

**BOARD OF FINANCE  
REGULAR MEETING  
The Metropolitan District  
555 Main Street, Hartford  
Wednesday, April 26, 2023**

**PRESENT:** Commissioners Andrew Adil, Donald Currey, Allen Hoffman, Pasquale J. Salemi and District Chairman William DiBella; Citizen Member Linda Russo (6)

**REMOTE ATTENDANCE:** Citizen Members Linda King-Corbin and Awet Tsegai (2)

**ABSENT:** Citizen Members Drew Iacovazzi (1)

**ALSO PRESENT:** Commissioner Jacqueline Mandyck (Remote Attendance)  
Commissioner Joan Gentile (Remote Attendance)  
Commissioner Dominic Pane  
Commissioner Alvin Taylor  
Scott W. Jellison, Chief Executive Officer  
Christopher Stone, District Counsel (Remote Attendance)  
John S. Mirtle, District Clerk  
Chris Levesque, Chief Operating Officer  
Kelly Shane, Chief Administrative Officer  
Jamie Harlow, Director of Human Resources  
Olga Cordova, Manager of Human Resources  
Susan Negrelli, Director of Engineering  
Robert Schwarm, Director of Information Services (Remote Attendance)  
Thomas Tyler, Director of Facilities  
Dave Ruty, Director of Operations  
Diana Phay, Treasury Manager  
Carrie Blardo, Assistant to the Chief Executive Officer  
Victoria Escoriza, Executive Assistant  
David Baker, IT Consultant (Remote Attendance)  
Joseph Szerejko, Independent Consumer Advocate (Remote Attendance)

**CALL TO ORDER**

Chairperson Salemi called the meeting to order at 5:08 PM

**PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS**

No one from the public appeared to be heard.

**APPROVAL OF MINUTES**

***On motion made by Commissioner Adil and duly seconded, the meeting minutes of the Board of Finance meeting of February 1, 2023 were approved.***

**SUPPLEMENTAL APPROPRIATION FOR CLEAN WATER PROJECT**

To: Board of Finance for consideration on April 26, 2023.

Bond Counsel prepared the following resolution for your approval.

It is therefore RECOMMENDED that it be

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

RESOLUTION APPROPRIATING A FURTHER \$67,413,015.52 FOR THE DISTRICT'S COMBINED SEWER OVERFLOW, SANITARY SEWER OVERFLOW AND NITROGEN REMOVAL PROGRAMS TO DECREASE LEVELS OF POLLUTION IN THE CONNECTICUT RIVER AND LONG ISLAND SOUND TO COMPLY WITH A CONSENT DECREE OF THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF CONNECTICUT AND A CONSENT ORDER OF THE CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

WHEREAS, the charter of the Metropolitan District of Hartford County, Connecticut (the "District"), and more particularly Section 14 of number 511 of the special acts of 1929, as amended by section 1 of number 332 of the special acts of 1931, number 127 of the special acts of 1947, section 2 of special act 79-102, special act 80-13, section 1 of special act 83-31, section 5 of special act 90-27, and section 2 of public act 15-114, now codified in Section 3-11 of the District's Compiled Charter, (Section 14, as amended, being referred to as the "Referendum Requirement"), provides as follows:

(a) Appropriations to be financed by the issuance of bonds, notes or other obligations of the district may be made at any time upon approval of the district board and recommendation of the board of finance in accordance with section 20 of number 511 of the special acts of 1929.

(b) (1) Any appropriation in excess of the amount set forth in subdivision (2) of this subsection for any single item of capital expense not regularly recurring, including, but not limited to, a capital purpose, a public improvement or an extraordinary expenditure which may properly be financed long-term rather than from current revenues, notwithstanding that such appropriation is included in the budget to be met from current revenues, shall be approved by a two-thirds vote of the entire district board and by a majority of the electors of the district at a referendum of the district called by the district board in accordance with the requirements of section 5 of number 511 of the special acts of 1929, as amended by special act 77-54; provided an appropriation for any reason involving not more than twice the amount set forth in subdivision (2) of this

subsection in any one year for the purpose of meeting a public emergency threatening the lives, health or property of citizens of the district may be made upon approval by a two-thirds vote of the entire district board without submission to the electors of the district; provided further, appropriations may be made in any amount without submission to the electors of the district for any public improvement all or a portion of which is to be paid for by assessments of benefits or from funds established to pay for waste or water facilities pursuant to section 13 of number 511 of the special acts of 1929, as amended by number 366 of the special acts of 1949, special act 77-54 and special act 83-31; and provided further, submission to the electors of the district shall only be required with respect to such portion, if any, of any appropriation approved by the district board on and after October 1, 2015, as exceeds the amount set forth in subdivision (2) of this subsection. The district board may determine, in the case of appropriations for water, sewer and utility line extensions and improvements, or the installation or replacement of service meters, the definition of what shall constitute a single item of capital expense for purposes of compliance with the referendum requirement of this section. Such determination may be contained in the capital budget or a resolution making such appropriation or authorizing the issuance of bonds, notes or obligations of the district and any such determination shall be final and conclusive.

(2) On and after October 1, 2015, the threshold amount for purposes of subdivision (1) of this subsection shall be twenty million dollars as adjusted annually thereafter on October first by a percentage equal to the increase, if any, in the consumer price index for urban consumers, as most recently determined by the United States Department of Labor, Bureau of Labor Statistics for the most recent twelve-month period available, provided for any appropriation adopted by the district board on and after October 1, 2015, the aggregate amount of federal and state grants available, committed to be made available or expected to be made available for the appropriation at issue, each as determined by the district board whose determination shall be conclusive, shall be deducted from the amount of the appropriation in determining whether such threshold is met.

WHEREAS, for purposes of this resolution, the amount referred to in section (b)(1) of the Referendum Requirement and further described in section (b)(2)(1) is hereinafter referred to as the Threshold Amount, and

WHEREAS, by resolution adopted on November 9, 2022 the District Board found and determined that the Threshold Amount for purposes of the Referendum Requirement on October 1, 2019, and as in effect on the date of this resolution, was \$24,908,434.00; and

WHEREAS, the District has by previous resolutions approved appropriations authorized expenditures aggregating \$1,785,800,000 for any and all projects necessary or desirable in connection with the planning, design, acquisition, construction and development of a combined sewer overflow program, a sanitary sewer overflow program and a nitrogen removal program of the District, in order to comply with a consent decree issued by the United States District Court, District of Connecticut, and entered into 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 "Consent Decree"), and a consent order to be issued by the State of Connecticut Department of Environmental Protection, now the Connecticut Department of Energy and Environmental Protection ("DEEP") and to be

executed by the District and the Commissioner of DEEP (the "Consent Order" and, together with the Consent Decree, the "Government Orders") (the "Project"); and

WHEREAS, the Chairman and the Chief Financial Officer/Treasurer in the name of and on behalf of the District applied for various federal and state loans and/or grants-in-aid for the Project under Section 22a-478 et seq. of the General Statutes of Connecticut, Revision of 1958, as amended (the "Clean Water Fund Program"), including the portion of the Project involving the construction of the South Hartford Storage and Conveyance Tunnel and shaft relating to Contract 2 (the "South Hartford Tunnel Contract 2"), the portion of the Project involving the construction of the South Hartford Tunnel Contract 5: Arlington, New Britain and Newington conduits, and construction of inlet control gate chambers (the "South Hartford Tunnel Contract 5"), and the portion of the Project involving the construction of screening and pump station facilities for the South Hartford Conveyance and Storage Tunnel Contract 3 (the "South Hartford Tunnel Contract 3"); and

WHEREAS, in connection with the South Hartford Tunnel Contract 2, the District has executed a Project Loan and Project Grant Agreement, dated June 21, 2016, with the State of Connecticut (CWF No. 692-C) (the "CWF 692-C Agreement") involving a total project cost of \$313,156,346.00, of which \$140,925,166.05 would be funded by state grants under the Clean Water Fund Program (subject to the terms and conditions of such CWF 692-C Agreement), and the balance would be funded by the District and loans from the Clean Water Fund Program; and

WHEREAS, on October 4, 2016, the District appropriated an additional sum of \$140,000,000 of capital expenditures for the Project, specifically to the South Hartford Tunnel Contract 2, which such amount would be funded by state grants under the Clean Water Fund Program in accordance with the terms of the CWF 692-C Agreement; and

WHEREAS, the District has further determined to appropriate an additional \$925,166.05 of capital expenditures for the Project, specifically to the South Hartford Tunnel Contract 2, and to declare its determination that such capital expenditures are expected to be funded entirely by federal or state grants under the Clean Water Fund Program in accordance with terms of the CWF 692-C Agreement; and

WHEREAS, in connection with the South Hartford Tunnel Contract 5, the District has executed a Project Loan and Project Grant Agreement, dated July 27, 2020, with the State of Connecticut (CWF No. 729-C) (the "CWF 729-C Agreement") involving a total project cost of \$47,359,471.10, of which \$18,808,415.75 would be funded by state grants under the Clean Water Fund Program (subject to the terms and conditions of such CWF 729-C Agreement) and the balance would be funded by loans from the Clean Water Fund Program; and

WHEREAS, on September 2, 2020, the District appropriated an additional \$18,800,000 of capital expenditures for the Project, specifically to the South Hartford Tunnel Contract 5, which such amount would be funded by state grants under the Clean Water Fund Program in accordance with the terms of the CWF 729-C Agreement; and

WHEREAS, the District has further determined to appropriate an additional \$8,415.75 of capital expenditures for the Project, specifically to the South Hartford Tunnel Contract 5, and to declare its determination that such capital expenditures are expected to be funded

entirely by federal or state grants under the Clean Water Fund Program in accordance with the terms of the CWF 729-C Agreement; and

WHEREAS, in connection with the South Hartford Tunnel Contract 3, the District has executed a Project Loan and Project Grant Agreement, dated December 14, 2022, with the State of Connecticut (CWF No. 728-C)(the "CWF 728-C Agreement") involving a total project cost of \$138,711,820.25, of which \$66,479,433.72 would be funded by state grants under the Clean Water Fund Program (subject to the terms and conditions of such CWF 728-C Agreement), and the balance would be funded by the District and loans from the Clean Water Fund Program; and

WHEREAS, the District has determined to appropriate a further \$66,479,433.72 of capital expenditures for the Project, specifically to the South Hartford Tunnel Contract 3, and to declare its determination that such capital expenditures are expected to be funded entirely by federal or state grants under the Clean Water Fund Program under the CWF 728-C Agreement;

**NOW THEREFORE BE IT RESOLVED:**

Section 1. The additional sum of \$67,413,015.52 is hereby appropriated for the Project. The Project is a single item of capital expense, not regularly recurring, which may be financed on a long-term basis. For the avoidance of doubt, the appropriation hereby made shall be in addition to any prior appropriation for the Project. Of this \$67,413,015.52 appropriation, \$925,166.05 shall be allocated to the South Hartford Tunnel Contract 2 which shall be paid for by state grants under the CWF 692-C Agreement, \$8,415.75 shall be allocated to the South Hartford Tunnel Contract 5 which shall be paid for by state grants under the CWF 729-C Agreement, and \$66,479,433.72 shall be allocated to the South Hartford Tunnel Contract 3 which shall be paid for by state grants under the CWF 728-C Agreement.

Section 2. Based on the facts heretofore cited and other evidence presented to the District Board, the District Board FINDS and DETERMINES, that the appropriation made in Section 1 will be paid for by funds available, committed to be made available, or expected to be committed and made available, by federal and state grants; and further, FINDS and DETERMINES, that the appropriation made in Section 1 will not be in excess of the Threshold Amount, and therefore the appropriation made in Section 1 is valid and effective without the requirement that the appropriation be submitted to the electors of the District at a referendum held for such purpose as provided in the Referendum Requirement.

Section 3. The applications by the Chairman and Chief Financial Officer/Treasurer in the name and on behalf of the District for any and all federal and state loans and/or grants-in-aid to meet any portion of the costs of the Project determined by DEEP to be eligible for funding under Section 22a-478 et seq. of the General Statutes of Connecticut, Revision of 1958, as amended (the "Clean Water Fund Program"), and in particular the South Hartford Tunnel Contract 2, the South Hartford Tunnel Contract 5, and the South Hartford Tunnel Contract 3, and the execution and delivery of the CWF 692-C Agreement, the CWF 729-C Agreement and the CWF 728-C Agreement, each of which provide for expenditures authorized hereby to be paid for by grants, combined with expenditures and borrowings authorized by other appropriations for the Project, be and they hereby are approved, ratified and confirmed.

Section 4. The Treasurer is authorized and directed to charge expenditures for the South Hartford Tunnel Contract 2, the South Hartford Tunnel Contract 5, and the South Hartford Tunnel Contract 3 that have been or will be reimbursed by the state under the CWF 692-C Agreement, the CWF 729-C Agreement and the CWF 728-C Agreement, respectively, against the appropriation made hereby, and to charge no other expenditures against this appropriation.

Section 5. In the absence of the appointment of a Chief Financial Officer/Treasurer, the Chief Administrative Officer is authorized to act as Chief Financial Officer/Treasurer for all purposes of this resolution and the Manager of Treasury is authorized to act as Deputy Treasurer.

Respectfully Submitted,



Scott W. Jellison  
Chief Executive Officer

***On motion made by District Chairman DiBella and duly seconded, the report was received and resolution adopted by unanimous vote of those present.***

#### **MEETING TRANSCRIPT POLICY**

***Commissioner Salemi led a discussion on creating transcripts for all District Board meetings, and that a Commissioner may request a transcript for any Committee meeting by providing a reason.***

***Commissioner Currey made a motion to refer the creation of transcripts of all District Board meetings the District Board. The motion was duly seconded and passed by majority of those present. Commissioners Currey and Hoffman voted no.***

***Commissioner Currey made a motion to table the meeting transcript policy referral to District Board until the cost information for transcripts is brought to the Board of Finance. The motion to table was approved by unanimous vote of those present.***

#### **LINBROOK ROAD CLAIMS**

Scott Jellison and Christopher Stone led a discussion regarding the Linbrook Road claims.

#### **OPPORTUNITY FOR GENERAL PUBLIC COMMENTS**

Judy Allen of West Hartford stated that she strongly urges using a stenographer for meeting transcripts, as the transparency and quality will far exceed what staff can do on their own.

Taking staff time into consideration is important. She stated this is an issue where considering quality is more important than cost. She also expressed concern regarding the comments of getting around FOIA regulations rather than complying with to them.

**ADJOURNMENT**

The meeting was adjourned at 6:29 PM

ATTEST:

John S. Mirtle, Esq.  
District Clerk

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Date of Approval