

**BUREAU OF PUBLIC WORKS  
REGULAR MEETING**

555 Main Street, Hartford  
Wednesday, February 21, 2024

**Present:** Commissioners John Bazzano, Richard Bush, William A DiBella, David Drake, John Gale, Joan Gentile, Allen Hoffman, Georgiana Holloway, Byron Lester, Bhupen Patel, Alvin Taylor, Calixto Torres, James Woulfe and District Chairman Donald M Currey (14)

**Remote**

**Attendance:** Commissioners James Healy, Gary Johnson, Maureen Magnan, Pasquale J. Salemi and David Steuber (5)

**Absent:** Commissioners John Avedisian (1)

**Also**

**Present:** Commissioner Jackie Gorsky Mandyck  
Commissioner Dominic Pane  
Scott W. Jellison, Chief Executive Officer  
Christopher Stone, District Counsel  
John S. Mirtle, District Clerk  
Christopher Levesque, Chief Operating Officer  
Kelly Shane, Chief Administrative Officer  
Robert Barron, Chief Financial Officer / Director of Finance  
Susan Negrelli, Director of Engineering  
Tom Tyler, Director of Facilities  
David Rutty, Director of Operations  
Robert Schwarm, Director of Information Technology  
Michael Curley, Manager of Technical Services  
Jason Waterbury, Assistant Manager of Engineering  
Jeff King, Construction Manager  
Nick Salemi, Communications Administrator  
Joe Laliberte, CDM Smith  
Carrie Blardo, Assistant to the Chief Executive Officer  
Julie Price, Executive Assistant  
Jacob Aviles, IT Consultant (Remote Attendance)  
Joseph Szerejko, Independent Consumer Advocate (Remote Attendance)

**CALL TO ORDER**

The meeting was called to order by District Chairman Donald Currey at 4:02 PM

**PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS**

Elizabeth Bryden, of West Hartford, spoke on agenda item #9 “Retroactive Reimbursement for Customer Sewer Repairs,” summarizing from her submitted written public comments:

**Comments for the Bureau of Public Works Meeting related to agenda item # 9 Discussion re: Retroactive Reimbursement for Customer Sewer Repairs**

February 21, 2024

Good afternoon,

Thank you for allowing me the opportunity to comment on agenda item #9 regarding retroactive reimbursement for customer sewer repairs. My name is Elizabeth Bryden and I am an MDC customer and home owner in West Hartford.

Having shared my comments on a number of occasions already dating back to April, 2023, I will try to summarize the key points today supporting the retroactive reimbursement for customer sewer repairs, particularly as it relates to my unique situation.

To illustrate my point, I'd like to briefly recap the issue I had with my home. In January, 2023, we had a sewage back-up into our home and called the MDC emergency line. They came out that night and explained the process to follow and also gave us the recommended contractors for repair. We arranged for an MDC-approved contractor to come out and assess the situation.

We learned through the contractor and the MDC staff who came on site during this process was that our sewer line did not go to the street as many do, but it actually went down the hill behind our house and off our property, onto our neighbor's property and into the woods behind their house before connecting to the main sewer line. A camera determined the line on our property was clear and the issue was some tree roots in the pipe in the woods behind my neighbor's house. As a result of the back-up, we were not able to remain in our home for over a week, our basement required significant repair and our lawn was destroyed in several big areas due to the trucks and the stones needed to fix the situation. Ultimately a pipe had to be replaced in the woods on my neighbor's property and it cost us \$12,283.

It is important to note that due to the way the sewer pipe was structured, we had absolutely no access as homeowners to this pipe for maintenance or repair, nor was there any agreement in place. However, we were held responsible for pipes that are on someone else's property and to which we had no access or authority over.

In late 2023, the new sewer ordinances were approved. These revised ordinances offer some relief to homeowners should they need to make repairs to the sewer laterals on their own private property. However, they do not currently address the issue of retroactivity and potential reimbursement for repairs that have already been made out of necessity. My unique situation is one that, unfortunately, has not been addressed by the revised ordinances. Had the sewage back up in our house happened just a few months later, it likely would have been covered.

In addition, related to this issue is the new fund announced by the Governor on June 26, 2023. As you know, the new Hartford Sewerage System Repair and Improvement Fund helps homeowners in North Hartford who have been impacted by sewage issues, which is great. As I understand it, this program allows homeowners who have been impacted by damage on or after January 1, 2021 to apply for reimbursement. It is not clear to me why this program allows for reimbursement for some MDC customers and the Sewer House Connection program does not.

Given that this new fund for Hartford residents allows for retroactive reimbursement, I believe the new Sewer House Connection program should also allow for retroactivity to help other MDC customers who have been affected by costly sewer issues and repairs. I would like to again, respectfully request that retroactive reimbursement be allowed within the Sewer House Connection Program, perhaps for the same time period as the

*program for homeowners in Hartford, or, at a minimum, some language be added that allows for some retroactive reimbursement for unique situations, like my own.*

*I appreciate the opportunity to share my thoughts today and hope you take them into consideration.*

*Thank you for your time.*

*Elizabeth Bryden*

*120 Sunny Reach Drive*

*West Hartford, CT*

### **ELECTION OF CHAIRPERSON**

District Chairman Donald Currey called for the election of the Chairperson. Commissioner Drake placed Commissioner Allen Hoffman's name in nomination, the nomination was duly seconded.

There being no further nominations, the nominations were closed. Commissioner Hoffman was unanimously elected Chairperson of the Bureau of Public Works for 2024 and 2025. Chairperson Hoffman assumed the Chair and thanked the Bureau of Public Works.

### **ELECTION OF VICE CHAIRMAN**

Chairman Hoffman called for the election of the Vice Chairperson. Commissioner Taylor placed Commissioner Calixto Torres' name in nomination and the nomination was duly seconded.

There being no further nominations, the nominations were closed. Commissioner Calixto Torres was unanimously elected Vice Chairperson of the Bureau of Public Works for 2024 and 2025.

***Commissioner Magnan entered the meeting remotely at 4:10 PM***

### **APPROVAL OF MEETING MINUTES**

***On motion made by Commissioner DiBella and duly seconded, the meeting minutes of November 8, 2023 were approved. Commissioners Bazzano, Lester and Woulfe abstained.***

***Commissioner Bush entered the meeting at 4:14 PM***

***Commissioner Steuber entered the meeting remotely at 4:16 PM***

***Commissioner Holloway entered the meeting at 4:20 PM***

**POTENTIAL REAL ESTATE LEASE AT HARTFORD WPCF**

To: Bureau of Public Works

February 21, 2024

The Metropolitan District (“MDC”) was recently approached by representatives of Fuel Cell Energy, Inc. (“FCE”) regarding a potential lease of land at the MDC’s 231 Brainard Road property in Hartford, Connecticut (the “231 Brainard Road Property”) for three (3) FCE 3000 carbonate fuel cells (collectively, the “Project”). According to these representatives, the initial site for the Project was 455 Homestead Avenue in Hartford, Connecticut, but this site did not have the capability of providing the natural gas fuel requirements for the Project. Because the Project was approved to serve Eversource in Hartford, the Project needs to be located in Hartford, and the 231 Brainard Road Property has the natural gas fuel requirements (through CNG) to support this Project. Accordingly, FCE is proposing to enter into an Option To Lease Real Property with MDC for the Project on the following terms:

- 1) Triple net lease of approximately 32,000 square feet of land on the 232 Brainard Road Property;
- 2) Initial term of twenty (20) years with four (4) five (5)-year options to extend;
- 3) Base Rent:  
Years 1-5: \$10.94/sq. ft. (\$350,080 per year);  
Years 6-10: \$11.48/sq. ft. (\$367,360 per year);  
Years 11-15: \$12.06/sq. ft. (\$385,920 per year);  
Years 16-20: 12.66/sq. ft. (\$405,120 per year); and
- 4) The Base Rent for each five (5)-year option shall be increased by the greater of five percent (5%) or the CPI percentage change.

It is RECOMMENDED that it be:

**VOTED:** That the Bureau of Public Works of The Metropolitan District recommends to the District Board passage of the following resolution:

**RESOLVED:** That the Chief Executive Officer is hereby authorized to execute the Option To Lease Real Property with Fuel Cell Energy, Inc. upon and subject to the above enumerated terms and conditions, and such other terms and conditions that the District Counsel shall deem appropriate and in the best interests of the MDC; **and be it further**

**RESOLVED:** That no entity shall be entitled to rely on, or otherwise claim any benefit by reason of this resolution should the Chief Executive Officer fail to execute the aforementioned Option To Lease Real Property; it being the intention of the District Board that all approvals and authorizations provided hereby are contingent upon, and only shall be effective on and by means of, the parties executing such Option To Lease Real Property, which are in form and substance, acceptable to the Chief Executive Officer and the District Counsel.

Respectfully submitted,



John S. Mirtle  
District Clerk

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

**458 WINDSOR AVE, WILSON PARK  
ENCROACHMENT AGREEMENT**

To: Bureau of Public Works for consideration on February 21, 2024

In a letter dated June 27, 2023, and revised November 22, 2023, Mr. Francis J. Vacca, P.E., Senior Project Manager at BSC Group, on behalf of the Town of Windsor, 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 Deckers Brook Trunk Sewer easement or right-of-way, encompassing an existing 15-inch and 12-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 Wilson Park Revitalization Project (the “Project”).

The proposed work for the Project entails (i) removal of topsoil, excavation and filling of up to 2.3 feet of fill, (ii) installation of new concrete and bituminous concrete sidewalk and pavers, (iii) installation of a 4-inch sanitary sewer lateral connection to the Sewer, (iv) installation of four electrical and telecom conduits, and (v) adjusting two sanitary manhole frames and covers to grade as shown on the accompanying map (collectively, the “Improvements”). The Sewer was built in 1947 and 1949, and was rehabilitated in 1998.

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 Windsor Land Records.

It is RECOMMENDED that it be

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 BSC Group entitled "Wilson Gateway Park, 458 Windsor Avenue (CT-159) in Windsor, Connecticut, Restroom Add Alternate Plan (Alternate #1), October 1, 2023, Prepared for Town of Windsor, 275 Broad Street, Windsor, CT 06095", Sheet L-4.5, 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 Windsor 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  
District Clerk



- Engineers
- Environmental Scientists
- Software Developers
- Landscape Architects
- Planners
- Surveyors

JUNE 27, 2023 (REVISED NOV. 22, 2023)

[www.bscgroup.com](http://www.bscgroup.com)

Mr. Michael Curley  
Manager of Technical Services  
The Metropolitan District  
555 Main Street, P.O. Box 800  
Hartford, CT 06142-080

RE: Wilson Park Revitalization  
Windsor Ave.  
Windsor CT 06095

Dear Mr. Curley,

On Behalf of the Town of Windsor CT (Town), BSC Group (BSC) would like to request an encroachment permit for construction of various site features, amenities, and utilities associated with the development of a new community park at the former location of the "Drake Street Tot Lot" at the intersection Windsor Ave and Deerfield Road (to the southeast). There is an existing 20 ft. wide MDC Sanitary Sewer Easement which bifurcates the site from west to east, along the historic orientation of Drake Street.

Construction activities within the MDC Easement will include:

- Removal of Topsoil
- Earth excavation and filling within the top 2.3 ft. of elevation in various areas
- Installation of new concrete sidewalk and pavers
- Installation of new bituminous concrete sidewalk
- Trenching and installation of a sewer connection to the sewer within the easement from a proposed restroom facility
- Trenching and installation of one (1) new site lighting conduit and conductors across the MDC easement
- Trenching and installation of one (1) new conduit and conductor for electrical service to a stage area across the MDC easement
- Excavation and installation of one (1) new conduit and wiring for telecommunication service to wi-fi repeater hubs at various Light pole Locations across the MDC Easement
- Excavation and installation of one (1) new conduit and conductor for electrical service to a new irrigation well pump and system across MDC Easement
- Installation of temporary erosion controls during construction
- Installation of light pole bases adjacent to but outside the easement
- Loaming and seeding

BSC attempted to place the conduit crossings as close together in one utility corridor as possible, located to the west of the proposed restroom building.

Long term maintenance activities within the easement will include:

- Mowing and other horticultural practices to maintain turf. Currently, fertilizer and other turf chemicals are not proposed for use
- Sidewalk repair in the future
- Access to light poles to replace bulbs; painting; repair conduits/wiring if necessary

A detailed drawing showing the improvements and the conduit corridor crossing, is included as Attachment 1.



Please consider this a formal request for a permanent encroachment permit to develop and maintain site improvements within the MDC Easement.

Please do not hesitate to contact me with any comments or questions regarding this request.

Best Regards,

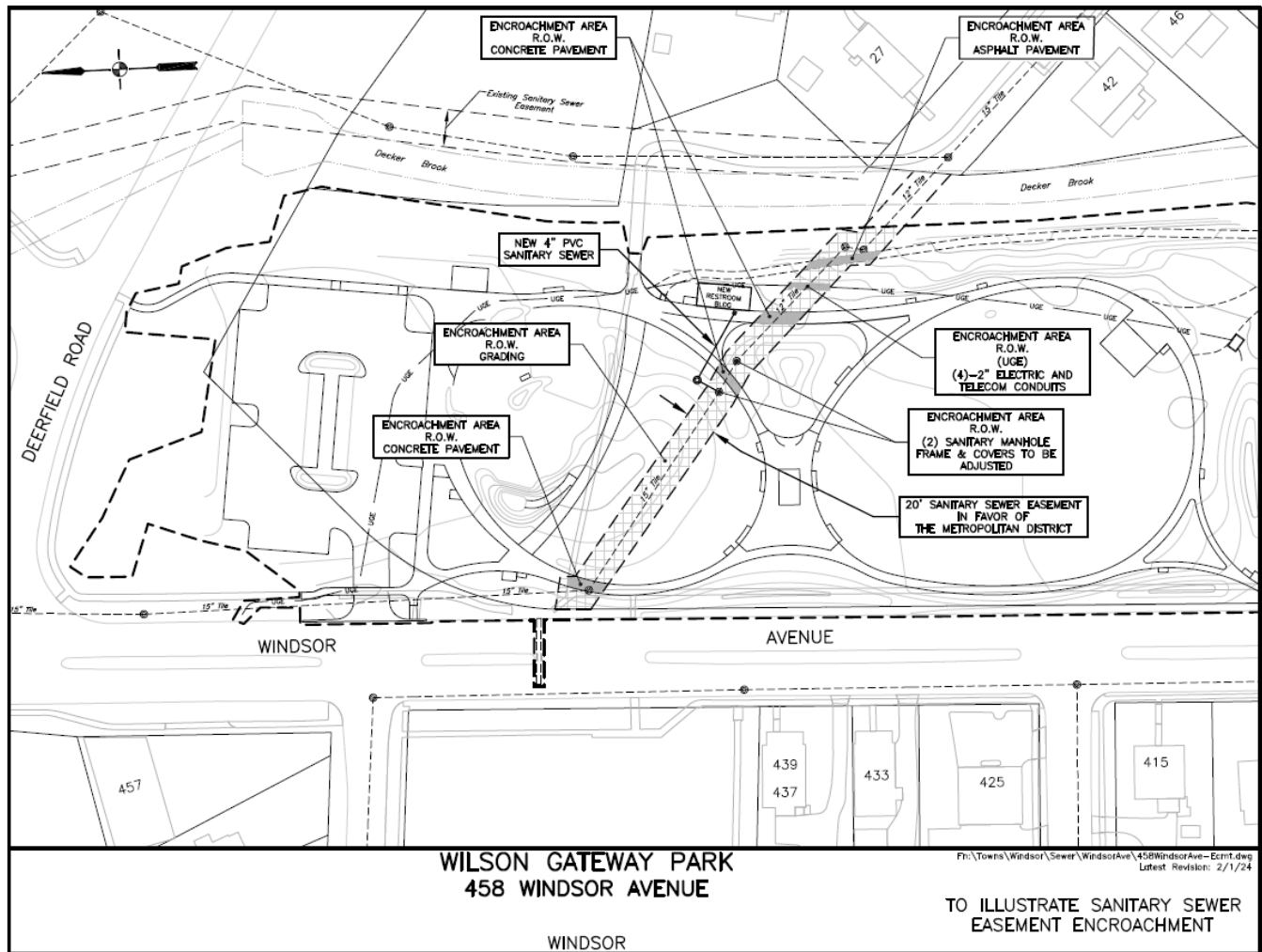
A handwritten signature in black ink, appearing to read 'Francis J. Vacca'.



Digitally signed by Francis  
J. Vacca  
Date: 2023.11.22  
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**Francis J. Vacca, P.E.**  
Senior Project Manager





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

**INTEGRATED PLAN CONSENT ORDER ANNUAL REPORT PUBLIC MEETING**

Jason Waterbury, Assistant Manager of Engineering, and Jeff King, Construction Manager, gave an overview of the upcoming presentation for the March 14, 2024 Integrated Plan Consent Order Annual Public Meeting.

**RETROACTIVE REIMBURSEMENT FOR CUSTOMER SEWER REPAIRS**

Members of the Bureau of Public Works discussed the potential to retroactively reimburse customers for sewer repairs that would now fall under the MDC Sewer House Connection Program, which was passed by the District Board on July 12, 2023.

District Chairman Currey requested information looking back 6 months, 12 months, 18 months and 24 months, which would show how many properties the MDC knows of that would be included in any retroactive reimbursement for those periods.

Commissioner DiBella moved to table the issue to the next meeting of the Bureau of Public Works. The motion to table passed by unanimous vote of those present

**WASTEWATER TESTING**

Without objection, Chairman Hoffman postponed agenda item #10 "Wastewater Testing" until a future meeting.

**OPPORTUNITY FOR GENERAL PUBLIC COMMENTS**

No one from the public appeared to be heard.

**ADJOURNMENT**

The meeting was adjourned at 5:44 PM

ATTEST:

John S. Mirtle  
District Clerk

\_\_\_\_\_  
Date of Approval