

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, May 1, 2023

PRESENT: Commissioners Kyle Anderson, John Avedisian, John Bazzano, Clifford Avery Buell, Richard Bush, Donald Currey, Dimple Desai, William A. DiBella, David Drake, John Gale, Peter Gardow, Joan Gentile, James Healy, Allen Hoffman, Jean Holloway, Gary Johnson, Byron Lester, Diane Lewis, Maureen Magnan, Jacqueline Mandyck, Dominic Pane, Bhupen Patel, Pasquale J. Salemi, David Steuber, Alvin Taylor, Calixto Torres and James Woulfe (27)

REMOTE ATTENDANCE: Commissioners Andrew Adil, Christian Hoheb and Mary LaChance (3)

ABSENT: Commissioners Michael Maniscalco, Jon Petoskey and New Britain Special Representative Michael Carrier (3)

ALSO PRESENT: Scott Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John S. Mirtle, District Clerk
Chris Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer
Jamie Harlow, Director of Human Resources
Robert Schwarm, Director of Information Technology
Sue Negrelli, Director of Engineering (Remote Attendance)
Thomas Tyler, Director of Facilities
Diana Phay, Treasury Manager
Jennifer Ottalagana, Senior Project Manager
Carrie Blardo, Assistant to the Chief Executive Officer
Victoria Escoriza, Executive Assistant
Dylan Pecego, IT Consultant (Remote Attendance)
Dave Baker, IT Consultant (Remote Attendance)
Joe Szerejko, Independent Consumer Advocate (Remote Attendance)

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:32 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.

APPROVAL OF MINUTES

On motion made by Commissioner Pane and duly seconded, the meeting minutes of April 10, 2023 were approved.

Commissioner Lewis entered the meeting at 5:32 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Independent Consumer Advocate Joseph Szerejko submitted the following comments:

The Independent Consumer Advocate wishes to thank the Independent Counsel for preparing the Report in connection with this matter (see Minutes of April 10, 2023 Special Meeting). After further review of the Report, the ICA believes that the Independent Counsel did a thorough job in conducting a fact-finding investigation and that it has made appropriate recommendations.

The ICA also generally supports the proposed Resolution, as drafted, that has been included in tonight's meeting materials for Agenda Item #14. Although the MDC does have Charter provisions, By-Laws, and other regulatory provisions governing how it is supposed to engage legal counsel, this Resolution appears to make those rules more definitive and clearer. To that end, the Resolution accomplishes a worthy goal. The ICA wishes to stress the importance of the need to have clearly defined procedures and roles when it comes to the MDC's practices in engaging and communicating with outside legal counsel. This is not only imperative because of the multifaceted nature of the District's government and the attendant potential for information silos to occur, but it also is important because it helps to avoid situations where MDC's customers might question the propriety of how funds are allocated for MDC's legal work. Avoiding even the appearance of impropriety in this regard should be of utmost importance for the MDC.

Finally, the Connecticut Rules of Professional Conduct governing Client-Lawyer Relationships suggest that organizational clients are better served by their attorneys when they adhere to clearer, written rules governing how they are supposed to communicate with each other during the relationship. In relevant part, Rule 1.4 (Communication), provides that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." R.P.C. § 1.4(b). Notably, the commentary for this Rule provides that "when the client is an organization or group, it is often impossible or inappropriate to inform every one of its members about its legal affairs; ordinarily, the lawyer should address communications to the *appropriate officials of the organization.*" R.P.C. § 1.4 cmt. (Emphasis added). In turn,

Rule 1.13, which governs the “Organization as Client”, makes clear that “[a] lawyer employed or retained by an organization represents the organization acting through its *duly authorized* constituents.” R.P.C. § 1.13(a) (emphasis added). If the definitions of “appropriate officials” and “duly authorized constituents” in this context are made clearer for the attorney, then counsel will better know how to proceed in situations where counsel might be getting mixed signals about the scope of work or other terms of engagement.

Respectfully submitted,
Joseph D. Szerejko
Independent Consumer Advocate

State Representative Tom Delnicki, of the 14th District South Windsor, stated that there needs to be a complete review of the Independent Audit Report in Public. He feels a rule was broken and needs to be enumerated. The public needs to know what rule was broken and how to not have it happen again. He also stated there should be an open book dialogue putting the issues on the table, and restoring confidence.

Judy Allen, West Hartford, spoke in support of Agenda Item #14, and stated that the resolution makes common sense recommendations about change in policies and Bylaws that will help to make sure this doesn't happen again.

REPORT FROM DISTRICT CHAIRMAN

No report was provided.

REPORT FROM CHIEF EXECUTIVE OFFICER

Hearing no questions, Scott Jellison, Chief Executive Officer, deferred his report.

REPORT FROM DISTRICT COUNSEL

Christopher Stone, District Counsel, reported that the application for an abandonment permit for Colebrook Reservoir was filed 2 weeks ago with DPH, and that MDC is working towards an arbitration agreement for the tunnel claim.

WATER BUREAU VETERAN'S TERRACE PHASE 3, EAST HARTFORD ABANDONMENT OF WATER MAIN

To: District Board
From: Water Bureau for consideration on April 24, 2023

May 1, 2023

On March 3, 2023, the District received a letter from Salvatore R. Carabetta of Veteran's Terrace Communities III LLC, Owner and Developer of Veteran's Terrace Phase 3, requesting that the Metropolitan District abandon a portion of the existing water mains within the former Columbus Street Extension right of way and Michael Avenue in East Hartford, as shown on the accompanying map. The purpose of the request is to enable the construction of a new residential development known as Veteran's Terrace Phase 3. The Owner will in turn build new public water mains to service the development.

The proposal submitted includes the abandonment of approximately 400 feet of 8-inch cast iron water main, as shown on the aforementioned map. The existing water mains were originally constructed in a public roadway; therefore, no easements exist. The existing water mains were built in 1957 by the East Hartford Housing Authority under a Developer's Permit-Agreement with the Metropolitan District.

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 within easements under a new Developer's Permit-Agreement.

At a meeting of the Water Bureau held on April 24, 2023, 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 within the former Columbus Street Extension right of way and Michael Avenue in East Hartford, as shown on the accompanying map.

Respectively submitted,



John S. Mirtle, Esq.
District Clerk

The Metropolitan District
555 Main Street
Hartford CT, 06103

March 3, 2023

Re: Veterans Terrace Extension
Request to Abandon Water Main
Michael Ave to Columbus Circle

To whom it may concern,

The undersigned is the anticipated owner of the improvements to be known as Veterans Terrace Phase 3. In partnership with the East Hartford Housing Authority, we will be demolishing all structures and a select number of existing site utilities as part of a state funded rehabilitation of the property to provide quality affordable apartments to low-income residents.


The rehabilitation will include the demolition and removal of all (8) existing buildings and the new construction of (9) new residential buildings and (1) community center. In order to facilitate the aforementioned rehabilitation, the existing Columbus Circle Extension will be abandoned, and the existing 8" water main will be abandoned to allow re-routing of the main to service the project (reference attached drawings C-1.0 & MDC water main as-built drawing 22-241A).

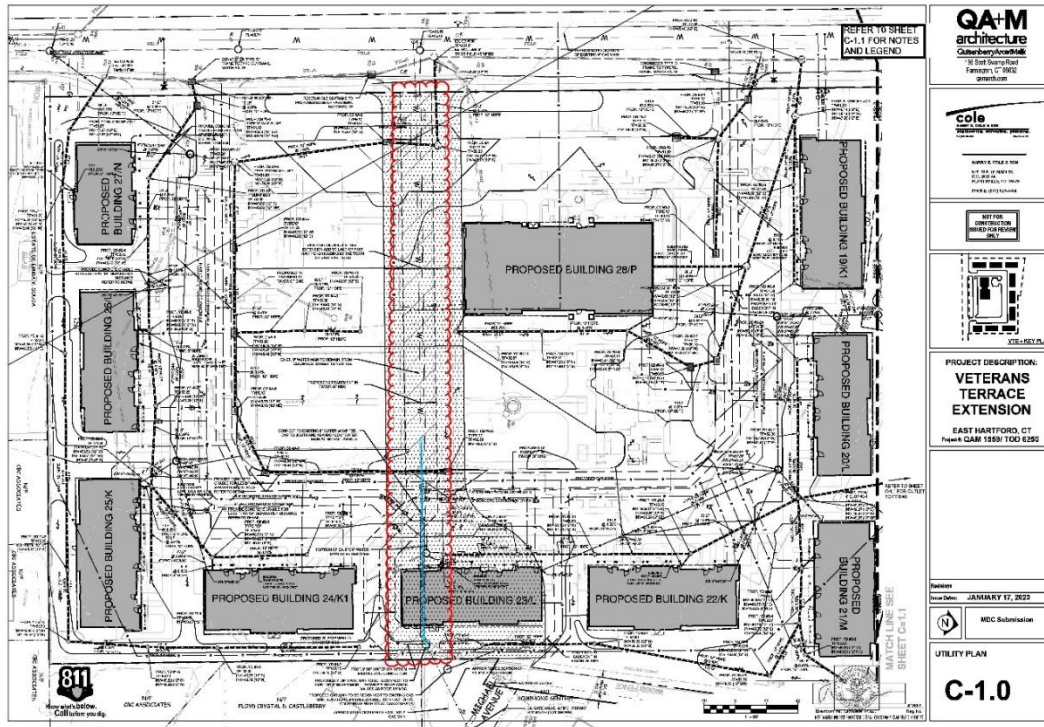
This letter shall serve as our official request to abandon a select portion of the above-referenced existing 8" water main.

Thank you for your attention to this issue. And should you have any questions or concerns, please do not hesitate to contact us.

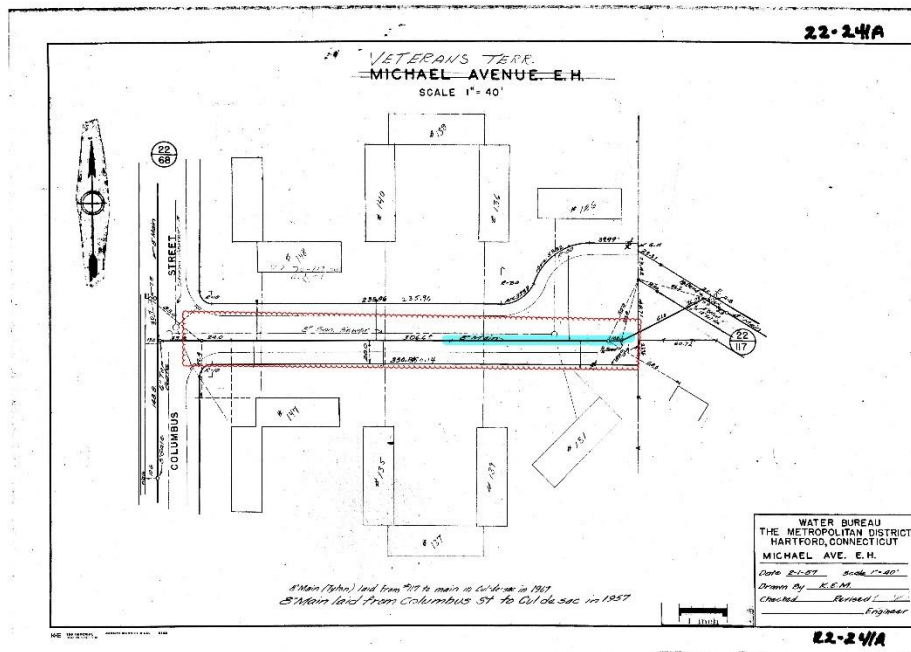
Very Truly Yours

Veterans Terrace Communities III LLC
Veterans Terrace MM III LLC
Its Managing Member
Investors Network LLC
A Managing Member

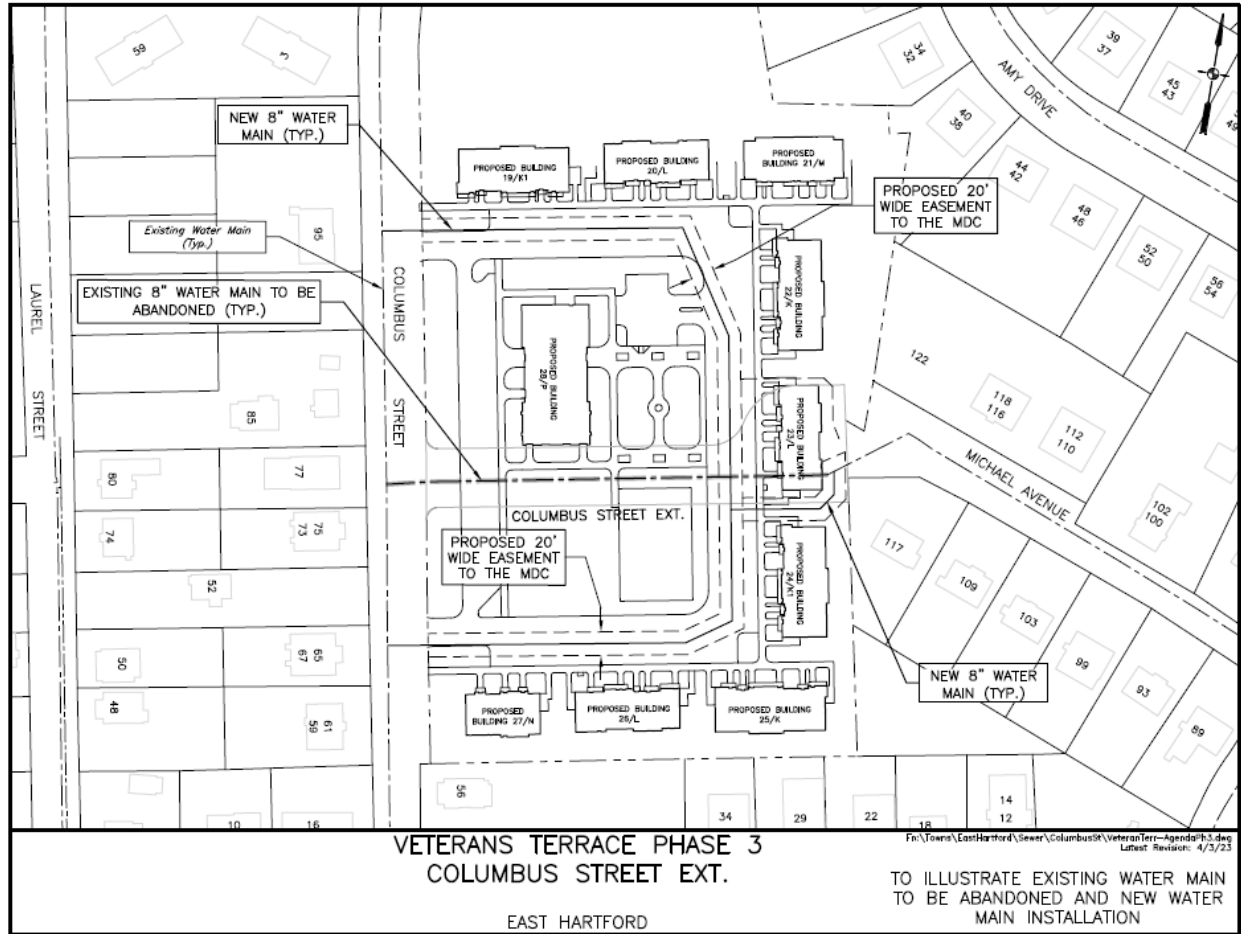
By: 
Salvatore R. Carabetta



9-3



9-4



9-5

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
VETERAN’S TERRACE PHASE 3, EAST HARTFORD
ABANDONMENT OF SANITARY SEWERS**

To: District Board

May 1, 2023

From: Bureau of Public Works

On March 3, 2023, the District received a letter from Salvatore R. Carabetta of Veteran’s Terrace Communities III LLC, Owner and Developer of Veteran’s Terrace Phase 3, requesting that the Metropolitan District abandon the existing 8-inch sanitary sewer within the former Columbus Street Extension right of way in East Hartford, as shown on the accompanying map. The purpose of the request is to enable the construction of a new residential development known as Veteran’s Terrace Phase 3.

The proposal submitted includes the abandonment of approximately 320 feet of 8-inch cast iron sanitary sewer, as shown on the aforementioned map. The Developer intends to install new sanitary sewer lateral connections to the existing sewers in Columbus Street and in adjacent private lands, thereby not requiring the use of these sewers. The existing sanitary sewer was originally constructed through a Developer's Permit Agreement between the East Hartford Housing Authority and the MDC in 1957 within the public right of way, therefore no easement exists.

From an engineering standpoint, the abandonment of the existing sanitary sewer will not have a negative impact on the sewer collection system, and no hardship or detriment would be imposed on others. All new connections and services to the new buildings constructed as part of this project will utilize the existing utilities in Columbus Street and adjacent private lands.

At a meeting of the Bureau of public Works held on April 24, 2023, 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 abandonment of the existing sanitary sewers on Columbus Street Extension, property formerly of the Town of East Hartford, as shown on the accompanying map.

Respectively submitted,



John S. Mirtle, Esq.
District Clerk

The Metropolitan District
555 Main Street
Hartford CT, 06103

March 3, 2023

Re: Veterans Terrace Extension
Request to Abandon Sanitary Sewer
Michael Ave to Columbus Circle

To whom it may concern,

The undersigned is the anticipated owner of the improvements to be known as Veterans Terrace Phase 3. In partnership with the East Hartford Housing Authority, we will be demolishing all structures and a select number of existing site utilities as part of a state funded rehabilitation of the property to provide quality affordable apartments to low-income residents.

The rehabilitation will include the demolition and removal of all (8) existing buildings and the new construction of (9) new residential buildings and (1) community center. In order to facilitate the aforementioned rehabilitation, the existing Columbus Circle Extension will be abandoned, and new site drainage will be provided for the property.

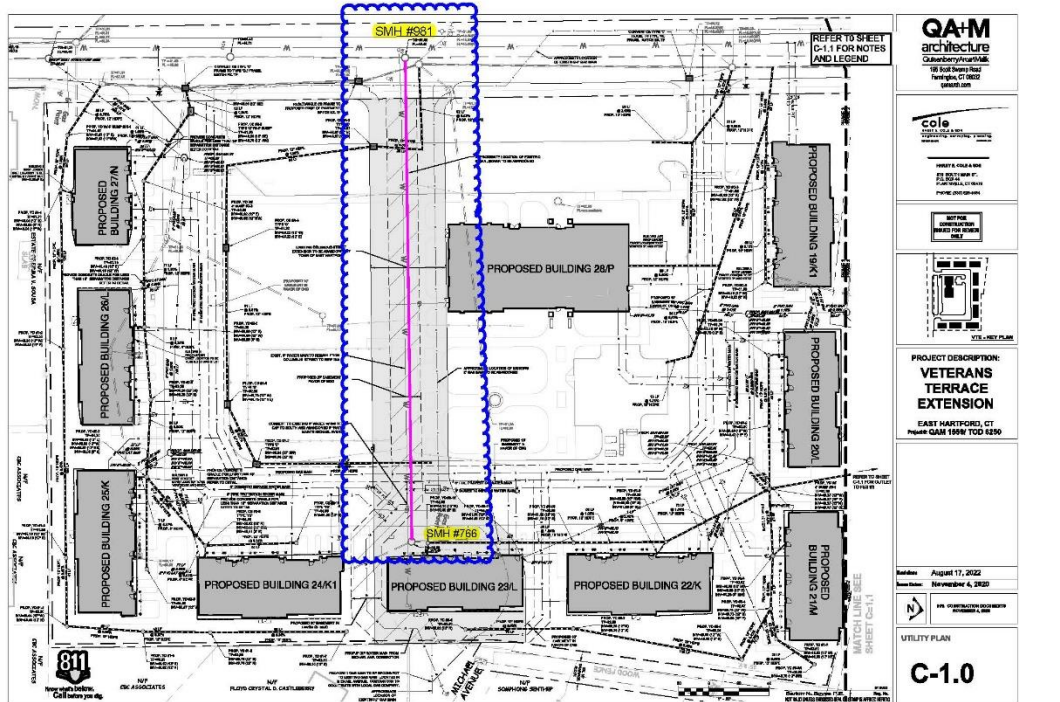
Accordingly, in furtherance of the new drainage system and the construction of the nine new residential buildings, the existing 8" sanitary sewer that runs between Columbus Circle (SMH #981), through the center of Columbus Circle Extension (to be abandoned) to Sanitary Manhole #SMH #766, highlighted in pink in the attached plan must be abandoned.

This letter shall serve as our official request to abandon the above-referenced existing sanitary sewer line. Thank you for your attention to this issue. And should you have any questions or concerns, please do not hesitate to contact us.

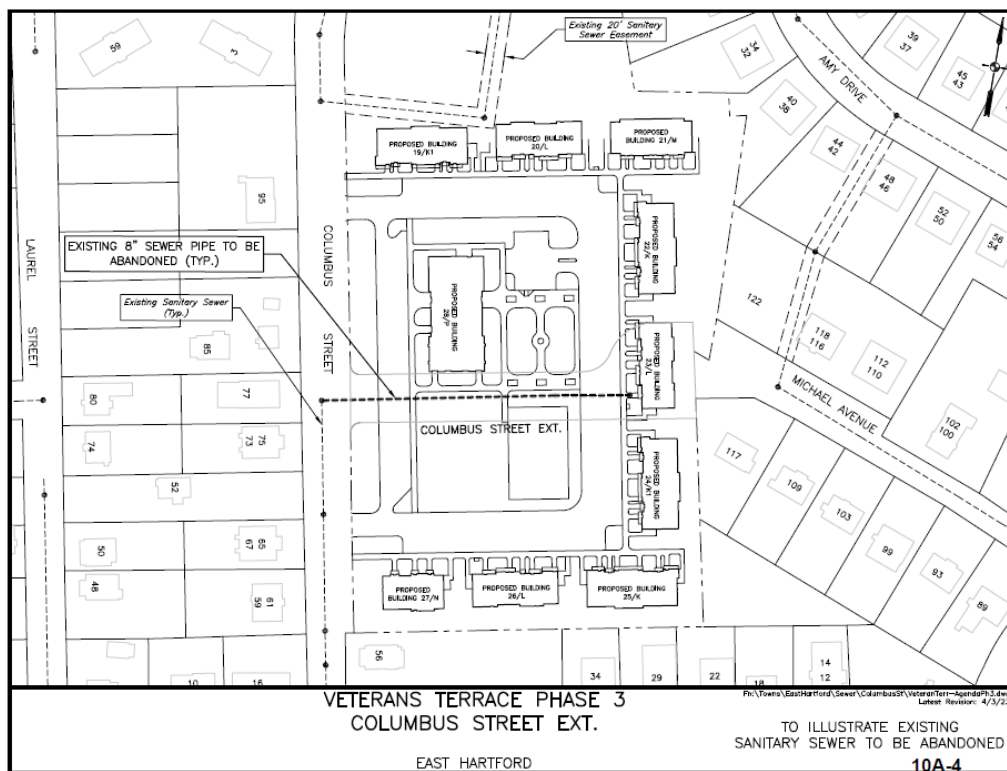
Very Truly Yours

Veterans Terrace Communities III LLC
Veterans Terrace MM III LLC
Its Managing Member
Investors Network LLC
A Managing Member

By: 
Salvatore R. Carabetta



10A-3



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
99 VAN BLOCK AVENUE, HARTFORD MLK APARTMENTS
RELEASE OF RIGHT-OF-WAY AND ABANDONMENT OF SANITARY SEWERS**

To: District Board

May 1, 2023

From: Bureau of Public Works

On March 9, 2023, the District received a letter from Will Walter, P.E., of Benesch on behalf of MLK Cooperative, Inc., (the "Owner") and Developer of Martin Luther King Apartments located at 99 Van Block Avenue in Hartford (the "Property"), requesting that the Metropolitan District abandon and release the existing sanitary sewers and easements within the Property, 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 laterals to serve the proposed buildings within the development to existing sewers located in Van Block Avenue and Luis Ayala Lane, thereby not requiring the use of the onsite sanitary sewers. The original easement was acquired by the Metropolitan District from the Van Block Housing Corporation through a Developer's Permit-Agreement in May, 1969.

From an engineering standpoint, the release of the requested easements and abandonment of the sanitary 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 24, 2023, 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 the existing sanitary sewer easements and discontinued sanitary sewers on property owned by MLK Cooperative, Inc., as shown on the accompanying map and as recorded in the City of Hartford land records in Volume 1229, Pages 279-281. The release shall be subject to approval by District Counsel as to form and content.

Respectively submitted,



John S. Mirtle, Esq.
District Clerk



120 Hebron Avenue, Floor 2
Glastonbury, CT 06033
www.benesch.com
P 860-633-8341

March 9, 2023

Michael Curley, PE
Technical Services, Engineering & Planning
MDC
555 Main Street
Hartford, CT 06103

RE: **Sanitary Easement Abandonment Request**
MLK Apartments
Van Block Avenue Hartford, CT

Dear Michael:

The property owner, MLK Cooperative, Inc., is proposing a new residential project at property located at the corner of Van Block Avenue and Luis Ayala Lane, in Hartford, Connecticut. The property is currently situated with a number of residential buildings, all of which have either been abandoned, or will be abandoned shortly. The project includes the complete demolition of the site and reconstruction that includes fifteen multi-family residential apartment style buildings and one (1) maintenance buildings, all of which will vary in size.

The site currently contains an MDC main and associated easement that serves the existing buildings. As the building configuration on the site is changing, this existing easement is located in areas where new buildings are proposed. Additionally, it is our understanding that the existing MDC sanitary infrastructure within that easement is does not conform to current MDC standards. We are therefore requesting to abandon the easement and existing sanitary infrastructure within the easement. We are indicating the limits of the existing easement to be abandoned on attached plan entitled 2023-03-08 Sanitary Easement Abandonment Limits.

The new development is proposing to provide sanitary collection through new on-site laterals that will connect to the mains in Van Block Avenue and Luis Ayala Lane, as can be seen on the attached Site Utility Plan. Therefore, we are not requesting a Developers Permit Agreement as part of this project.

Please find the following attachments to this request letter:

- Existing Conditions Plan.
- 2023-03-08 Sanitary Easement Abandonment Limits.
- C-300 Utility Plan.
- Legal Easement, as filed with the City of Hartford, to be abandoned.
- City of Hartford Site Plan Approval
- CAD File – most of the layers have been stripped out for ease of identification of the easement.

A \$600 check will be hand delivered to you at the above address by the property owner.

10B-2

Michael Curley, PE
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Please let us know if you have any questions or require additional information.

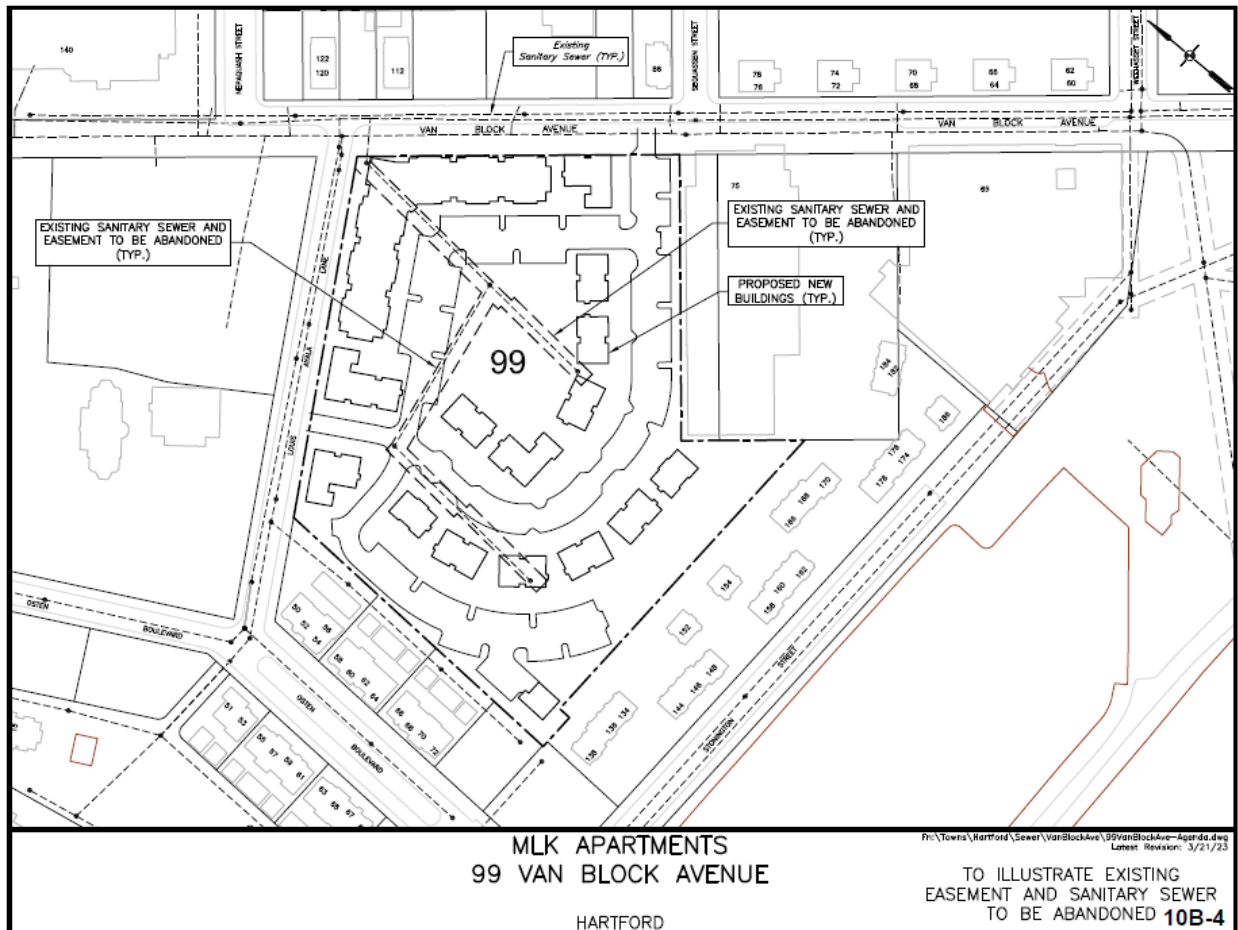
Sincerely,

Will Walter, PE
Senior Project Manager

Owners Signature

Aaron Greenblatt
MLK Cooperative, Inc.

- cc. Dave Goslin (via email)
- Aaron Greenblatt (via email)
- Alexandra Michaud (via email)
- Sara Leadbetter (via email)



MLK APARTMENTS
99 VAN BLOCK AVENUE

HARTFORD

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Latest Revision: 3/21/23

TO ILLUSTRATE EXISTING
EASEMENT AND SANITARY SEWER
TO BE ABANDONED **10B-4**

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

**BUREAU OF PUBLIC WORKS
1 TUNXIS AVENUE & 6 MOUNTAIN AVENUE, BLOOMFIELD
NEW PROSSER LIBRARY
ENCROACHMENT AGREEMENT**

To: District Board

May 1, 2023

From: Bureau of Public Works

In a letter dated February 10, 2023, Mr. Rock Emond, Associate Civil Engineer of SLR International, Inc., on behalf of the Town of Bloomfield, owner of the above-referenced property ("Owner"), has requested permission from The Metropolitan District ("MDC" or "District") to encroach on the MDC's existing 20-foot-wide Bloomfield Trunk Sewer easement or right-of-way, encompassing an existing 24-inch sanitary trunk sewer and its appurtenant infrastructure (collectively, the "Sewer"), situated on the Property ("ROW") for the purpose of constructing and installing site improvements for and in connection with the construction of the new Prosser Library building (the "Project").

The proposed work for the Project entails (i) excavation and removal of up to two feet of fill, (ii) removal of pavement and curbing, (iii) installation of two 6-inch sanitary sewer lateral connections to the Sewer, (iv) installation of stormwater system infrastructure (12-inch HDPE pipe), and (v) the installation of an overhead pedestrian bridge all within such ROW as shown on the accompanying maps (collectively, the "Improvements"). The proposed storm piping will be installed above the Sewer with a minimum of three feet of vertical clearance between this Sewer and such piping. The overhead bridge will be installed with a minimum of twelve (12) feet of vertical clearance over the surface level of the ROW and all supports and footings will be located outside of the ROW. The Sewer was built in 1961.

MDC staff has concluded that the Improvements are minor and that there will be no detriment to the Sewer as a result, provided Owner enters into and executes 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 Sewer located within the Property and to maintain accessibility along the length of the MDC's ROW:

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 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 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 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. 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 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.
 6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the 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 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 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 the Owner and the District, which agreement shall include the above conditions and any other conditions set forth herein, and filed on the Town of Bloomfield Land Records.

At a meeting of the Bureau of Public Works held on April 24, 2023, 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 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 Project as shown on the plan submitted by SLR International, Inc., entitled "Figure 1 – Sewer Easement Utility Encroachment Bloomfield Public Library New Prosser Library 1 Tunxis Avenue Bloomfield, Connecticut," dated September 29, 2022, revised 12/9/22 and 2/9/23, Sheet No. Fig. 1, 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 Bloomfield 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



February 10, 2023

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

RE: Encroachment Permit
Bloomfield Public Library
New Prosser Library
1 Tunxis Avenue and 6 Mountain Avenue
Bloomfield, Connecticut 06002
SLR #12351.00095

Dear Mr. Curley:

Pursuant to a request by the Town of Bloomfield for approval of encroachments within an easement owned by the Metropolitan District located on 1 Tunxis Road, Bloomfield, Connecticut please see attached enclosures including but not limited to:

- Partial Site Plan & Section provided by TSKP Studio
- Figure 1 – Sewer Easement Utility Encroachment provided by SLR International Corporation
- Property and Topographic Survey provided by Delta Surveying Services, LLC

The list of encroachments within the Metropolitan District Sewer Easement are as follows:

1. Pedestrian bridge crossing above easement
2. Storm drainage piping and structures within or around the easement
3. Grading in excess of 1 foot
4. Sanitary connections to existing 24" RCP owned/operated by the MDC

Please do not hesitate to contact me at (203) 271-1773 should you have any questions regarding this matter.
Very truly yours,

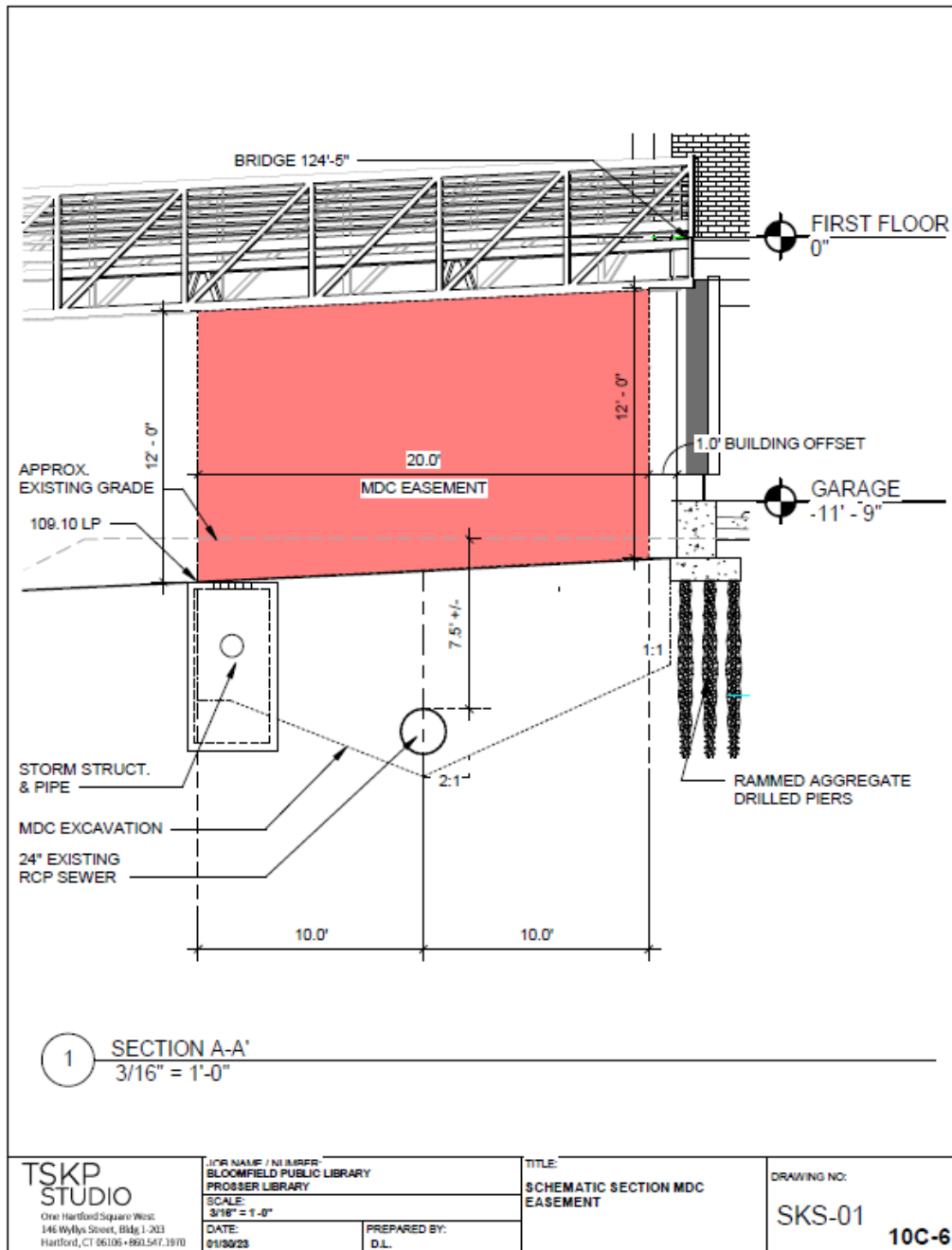
SLR INTERNATIONAL, INC.

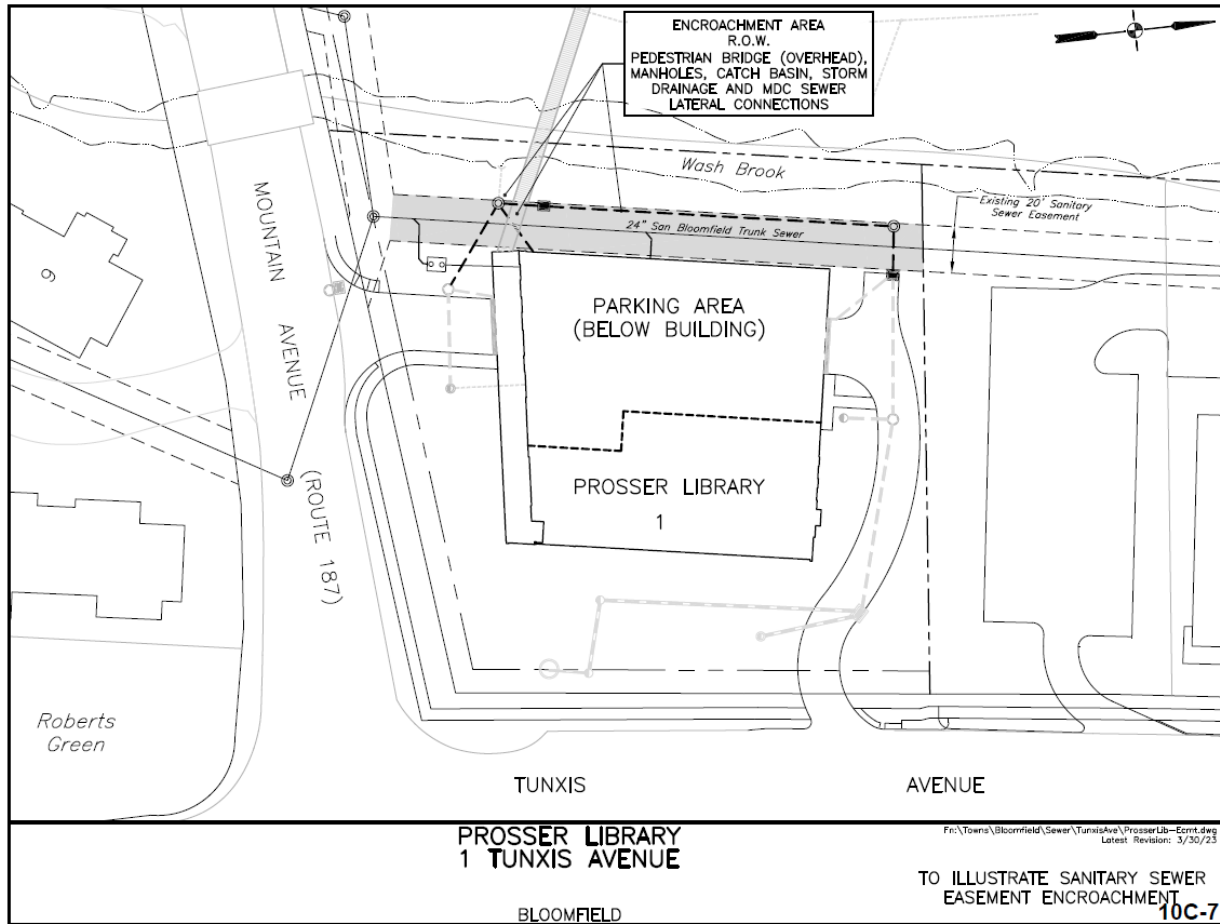
A handwritten signature in black ink, appearing to read "Rock Emond". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rock Emond
Associate Civil Engineer

Page 2
February 10, 2023

Cc: Mr. Ryszard Szczypek, TSKP Studio
Mr. Michael Cegan, Richter and Cegan, Inc.
Ms. Nancy Hayes, Town of Bloomfield





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

**PERSONNEL, PENSION AND INSURANCE COMMITTEE
JOB SPECIFICATION
MAINTENANCE PLANNER (SS-06)**

To: District Board

May 1, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specification and Job Classification System be amended to include Maintenance Planner (proposed SS-06). A copy of the proposed specification is attached as negotiated with Local 1026.

The proposed job specification continues to enhance the multi-tasking approach to District positions. The new Maintenance Planner role proposed pay range is SS-06 (range of \$103,979.20 to \$124,800) as negotiated with Local 1026.

Employee Group: Local 1026
FLSA Status: Non-Exempt
Labor Grade: SS-06

METROPOLITAN DISTRICT COMMISSION
CLASSIFICATION DESCRIPTION

CLASSIFICATION TITLE: MAINTENANCE PLANNER

JOB SUMMARY

The purpose of this classification is to provide responsible technical and supervisory work in the planning of repair, maintenance and care of District infrastructure and assets. The role will provide planning functions for the assigned department and the related functions of that department which may include water distribution, wastewater collection, wastewater and water treatment and supply facilities, facility and equipment maintenance and processes, including but not limited to pump stations, water storage facilities and lift stations.

Work involves responsibility for assisting in, developing and maintaining a comprehensive and uniform preventive maintenance (PM), predictive (PdM) and corrective maintenance (CM) programs, and for supervising employees engaged in all aspects of the repair, maintenance and care of water treatment and supply, water distribution, wastewater collection and wastewater treatment facilities, pumping stations, and other MDC facilities. Work also includes preparation of manpower, materials and cost estimates for assigned projects. Work involves independent assessments and initiative to complete assignments in a safe, timely and cost-effective manner. Duties include developing and maintain the Work Order Management System (SAP) to support the delivery of PM, PdM and CM programs. This position also has the responsibility for making difficult repair decisions and setting daily work priorities. This work requires that the employee have knowledge, skill and ability in facilities and pump station maintenance and repair and related systems and facilities.

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.

- Schedules, assigns, trains, supervises and inspects work of workers engaged in the repair, modification, preventive, predictive or corrective maintenance, and

equipment installation at wastewater and water treatment facilities, pumping stations, lift stations or other assigned areas. Coordinates activities on a short and long term basis to assure personnel, materials and equipment necessary for projects and objectives. Responds to emergencies as needed.

- Conducts inspections, reviews and evaluates plant and pumping station maintenance activities.
- Develops projects specifications, prepares cost estimates for material, supplies, equipment and labor needs, and orders necessary materials, supplies and equipment; participates in the development of the maintenance budget.
- Tracks work progress and prepares forms and reports on completed work assignments and employee time records. Maintains equipment records. Controls expenditures within fund allocations.
- Works with employees to diagnose equipment malfunctions to coordinate required repairs; analyses component failures, and assesses efficiencies of operating systems to reduce operating and maintenance costs.
- Trains and counsels' employees. Administers union contract language and oral warnings and recommends higher level discipline. Assists in employee selection. Assures safe work practices.
- Plan all preventive, predictive, and condition-based maintenance, in conjunction with the facility's production and operational plans, including resource (mechanics, technicians, operators, parts, equipment, tools) availability to execute activities effectively and efficiently in a coordinated way. Helps prioritize and escalate critical work as necessary.
- Develop and maintain the Computerized Maintenance Management System (CMMS) program SAP to provide for full maintenance programs to water and wastewater facilities and assets
- Administer the preventive maintenance (PM), predictive (PdM) and corrective maintenance (CM) programs through the creation, revision, distribution, and posting of PM and PdM Plans and associated Work Orders. Develop and maintain the PM, PdM and CM procedures for use by District staff

- Assist in the development of the current annual budget, routine/ad-hoc reporting and program analysis. Assist with developing Capital Needs Assessments, prioritize recommended work. Assist Manager with developing budgets for replacement work.
- Assist in maintaining data for Asset Management and Project records and updating SAP. Works with staff and other departments to update and maintain SAP including but not limited to phasing in new assets and phasing out old assets.
- Manages document inventory all OEM specifications, manuals and procedures as job planning reference
- Prepare information on the strategic development of the lifecycle analysis of system components, relating to: capital replacement plan, regulatory issues, and environmental issues, sustainability of the assets, and preventive maintenance
- Collaborates with Warehouse staff to develop work kits and assists in implementing job kitting.
- Develop and implement highly efficient part ordering and retrieval to minimize staff engagement in individual part ordering and pick-up.
- Evaluate and monitor work order completion, backlog and schedule compliance.
- Interact directly with Superintendents, Team Supervisors and Facility Supervisors to ensure that repairs are completed to their satisfaction and in a timely and cost-effective manner. Ensures that all work orders are closed with correct closing codes.
- Prepare and prioritize PM routines and schedules with related stakeholders. Monitor and track the cost of PM/PdM/CM activities performed by staff and contracted services. Recommend modifications or enhancements to the PM. PdM and CM systems in order to improve effectiveness.
- Enhances electronic O&M system to ensure information is up-to-date and relevant for all installed equipment, including training, manuals, process control descriptions, LO/TO procedures, SOPs, etc.
- Conduct program audits to validate data inputting and provide lifecycle repair and replacement forecasts.
- Oversee and coordinate projects with Project Managers. Assist Projects Managers to write contract documents.

- Performs related work as required.

SUPERVISION RECEIVED

Works under the general supervision of the Department Superintendent and/or Department Manager

MINIMUM QUALIFICATIONS

A high school diploma or the equivalent, plus six (6) years of progressively responsible utility maintenance or plant maintenance and repair experience, including at least some supervisory experience, including progressive experience at the supervisory level in the maintenance and repair of water distribution and wastewater collection systems, water and/or wastewater treatment facilities, monitoring equipment, electrical and mechanical systems, or related industrial plant maintenance; or an equivalent combination of education and qualifying experience, substituting on a year-for-year-basis, which provides the requisite knowledge, skills and abilities for this classification. Minimum of four (4) years of SAP Plant Maintenance and Materials Management Modules experience, including notification and work order creation, planning of work order operations and completion of work order and notification requirements. Creation and maintenance of maintenance planning functions in SAP is preferred.

SPECIAL REQUIREMENTS

Must have a valid driver's license.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of preventive/predictive maintenance procedures, development of maintenance standards and planning.

Knowledge of business applications including, SAP EAM, MS Office products and productivity tools.

Knowledge of plant and pump station operations and maintenance.

Knowledge of water distribution and wastewater collection operations and maintenance.

Knowledge of the principles and practices of electrical, hydraulics, pneumatic, plumbing and mechanical equipment maintenance and repair.

Knowledge of public administration principles and practices as applied to work unit reporting and routine administrative procedures.

Knowledge of process improvement and management methodologies including but not limited Lean

Ability to communicate orally and in writing and to lead others in a work unit.

Ability to administer policies and procedures including scheduling, routine decision-making and the completion of forms and reports.

Ability to effectively access/use HACH WIMS, SAP, SCADA, eOM and Microsoft Word, Excel & PowerPoint.

Ability to supervise others in a work unit.

Ability to establish and maintain effective working relationships with coworkers, vendors, contractors and other governmental agencies.

Knowledge of MDC policies and procedures.

Ability to operate computers, software, and systems required for performing essential functions.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

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 and in writing.

Environmental Factors: Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc., with some performance of these functions in plants and pump stations, frequently exposed to heavy industrial equipment, caustic chemicals, raw sewage, activated sludge, biologically contaminated underground facilities, and the like.

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.

At a meeting of the Personnel, Pension and Insurance Committee held on April 26, 2023, 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 Maintenance Planner (SS-06) attached hereto be adopted.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

**PERSONNEL, PENSION AND INSURANCE COMMITTEE
JOB SPECIFICATION
MANAGER OF INFORMATION SERVICES (E&E)**

To: District Board May 1, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the Job Specification and Job Classification System be amended to update Manager of Information Services (currently EE19). A copy of the proposed updated specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The updated Manager of Information Services role would change the pay range from EE19 (range of \$ 131,974.35 to \$184,764.08) to EE20 (\$138,569.98 to \$193,997.94).

Code:19
Employee Group: E&E
FLSA Status: Exempt
Labor Grade: EE-20

**METROPOLITAN DISTRICT COMMISSION
CLASSIFICATION DESCRIPTION**

CLASSIFICATION TITLE: MANAGER OF INFORMATION SERVICES

JOB SUMMARY

This is a highly responsible managerial level position. The purpose of this classification is to provide technical expertise and direct management of core enterprise Information Systems (IS) and services including business applications, financial data processing, hardware and software services, network applications, communication systems, internet and web site, and management of other administrative areas as may be assigned by executive staff.

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.

- Participates in design and delivery of the operational management processes of the organization as a member of the Business Services management team to foster leadership innovation and prioritization of information system applications.
- Assists in directing the development and application of information technology hardware and software to meet District management, budget, engineering and operational needs.
- Plans, manages and directs the staff, resources and operations of the District's IS departments and functions. Manages the development, implementation and maintenance of all IS and communication systems including telephones, cell phones and PDAs.
- Plans, directs and coordinates the technological development, operation, and maintenance of the District IS, including system analysis, programming, hardware installation and software applications and prepares systems maintenance schedules and oversees its implementation; assures continuous delivery of IS services through monitoring of IS performance; directs the development and execution of a comprehensive disaster recovery and business continuity plan.
- Coordinates approved IS development and upgrade projects; coordinates and facilitates consultation with user departments; collaborates with process owners in defining business and system requirements for new technology implementations; monitors project status and progress; and provides training for users and reports

progress. Assists in developing department goals and objectives; develops operating procedures; establishes work plans, priorities and assignments; sets department performance goals; monitors operations and department performance; ensures compliance with applicable laws and regulations; evaluates department effectiveness and efficiency; and implements changes to improve performance.

- Manages District IS resources including equipment, develops business case justifications and cost/benefit analyses for IS spending; develops and manages department operating and capital budgets; identifies opportunities for cost-effective investments in IS systems including staffing, sourcing, purchasing and in-house development and maintains appropriate user licenses.
- Supervises IS staff; assigns work; establishes performance expectations; provides training and employee development; provides guidance and advice regarding difficult IS issues; enforces safe work practices; evaluates employee performance; counsel employees; administers union contract language, oral and written warnings and suspensions; and recommends higher level discipline and other personnel actions, such as reclassifications.
- Reviews hardware and software acquisition and maintenance contracts; pursues master agreements to capitalize on economies of scale; and represents the District and its IS issues to vendors and contractors.
- Directs the development of the operating and capital budget and presents budget requests to the Board of Finance. Directs assigned departments expenditures with fund allocations and approves fund transfers for Finance department and Board of Finance consideration.
- Prepares and/or reviews project reports, statistical analyses, project tracking records, correspondence, and other operational and administrative documents.
- Performs special assignments and duties as assigned.

SUPERVISION RECEIVED

Works under the general direction of the Director of Information Services.

MINIMUM QUALIFICATIONS

Bachelor's degree in management information systems, computer science or a related field; master's degree in related field preferred; supplemented by minimum of five (5)

years of progressively responsible IS technical management experience including specific experience in Microsoft Applications, SAP, database and network management including three (3) years at the management level; or any equivalent combination of education, training, and experience, substituting on a year-for-year basis, which provides the requisite knowledge, skills, and abilities for this classification.

SPECIAL REQUIREMENTS

Must have a valid driver's license.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to synthesize, hypothesize, and/or theorize concerning data and/or information involving modification of existing policies, strategies and/or methods to meet unique or unusual conditions. Requires the ability to do so within the context of existing organizational theories and management principles.

Human Interaction: Requires the ability to function in a director capacity for a major organizational unit requiring significant internal and external interaction.

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 synthesis data and information, as well as reference, descriptive, design, advisory, and consulting data and information as applicable.

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 scientific thinking to implement both intellectual and practical relationships. Involves responsibility for consideration and analysis of complex organization problems of major functions.

Situational Reasoning: Requires the ability to exercise the judgment, decisiveness and creativity required in critical and/or unexpected situations involving risk to the organization.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge and ability to manage information technology information systems and software including the ability to manage Outlook, Desktop, SAP and Oracle applications.
- Knowledge of business theory, business processes, strategic planning, management, finance and budgeting, and business office operations.
- Knowledge and exposure to data processing, hardware platforms, enterprise software applications and outsources systems.
- Knowledge of and ability to manage information technology integrations in the District.
- Knowledge of contracting, negotiating and change management.
- Ability to communicate orally and in writing and to lead others.
- Ability to develop and administer policies and procedures at the management level.
- Ability to manage the work of IT-related departments through direct reports.
- Extensive skills to build trust and personal accountability, and the ability to establish and maintain effective working relationships with District staff, contractors, consultants and customers. Demonstrated competencies include: technical knowledge and abilities; accountability, team building and staff development; planning and organizational skills, astute judgment and decision-making, integrity, commitment to diversity and the ability to function well in a multicultural environment.

ADA COMPLIANCE

Physical Ability: Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

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: Requires the ability to work under conditions where exposure to environmental factors is not likely to present a risk of injury or illness.

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.

At a meeting of the Personnel, Pension and Insurance Committee held on April 26, 2023, it was:

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

RESOLVED: That the Classification System be amended to reflect the *Manager of Information Systems* job specification with the salary allocation of EE20 with eight steps and an annual range of \$138,569.98 to \$193,997.94.

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.

**PERSONNEL, PENSION AND INSURANCE COMMITTEE
APPROVAL OF JOB SPECIFICATION
ASSISTANT DISTRICT COUNSEL / DISTRICT CLERK**

To: District Board May 1, 2023

From: Personnel, Pension and Insurance Committee

Staff is proposing to revise the *Assistant District Counsel/District Clerk* salary allocation. Staff is recommending that the Classification System be amended to revise *Assistant District Counsel/District Clerk* job specification from an EE20 salary allocation (annual range of \$138,569.98 to \$193,997.94) to an EE22 salary allocation (annual range of \$152,775.75 to \$213,886.03 with eight steps)

At a meeting of the Personnel, Pension and Insurance Committee held on April 26, 2023, it was:

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

RESOLVED: That the Classification System be amended to reflect the *Assistant District Counsel/District Clerk* job specification with the salary allocation of EE22 with eight steps and an annual range of \$152,775.75 to \$213,886.03 effective March 1, 2023.

Respectfully Submitted,



John S. Mirtle, Esq.
District Clerk

Code:
Employee Group: E&E
FLSA Status: Exempt
Labor Grade- EE-22

METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION

CLASSIFICATION TITLE: ASSISTANT DISTRICT COUNSEL / DISTRICT CLERK

JOB SUMMARY

The purpose of this classification is to serve as the District Clerk, with all duties and responsibilities as set forth in the District Charter, Ordinances and By-Laws, and serve as secretary to the District Board of Commissioners (Board) and its various Bureaus, Committees and Commissions, overseeing associated records, records management, and operating budgets. Provides administrative support for all Board, Bureau and Committee meetings. Acts as FOIA Officer for the organization and as a liaison with District Counsel. Directs the production and maintenance of administrative, legal, real estate and clerical records. Provides administrative support to Chief Executive Officer and Board members. Provides legal assistance to the Office of District Counsel as directed by District Counsel.

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.

- Serves as District Clerk; attends all Board, Bureau and Committee meetings and public hearings. Writes agenda memos for Board, Bureau or Committee action; reviews all agenda memos prepared by others; and oversees preparation and distribution of meeting agenda packages.
- Reviews, edits, and corrects or writes minutes of all Board, Bureau or Committee meetings. Prepares resolutions and minutes of the proceedings, maintains indexes and preserves all permanent records. Compiles and records minutes of all official meetings consistent with State Law applicable to municipalities.

- Fulfills statutory requirements relative to public hearing notifications, Freedom of Information requests, Charter and Ordinance updates and notifications relative to the annual audit. Serves as appointed MDC Records Management Liaison Officer (RMLO) and Freedom of Information Officer. Acts as agent of service for all legal matters.
- Updates the District Charter to reflect legislative action by the General Assembly; updates Ordinances and by-laws based on Board actions.
- Manages Assessment Program relative to construction of sewer and water main extensions.
- Researches and analyzes District legal and historical issues, compiles reports, and makes recommendations.
- Advises CEO, District Counsel, and senior staff on administrative requirements of Board decisions and actions.
Advises Commissioners, District Counsel, CEO and senior staff on procedural matters.
- Accepts all contracts on behalf of the District. Ensures contracts are received by submittal times and coordinates with project managers and procurement to track all contracts to ensure timely processing.
- Directs the vault inventory and ensures proper filing of all legal documents into the central District document index.
- Responsible for implementing Statutory Document Management protocols applicable to municipalities.
- Manages records retention and destruction consistent with Statutory Requirements.
- Ensures all deeds associated with Real Property transactions are recorded and the originals are retained in the MDC Vault; and supervises Real Property staff.
- Operates a personal computer, and general office equipment as necessary to complete essential functions, including the use of word processing, spreadsheet, database, or other system software.

- Provides legal assistance to the Office of District Counsel as directed by District Counsel.
- Performs other related duties as required.

SUPERVISION RECEIVED

Works under the general direction of the Chief Executive Officer or District Counsel.

MINIMUM QUALIFICATIONS

Juris Doctorate supplemented by a minimum of three (3) years of progressively responsible legal experience.

SPECIAL REQUIREMENTS

Must be, or within six (6) months of date of hire become, a member of the Connecticut & United States District Court (Connecticut) Bars.

PERFORMANCE APTITUDES (KNOWLEDGE, SKILLS, AND ABILITIES)

Data Utilization: Requires the ability to coordinate, manage, strategize, and/or correlate data and/or 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, and/or advisory data and information.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication, and division; ability to calculate decimals and percentages; and may require ability to utilize principles of fractions and/or interpret graphs.

Functional Reasoning: Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership. Ability to exercise independent judgment to apply facts and principles for developing approaches and techniques to problem resolution.

Situational Reasoning: Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

ADA COMPLIANCE

Physical Ability: Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

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

BOARD OF FINANCE

SUPPLEMENTAL APPROPRIATION FOR CLEAN WATER PROJECT

To: District Board

May 1, 2023

From: Board of Finance

Bond Counsel prepared the following resolution for your approval.

At a meeting of the Board of Finance held on April 26, 2023, it was:

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 C W F 7 2 8 - 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 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,



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.

Commissioner Healy entered the meeting at 5:53 PM

**COMMITTEE ON ORGANIZATION
APPOINTMENT OF COMMISSIONERS TO COMMITTEES**

To: District Board

May 1, 2023

From: Committee on Organization

At a meeting of the Committee on Organization held on May 1, 2023, it was:

Voted: That the Committee on Organization recommend to the District Board appointment of the following Commissioners to the following Committees:

Community Affairs Committee

Byron Lester

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

AUDIT REPORT RESOLUTION

To: District Board

May 1, 2023

It is recommended that it be:

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

Resolved: Be it hereby resolved that the District Board adopts the following recommendations relating to the policies and procedures of the Office of District Counsel and consideration of certain By-Laws of the District:

1. Only the District Counsel shall have the authority to retain outside counsel.
2. The District Counsel, on behalf of the MDC, shall enter into a written agreement with outside counsel for legal services regardless of whether the work is being performed for the Legal Department. The agreement shall specify the terms of the engagement, including rates, whether fixed or hourly, a general description of the services, and the length of the agreement.
3. When working on a matter requiring legal services, Commissioners and MDC staff shall consult with the District Counsel to obtain authorization for the use of outside counsel. If approved by the District Counsel, the District Counsel shall prepare an engagement agreement with outside counsel.
4. The District Counsel shall provide the terms of the engagement of outside counsel to the Commissioners or MDC staff who are working with the outside counsel.
5. All legal invoices from outside counsel shall be sent to the District Counsel for review and approval before they are paid.
6. None of the services provided by outside counsel shall be separate from their engagement agreement entered into with the District Counsel.
7. Retained outside counsel shall report to the District Counsel regardless of the project. While other MDC staff and Commissioners may be points of

- contact, the District Counsel shall at least be made aware of the work being performed by the retained attorneys.
8. Commissioners and MDC staff shall contact the District Counsel before working with outside counsel to confirm that the outside counsel has been properly retained and legal services have been approved by the District Counsel.
 9. When authorization for a project is withdrawn by the CEO or other MDC staff, a formal written document shall be prepared and distributed to inform all relevant individuals, including outside counsel working on the project and the District Counsel (if outside counsel has been retained).
 10. The agreements with outside counsel and the By-Laws shall specify that Commissioners have no authority to engage legal services or to authorize legal work on behalf of the MDC and that such authority is held exclusively by the District Counsel.
 11. All attorney work-product prepared by outside counsel shall be provided to the District Counsel who shall report on the status of all matters for which legal services are engaged to all MDC Commissioners to eliminate the creation of silos of information among select individuals on the MDC Board.
 12. Outside counsel who are hired by the MDC shall be required, per the engagement agreement, to submit bills for their services on a monthly basis so that the practice of billing for time spent on MDC matters many months in arrears does not reoccur.
 13. The first paragraph of Section B2k in the MDC By-Laws, which appears designed to prohibit the MDC Commissioners and citizen members from pressuring the MDC employees to act or refrain from acting in a desired manner, is unclear. It should be modified to require the MDC Commissioners (including the MDC Chairman) to direct any individual requests only to the Chief Executive Officer, not to both the District Chairman and the Chief Executive Officer, because all District employees ultimately report to the Chief Executive Officer. Referred to the Committee on MDC Government.
 14. The Committee on MDC Government shall develop an annual training and orientation of new and existing Board members to provide such members with information relating to their specific authority under the District Charter, Ordinances and By-Laws and the operation, organization, and governance of The Metropolitan District in general.
 15. The Committee on MDC Government shall consider the issue of whether, and if so to what extent, the terms of the chairpersons and vice chairpersons of the Board and all committees, bureaus and subcommittees

should be limited, by ordinance or by-law, and shall report its recommendations, if any, to the District Board on or before September 1, 2023.

Respectfully submitted,



John S. Mirtle, Esq.
District Clerk

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

COMMISSIONER REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Buell asked if a Committee on MDC Government meeting has been scheduled yet in reference to agenda item #14. No meeting has been scheduled.

Commissioner Currey asked that scenarios where employees file complaints with Commissioners be discussed and included in the revisions to Bylaw B2K.

Commissioner Torres asked what the current process is for when staff contacts Commissioners. He also supports Commissioner Taylors' previous recommendation for a salary study of employees. He also inquired how much property is taken from towns for the infrastructure for the Clean Water Project.

Commissioner Patel stated that he thinks any contacts from staff to Commissioners should be directed to the CEO.

Commissioner Mandyck praised Commissioner Avedisian for his work chairing the Strategic Planning Committee and praised the staff for their Strategic Planning Committee presentations.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Leslie Hammond, Hartford, was happy to hear that recent District hirings were 36% minority. She feels the public trust of the MDC is shaky right now and that it seems like a political body. Leslie asked that the MDC review the lien policy, as there are a lot of liens filed and costly for homeowners to release them. She also requested that Barkhamsted be open this summer for swimming.

Judy Allen, West Hartford, spoke regarding agenda item #14 and stated that the resolution passed was a result of outside eyes looking at the MDC, and hopes that the resolution is not the end of things. She hopes there is an open public discussion in the future. She reinforced the need for Senate Bill 1139 and the need for a task force by the legislature.

Deidre Johnson, Hartford, expressed annoyance and frustration with the MDC. She stated she is one of the victims of sewage overflows, and wants to bring the issue to everyone's attention.

Cynthia Jennings, Hartford, spoke regarding the flooding in North Hartford. She stated it's critical to talk about oversight and transparency. She read a resolution from the Greater Hartford African American Alliance calling for a vote on Senate Bill 1139.

Bridgette Prince stated that she has been working to address flooding in North Hartford. She recently attending a meeting with MDC Leadership, DEEP representatives, and Senator McCrory.

Cynthia Jennings stated that the flooding in North Hartford is an environmental justice issue where minorities are not getting the same service when paying the same rate.

Bridgette Prince read an email she received from Senator Cory Booker's staff asking to learn more about sewer issues.

ADJOURNMENT

The meeting was adjourned at 6:34 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval