Stone updated Commissioners on the State Claims Commissioner granting release of the MDC initial complaint over nonpayment by the state for groundwater discharge at the Hartford landfill, the Colebrook petition for declaratory ruling, and the proposed Memorandum of Understanding on outstanding issues with City of Hartford.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

No one from the public appeared to be heard.

Commissioner Sweezy made a motion to vote to amend the agenda, to add a new item: “CONSIDERATION AND POTENTIAL ACTION RE: ENCROACHMENT AGREEMENT – 77 & 105 PROGRESS DRIVE, WETHERSFIELD”. The motion passed without objection.

**77 & 105 PROGRESS DRIVE, WETHERSFIELD
ENCROACHMENT AGREEMENT**

To: District Board for consideration on June 6, 2022

In a letter dated May 10, 2022, James P. Cassidy, P.E., of Hallisey, Pearson & Cassidy Engineering Associates, Inc., on behalf of Wethersfield Technology Group, LLC and Young Pharmaceuticals, Inc., the owner and tenant, respectively, of the above-referenced property (the "Property"), have 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 office and distribution building development project.

The proposed work entails: (i) earth moving (fill within the ROW at a maximum grade change of 4 feet), (ii) raising the existing manhole, (iii) installing a 6-inch PVC lateral connection to the existing 8-inch sanitary sewer, and (iv) installing stormwater system infrastructure (18-inch RCP pipe), all within such ROW as shown on the accompanying map (collectively, the "Improvements"). The proposed drainage piping will be installed above the existing sanitary sewer with a minimum of four feet of vertical clearance between this sewer and such piping. The existing sanitary sewers were built in 1995 and the easement across the Property was conveyed to and acquired by the MDC pursuant to a Developers' Permit Agreement entitled "Wethersfield Industrial Park" and an easement filed on the Town of Wethersfield Land Records in Volume 590, at Pages 261-263.

MDC staff has concluded that the Improvements are minor and that there will be no detriment to the sanitary sewer infrastructure as a result, provided Wethersfield Technology Group, LLC and Young Pharmaceuticals, Inc. (collectively, the "Owner") enter into and execute an encroachment agreement with the MDC, whereby Owner complies with the following conditions and other conditions required hereby.

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 and materials 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.
5. Taking into account that the 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 other party acting on its behalf in performing any such subsequent excavation.
6. An MDC or MDC hired-consultant 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 and a preconstruction meeting shall be held 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.
7. 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 conditions of the sanitary sewer.
8. 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 with in the ROW pursuant to the encroachment contemplated herein.

Staff has reviewed this request and considers it feasible, subject to the terms and conditions herein.

Accordingly, a formal, written encroachment agreement shall be entered into and executed by Owner and MDC, which agreement shall include the above conditions and any other conditions set forth herein, and filed on the Town of Wethersfield Land Records.

It is RECOMMENDED that it be

VOTED: That the District Board approve 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 Owner 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 Hallisey, Pearson and Cassidy Engineering Associates, Inc., "Map Showing Proposed Encroachment on Existing 20' Wide Sanitary Sewer Easement Prepared for: Young Pharmaceuticals, Inc., #105 Progress Drive, Wethersfield, Connecticut", Sheet 1 of 4, 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) Owner 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 District and Owner, and recorded on the Wethersfield Land Records. In the event that such full execution and recording does not occur 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

**HALLISEY, PEARSON & CASSIDY
Engineering Associates, Inc.**

630 Main Street
Cromwell, CT 06416-1444

TELEPHONE: (860) 529-6812
FAX: (860) 721-7709
Paul A. Hallisey, P.E. & L.S.
James P. Cassidy, P.E.

May 10, 2022

Michael T. Curley, P.E.
Manager of Technical Services
The Metropolitan District
Engineering and Planning Department
555 Main Street
Hartford, CT 06103

Dear Mr. Curley:

RE: Application for Encroachment Permit at 77 & 105 Progress Drive, Wethersfield, Connecticut - Young Pharmaceuticals, Inc., Applicant and Wethersfield Technology Group, Owner

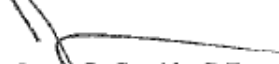
As you are aware, Young Pharmaceuticals, Inc. has received all necessary municipal approvals to construct a two-story 10,380 sq. ft. office and distribution building, 42 parking spaces, and related improvements, on the property known as 105 Progress Drive, Wethersfield, Connecticut. The property is presently encumbered by a 20' sanitary sewer easement in favor of the MDC along the westerly and northerly boundary lines. The adjacent property to the west, 77 Progress Drive, is also encumbered by this easement. Both properties are owned by Wethersfield Technology Group.

The applicant is respectfully requesting an encroachment permit in order to construct a drainage outlet line from the Proposed Stormwater Quality Basin #1 across this easement and to be allowed to place fill and raise the grade approximately 4' along a portion of this easement. The area of encroachment on 77 Progress Drive would be 1,574 sq. ft. or 0.0362 acres. The area of encroachment on 105 Progress Drive would be 4,373 sq. ft. or 0.1004 acres. The locations of these encroachments are shown on Sheet 1 of 4, Map Showing Proposed Encroachment on Existing 20' Wide Sanitary Sewer Easement.

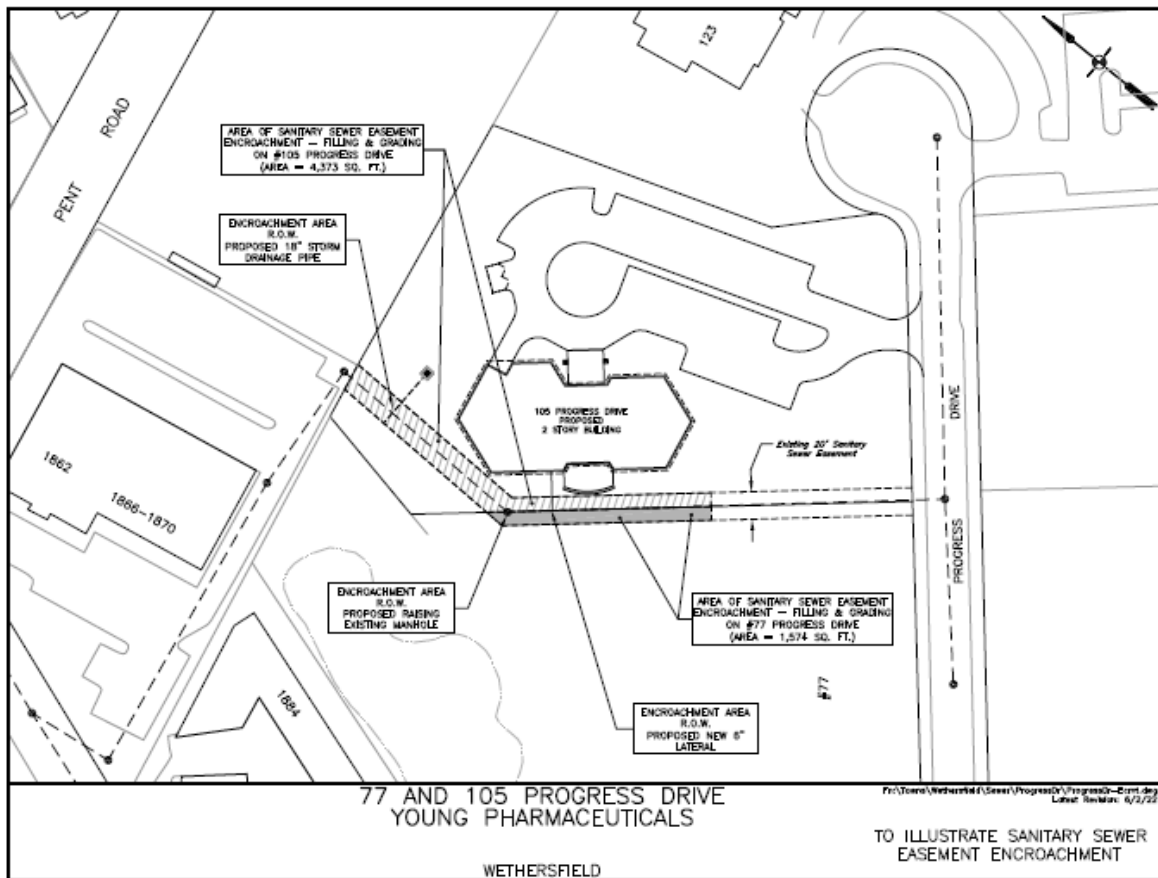
The submitted plans include a Site Grading and Drainage Plan, Sheet 2 of 4, to address grading within the Right-of-Way and by the sanitary sewer manhole. Sheets 3 and 4, Sanitary Sewer Plan/Profile and Sanitary Sewer Sections, show the elevations of the outlet pipe and the proposed sewer line as they cross the easement and as the sewer line connects to the proposed building.

In addition to the two sets of the plan sheets listed above, I have enclosed a check in the amount of \$540.00 for the application fee. I am requesting that this matter be considered at the next regularly scheduled meeting of the MDC and that the encroachment permit requested herein be granted. Thank you.

Sincerely,



James P. Cassidy, P.E.



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

**BOARD OF FINANCE
APPROVAL FOR STATE OF CONNECTICUT FINANCING
CLEAN WATER FUND 728C**

To: District Board

June 6, 2022

From: Board of Finance

Staff seeks approval from your Board to execute and deliver the Interim Funding Obligation and/or Project Loan Obligation to the State of Connecticut for CWF 728C, having a principal amount of \$72,135,684.53 and having an interest rate of 2.00%.

The low interest loan and grant will fund construction, construction administration and engineering services during construction for the South Hartford Conveyance and Storage Tunnel -Contract 3. Which includes construction of screening and pump station facilities for the South Hartford Conveyance and Storage Tunnel, including the tunnel pump station and control building, the grit and screening facility, odor control facilities, a head tank and force main, emergency electric generators, site restoration and wetlands mitigation, and other appurtenant equipment and facilities.

The State of Connecticut, through the Clean Water Fund Program, will provide \$138,722,470.25 in state funding with approximately \$66,586,785.72 in grants and \$72,135,684.53 in low interest loans at 2.00% to fund the expenses associated with this agreement.

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.

**PERSONNEL, PENSION & INSURANCE COMMITTEE
AMENDMENT TO CLASSIFICATION SYSTEM –
TREASURY RECEIVABLES ADMINISTRATOR**

To: District Board

June 6, 2022

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specifications and Salary Grade be amended for the current *Treasury Receivables Administrator* classification from EE13 (range of \$97,876.59-\$127,239.57) to EE14 (\$102,767.46 to \$133,597.70) with no changes to the specification as attached.

This proposed salary grade amendment will align the *Treasury Receivables Administrator* with other Administrators at the MDC which are classified as EE14.

At a meeting of the Personnel, Pension and Insurance Committee held on May 11, 2022, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the Job Specification for *Treasury Receivables Administrator* position be adopted and allocated to EE14 (copy of job specification attached).

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

METROPOLITAN DISTRICT COMMISSION
CLASSIFICATION DESCRIPTION CLASSIFICATION TITLE: TREASURY
RECEIVABLES ADMINISTRATOR

JOB SUMMARY

The purpose of this classification is to perform professional-level work in the Treasury function of the organization. The Treasury Receivables Administrator is responsible for establishing and administering policies and procedures to ensure proper recording of customer payments to the appropriate accounts, and to ensure that all receivables due to the District are being paid in a timely manner by customers. This position also handles insurance claims for and against MDC for bodily injuries, property damage, and workers compensation injuries.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Administers and enforces collection policies and procedures
- Evaluates credit risk associated with accounts
- Develops strategies and goals to reduce exposure to account write-offs
- Manages relationship with third party collection resources and District counsel
- Reviews, prepares and analyzes accounts receivable aging reports for the areas of water rents, sewer & water Assessments, miscellaneous water billings, miscellaneous sewer billings and sewer user charges.
- Communicates with department heads to coordinate activities such as determining adequacy of allowances, resolving billing discrepancies, ensuring proper recording of liens, facilitating shut-off of severe delinquent accounts etc.

- Hires, trains and supervises cash application and collections staff.
- Handles insurance claims for and against MDC for bodily injuries, property damage, and workers' compensation injuries. May authorize associated surveillance, settlements, indemnities, and claims.
- Assists with other financial projects as assigned.
- Operates a personal computer proficiently, and general office equipment as necessary to complete essential functions, to include highly-skilled use of word processing, spreadsheet, database, or other system software.
- Performs other related duties as required.

SUPERVISION RECEIVED

Works under the general direction of the Manager of Treasury.

MINIMUM QUALIFICATIONS

Bachelor's Degree in business administration, economics, finance, accounting or closely related field with a minimum of five (5) years of progressively responsible experience in the area of credit and/or collections including two (2) years supervisory and/or managerial experience in credit and or collections; or any equivalent combination of education, training and experience which provides the requisite knowledge, skills and abilities for this job.

SPECIAL REQUIREMENTS

Must have a valid driver's license.

Master's Degree in Business Administration and/or professional certifications are desirable.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to coordinate, manage, strategize, and correlate data and information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

Human Interaction: Requires the ability to function in a supervisory/managerial capacity for a group of workers. Includes the ability to make decisions on procedural and technical levels.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations.

Functional Reasoning: Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

Situational Reasoning: Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

ADA COMPLIANCE

Physical Ability: Ability to perform tasks involving light physical effort. Frequently required to sit for a long period of time. Frequently required to use arms, hands and fingers to reach, handle, finger and feel objects and materials.

Sensory Requirements: Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally

Environmental Factors: Essential functions are regularly performed in an office setting without exposure to adverse environmental conditions.

The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

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

PERSONNEL, PENSION & INSURANCE COMMITTEE PETITION FOR DISABILITY RETIREMENT

To: District Board

June 6, 2022

From: Personnel, Pension and Insurance Committee

Pursuant to Section G 1 b. of the General Ordinances, we are recommending that the Personnel, Pension and Insurance Committee approve a Disability Retirement effective July 1, 2022, for Mr. Ronald Spaulding. We have received the employee's written petition for consideration under the Disability Retirement provision. The employee's doctors have provided adequate medical information to

support the condition that the employee is permanently disabled and cannot engage in any gainful occupation or employment and an independent medical review has confirmed this position.

A thorough review of this petition was conducted prior to advancing this recommendation for action.

The “General Ordinances” provides that disability retirement requests be confirmed against the following definition:

“.....*has become permanently disabled from engaging in any gainful occupation or employment.....*”

To conform to this definition, Staff is hereby directed to take the appropriate actions with all individuals approved for disability retirements to periodically confirm the continuing adherence to the definition which may include requests for tax reports and/or medical status reports.

Therefore, staff is recommending that the employee’s petition for disability retirement be approved by this Committee.

At a meeting of the Personnel, Pension & Insurance Committee held on May 11, 2022, it was:

VOTED: That the Personnel Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That effective July 1, 2022, Mr. Ronald Spaulding shall be approved for a Disability Retirement pursuant to the terms and conditions of the General Ordinances of the Metropolitan District Commission.

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.

OPEB PAY-AS-YOU-GO EXCESS

Without objection, Chairman DiBella referred the OPEB Pay-As-You-Go excess discussion to the Personnel, Pension and Insurance Committee.

PUBLIC COMMENTS

Dolores Dunn of Waverly Street, Hartford spoke on behalf of Joan Facey of Hartford, and read the following written statement regarding flooding issues at Magnolia Street and Albany Avenue:

District Board, 06/06/2022

Good evening, Mr. Chairman and all other Commissioners, Staff, and others present here tonight. My name is Joan Facey, and I am back here tonight because MDC has not been responsive or responsible regarding my claims for the impacts of sewage that was allowed to reside in my basement for over 3 months. I will not be long, so I'll get to the issues raised by your staff and other commissioners at the BPW meeting.

1. I am not here seeking water damage caused by any Act of God events. The damage that I justly claim has been caused by raw untreated sewage that piled up in my basement for over 3 months. Please do not allow yourselves to conflate this issue with any flood events that occur in August of 2021. The sewage was backed up in my property and that of the church. I was not aware of this because every time I flushed it would end up in the basement. We enquired about the stench, but were told and were led to believe that it was probably coming from the catch basins outside.
2. By very conservative account, there were several hundred thousand gallons of raw sewage that backed up in these properties. It had nowhere else to go because the line was plugged, on MDC orders and supervision and permitting. I want to repeat for those commissioners who might harbor some reservation: the sewage had nowhere else to go, but the basements. The abandoned building next door was filled with dirt. Sewage could not have backed up into the abandoned basement which was filled. The dirt would have filled the abandoned pipe. This is contrary to the assertions made by Mr. Jellison.
3. The house connections from my building, the church and the abandoned property were interconnected. Contrary to what Mr. Jellison has stated, these three house connections could not hold within them more than 2 or 3 days of sewage. Your own staff should do the math and report to you. This means that after about 3 days between early June when the line was plugged and late August when we had the first storm, the basements would have already been filled with sewage. I appeal to you again, please order an engineering and or mathematical calculation for your knowledge. Failure to

do so would be a dereliction of duty. Your job is to find out the facts and hold staff accountable.

4. The August rains only compounded the matter. The basements could not receive any surcharge from the sewer system because they were physically blocked off by the plugging. Note, however, that consistent with the City of Hartford Ordinance, those properties had some rain leader still connected to the sewer system. This means that some rainwater would lead from the roof down some pipes and connect to the sewer house connection under the basement. Now, this is usually no problem, because even if the MDC main pipe is surcharged, the water would still get out as soon as that in the system has receded. That was the case with almost everybody else except us. The reason is that the lateral that served our properties was plugged.
5. Everything in our basements became contaminated. If anyone here finds it hard to figure out, let me put you to the test. How many here tonight would have accepted thousands of gallons of raw sewage in their basement for over 3 months and yet want to occupy or keep that property? It was so bad, that the City of Hartford evacuated the building! The problem is still there and the damage to health and property is increasing.
6. So, when you hear staff talking and even some commissioners expressing support for this notion of flooding under the door, off the roof, and Act of God, it is Nonsense.

In summary, I offer the following. My sewer house connection line was negligently plugged and my sewage and any roof run could not have discharged into MDC system. This is not an Act of God claim. This has nothing to do with the storms of August last year. The storms only compounded a very bad situation which was made worse by the fact that even after the stormwater receded, my basements could not have drained because the line was physically plugged. Mr. Jellison knows that. The sewage had nowhere else to go but into our basements. Only two open-ended points existed for the sewage to go: the church's, and my basements. The abandoned property could not, and was not a point of easy storage. Calculation shows that there were thousands of gallons of raw sewage that were stored in my basement for over 3 months causing immense harm to persons and property. I should be appropriately compensated!

COMMISSIONERS COMMENTS AND QUESTIONS

Commissioner Sweezy spoke regarding the Brainard Airport closures, and whether the MDC has taken a position on the airport closure.

Commissioner Gardow spoke regarding the 2006 South Meadows Development Plan and feels that the plan makes it appear that the MDC is in support of the airport closure.

ADJOURNMENT

The meeting was adjourned at 7:08 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval