

**COMMITTEE ON MDC GOVERNMENT
SPECIAL MEETING**

555 Main Street
Hartford, Connecticut 06103
Wednesday, December 4, 2024

Present: Commissioners John Bazzano, Peter Gardow, James Healy, Calixto Torres and District Chairman Donald Currey (5)

Remote

Attendance: Commissioners Avery Buell, Esther Clarke and Maureen Magnan (3)

Absent: Commissioners Kyle Anderson, John Avedisian, Jean Holloway, and James Woulfe (4)

Also

Present: Commissioner Joan Gentile (Remote Attendance)
Commissioner Bhupen Patel
Christopher Stone, District Counsel (Remote Attendance)
John S. Mirtle, District Clerk
Kelly Shane, Chief Administrative Officer
David Ruttly, Director of Operations
Robert Schwarm, Director of Information Systems (Remote Attendance)
Tom Tyler, Director of Facilities
Carrie Blardo, Assistant to the Chief Operating Officer
Victoria Escoriza, Executive Assistant
Amanda Litvak, IT Profession Level Associate (Remote Attendance)

CALL TO ORDER

Chairman Bazzano called the meeting to order at 4:01 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Elizabeth Bryden, of West Hartford, submitted the following written comments:

Comments for the Committee on MDC Government re: Agenda Item 7 DISCUSSION AND POTENTIAL ACTION RE: POTENTIAL ORDINANCE FOR RETROACTIVE REIMBURSEMENT OF CUSTOMER SEWER REPAIRS

DECEMBER 4, 2024

Good afternoon,

My name is Elizabeth Bryden and I am an MDC customer and homeowner in West Hartford.

Thank you for allowing me the opportunity to comment on agenda item #7 regarding retroactive reimbursement for customer sewer repairs. I am here today to again recommend the approval of the revised sewer ordinance that would allow for the retroactive reimbursement for homeowners for partial repairs and replacements to sewer laterals. The revised sewer ordinance was discussed at the meeting on September 30th but the issue was tabled during the meeting. As this issue has been passed from committee to committee for a long time now, I sincerely hope that today a decision will be made to approve the revised ordinance and provide a mechanism for MDC customers to be reimbursed for these costly lateral repairs and/or replacement.

I would note that there is already a precedent for retroactive reimbursement in that the Hartford Sewerage System Repair Fund allows homeowners who have been impacted by damage on or after January 1, 2021 to apply for reimbursement. In addition, I am advocating for the Sewer House Connection program to allow for partial replacement of sewer laterals and not just full replacements if a partial replacement solves the problem, as it did in my case.

As many of you know, I have been attending numerous MDC committee meetings for over a year and a half now. When I had a sewage back up at my home in January 2023, I followed the MDC process, including using an MDC recommended contractor and following permitting and inspection requirements, and resolved the issue with a partial lateral replacement. However, I had to pay over \$12,000 to replace a sewer pipe in the woods on someone else's property to which I had no access. In my case, the sewer lateral comes out of the back of my house, down a hill, off my property behind my neighbor's house into the woods on someone else's property and that is where a portion needed to be replaced. This revised ordinance would help homeowners who experience a situation like mine and I think it is fair and reasonable.

I appreciate the opportunity to share my thoughts again today and hope you take them into consideration by passing the revised ordinance.

Thank you,

Elizabeth Bryden

APPROVAL OF MINUTES

On motion made by Commissioner Torres and duly seconded, the meeting minutes of September 30, 2024 were approved.

Without objection, Chairman Bazzano made a motion to consolidate agenda items #4 "Revision to Water Supply Ordinances", #5 "Revision to Sewer Ordinances" and #6 "Revision to General Ordinances"

**COMMITTEE ON MDC GOVERNMENT
WATER ORDINANCE REVISIONS**

To: Committee on MDC Government for consideration on December 4, 2024

District staff through the Office of District Counsel submits the following ordinance revisions to The Metropolitan District Water Ordinances for consideration by the District Board.

WATER SUPPLY ORDINANCES:

- § W1a WATER USED CHARGE (TREATED WATER)
- § W1f SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT FOR CAPITAL IMPROVEMENTS
- § W2d ALL WATER METERED
- § W2f ONE METER FOR EACH SERVICE
- § W2l FIRE SERVICE METERING (NEW)
- § W4h INSTALLATION OF MAINS BY DEVELOPER'S METHOD
- § W5a CHARGES FOR SERVICE PIPE

It is **RECOMMENDED** that it be:

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the following Metropolitan District’s Water Ordinances be revised and adopted as follows:

SEC. W1a WATER USED CHARGE (TREATED WATER)

For customers which do not resell treated water, the WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY</u>	\$3.80 \$3.91 per 100 Cubic Feet

The WATER USED CHARGE for such customers subject to § S12x of The Metropolitan District Sewer Ordinances who purchase more than 802ccf of water per day, as averaged over a monthly billing period, as follows:

For each of the first 802ccf of water used per day:

<u>BILLS RENDERED</u>	<u>RATE</u>
<u>MONTHLY</u>	\$3.80 \$3.91 per 100 Cubic Feet

For each ccf of water used per day in excess of 802ccf:

<u>BILLS RENDERED</u>	<u>RATE</u>
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MONTHLY~~\$3.05~~ **\$3.16** per 100 Cubic Feet

For customers which, by agreement with the District or otherwise, resell treated water, the WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

BILLS RENDERED
MONTHLYRATE
~~\$3.80~~ **\$3.91** per 100 Cubic Feet**SEC. W1f SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT FOR CAPITAL IMPROVEMENTS**

In towns outside the limits of The Metropolitan District for which capital improvements or layout and assessment projects are constructed, in addition to the charges set forth in SEC. W1a, W1b and W1c, there shall be a surcharge on the water rates determined from the size of the meter installed on the premises, as follows:

1. On or before the end of each fiscal year, The Metropolitan District shall determine the actual cost of each capital improvement constructed for each non-member town and the net cost (cost less assessments) of layout and assessment projects constructed for each non-member town. The costs and/or net costs, as applicable, shall be allocated to the towns for which the work was performed and shall be a surcharge on the water rates of the users located in such towns.
2. The annual surcharge to be added to each user's water rate shall equal the total amount of the costs and/or net costs, as applicable, allocated to the town in which such user is located [excluding costs which the town has paid as set forth in Section W1f(3)] amortized over a twenty year period using an interest rate computed by the District which approximates the District's long-term cost of funds for its General Obligation Bond portfolio—multiplied by the percentage of hydraulic capacity of each user's meter size (based on the American Water Works Association meter size capacity) of the aggregate hydraulic capacity of all meters in such town. The surcharge shall be billed in either quarterly or monthly installments, as applicable, commencing with the first bill sent out in the fiscal year succeeding the fiscal year in which the work was performed and continuing over the twenty year period.
3. The District shall, as soon as possible after the completion of each capital improvement project or separate phase thereof, provide to the non-member towns for which a capital improvement was constructed a compilation of the costs associated with the construction of such project(s). If, on or before the end of the District's fiscal year in which such construction was completed, a non-member town agrees to pay and does in fact pay all or a portion of the cost of a capital improvement constructed for such town, then the amount paid by such town shall be deducted from the total amount of costs and/or net costs allocated to such town as described in Section W1f(1) and used to calculate the individual surcharges as set forth in Section W1f(2).

MONTHLY BILLING

METER SIZE	Farmington		Glastonbury		South Windsor		Manchester	
	<u>2024</u>	<u>2025</u>	<u>2024</u>	<u>2025</u>	<u>2024</u>	<u>2025</u>	<u>2024</u>	<u>2025</u>
5/8"	\$1.97	\$1.88	\$1.60	\$1.50	\$1.31	\$1.18	\$2.73	\$2.68
3/4"	-	-	\$2.39	\$2.25	\$1.97	\$1.78	-	-
1"	\$3.93	\$3.76	\$3.19	\$3.00	\$2.63	\$2.37	\$5.47	\$5.36
1 1/2"	\$7.87	\$7.53	\$6.39	\$6.00	\$5.25	\$4.74	-	-
2"			\$119.7	\$112.50		\$88.86	-	-
	\$147.53	\$141.13	4		\$98.50		-	
3"			\$279.3	\$262.49	\$229.8	\$207.34		\$469.05
	\$344.23	\$329.29	9		4		\$478.29	
4"			\$478.9	\$449.99	\$394.0	\$355.44		-
	\$590.10	\$564.51	6		2		-	
6"			\$638.6	\$599.98	\$525.3	\$473.92	\$1,093.2	\$1,072.1
	\$786.80	\$752.67	1		6		4	0
8"		\$1,881.6	-	-	-	-	-	-
	\$1,967.01	8						

SEC. W2d ALL WATER METERED

All Metropolitan District water, including certain fire protection services required by the Director of Engineering and Planning **in accordance with W2i**, is supplied through meters and the charge for all water passing through such meters will be billed to the owner of record of the property supplied whether the water is used or wasted. If, from any cause, the meter fails to register, the consumption of water will be estimated and the charge made will be based on the registration of the meter when in order, or upon the registration for a corresponding prior period.

SEC. W2f ONE METER FOR EACH SERVICE

One meter, and one meter only, shall be allowed on a service pipe, except that battery meter settings may be installed on large services at the discretion of the Water Bureau. The customer service charge for battery settings shall be the sum of the customer service charges for the size of meters making up the battery. All water supplied to the premises through that pipe, **except that including** used for fire protection only **in accordance with W2i**, shall pass through that meter, or battery of meters, and shall be billed at the regular rates.

SEC. W2i FIRE SERVICE METERING

All new or modified fire service installation plans will be analyzed and approved by the Director of Engineering and Planning for the installation of a meter on the service. Fire services that meet the following criteria will be metered under the regular water rates and service charges:

- a. Maximum Planned Total Fire Flow – 1,500 gpm or greater;

- b. A Fire Pump that draws directly from the District's water distribution system;
- c. A Fire Storage Tank supplied directly by the District's water distribution system;
- d. Early Suppression Fire Response (ESFR), Dry Type or Deluge Sprinkler Systems;
- e. Private Fire Hydrants installed 100 feet or more beyond the property line or when required by the Director of Engineering and Planning;
- f. Any fire service that in the sole discretion of the Director of Engineering and Planning warrants metering due to potential impact on the District's distribution system.

The property owner shall be responsible for all installation and equipment costs including the meter, meter pits, piping and valves to provide the approved installation.

SEC. W4h INSTALLATION OF MAINS BY DEVELOPER'S METHOD

In lieu of the installation of a Class II main or mains and appurtenances and the assessment therefore, the Water Bureau may, by agreement with the developer or owner, require the construction of, such main or mains and appurtenances at the expense of said developer or owner. The Water Bureau is empowered to authorize the District Clerk to enter into agreements on behalf of the developer's contractors or Water Bureau forces, or combinations thereof, as mutually determined and agreed upon. Such agreements shall provide for assumption of liability by the developer or owner in connection with such construction and adequate insurance shall be required. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to The Water Bureau for approval. The Chairman or Vice Chairman of the Water Bureau is authorized to sign all such agreements on behalf of The Metropolitan District. The Chairman of the Water Bureau may, at his or her discretion, authorize the District Clerk to sign all such agreements on behalf of The Metropolitan District.

The Water Bureau is empowered at its discretion to include in agreements with developers or other owners for the construction of water mains by and at the expense of such developers or owners, as now provided by ordinance, provisions for reimbursement of said developers or owners from connection charges collected, or to be collected, immediately following execution of the agreement with the land owner, for the cost of water mains constructed by them in sections of highways on which lands owned by them do not abut, such reimbursement not to exceed the cost of construction within such sections of highways, and limiting the time within which such reimbursement may occur to such time as the said Bureau may deem expedient for the particular case, but no reimbursement shall be made after ten years from the date of incorporation of the particular water main into the public system. Expiration of the time for reimbursement to the developer shall not release subsequent permittees from paying a connection charge to the District.

SEC. W5a CHARGES FOR SERVICE PIPE

New service pipes shall be installed ~~at the cost of by, or on behalf of,~~ the property owner from the distribution main to the property to be served. ~~The full length of the service pipe is owned by the property owner and maintenance and repair shall be the responsibility of the property owner.~~ The charges for service taps of the several sizes shall be determined by the Water Bureau for each calendar year and, in determining the charges, said Bureau shall give consideration to actual costs of service taps of the several sizes constructed in recent years and to the estimated cost of making such taps in the ensuing calendar year, and such charges shall be reported to the District Board at the next meeting thereof. Old service pipes that break between the main and ~~street-line a meter pit or shutoff valve/curb stop on the property owner's side shall~~ will be repaired or replaced by the District at no charge to the property owner. Old service pipes that are inadequate due to corrosion and clogging shall be replaced or relined by the District between the main and ~~street-line a meter pit or shutoff valve/curb stop on the property owner's side,~~ at no charge to the property owner, provided the property owner has already renewed ~~his the~~ service from the ~~street-line meter pit or shutoff valve/curb stop on the property owner's side~~ to the building, and the District determines, through flow tests or other means, that the service is still inadequate.

When a water service pipe is in need of replacement, or a new water service pipe is to be installed for connection to the District's water distribution system, the property owner may at his or her election request to participate in the District's Water Service Installation Program as established by the Water Bureau, as may be modified or amended from time to time.

Respectfully submitted,



John S. Mirtle
District Clerk

**COMMITTEE ON MDC GOVERNMENT
SEWER ORDINANCE REVISIONS**

To: Committee on MDC Government for consideration on December 4, 2024

District staff through the Office of District Counsel submits the following ordinance revisions to The Metropolitan District Sewer Ordinances for consideration by the District Board.

SEWER ORDINANCES

§ S2I USE OF SANITARY SEWERS

It is **RECOMMENDED** that it be:

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the following Metropolitan District's Sewer Ordinances be revised and adopted as follows:

SEC. S2I USE OF SANITARY SEWERS

In addition to the restrictions on use of the District's sanitary sewers set forth elsewhere in the District Charter and ordinances, and ~~E~~except as may be specifically otherwise permitted ~~provided with reference to~~ for some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in Section S1b(2) of this ordinance and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. Except as specifically provided for some particular sewer or location, no sanitary sewer shall be used to receive and convey or dispose of other substance(s), including but not limited to ~~any~~ storm or surface water, subsoil drainage, ~~any~~ flows of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs, or ground waters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, street or highway drains.

New connections, or increases in dry weather flow discharge resulting from development or redevelopment of a property, to a separated sanitary sewer shall be subject to the findings within an availability and capacity analysis performed by the District. If the District's separated sewer system's capacity in the vicinity of the connection is limited due to existing illegal wet weather inflow(s) of the type described above in the District's sewer, the District shall either: (a) exclude such discharge or connection to the District's sewer; or (b) require removal of an equivalent volume per day of inflow from the subject sewershed at the cost of the property owner or developer seeking connection or discharge to the District's sewers.

Respectfully submitted,



John S. Mirtle
District Clerk

**COMMITTEE ON MDC GOVERNMENT
GENERAL ORDINANCE REVISIONS**

To: Committee on MDC Government for consideration on December 4, 2024

District staff through the Office of District Counsel submits the following ordinance revisions to The Metropolitan District General Ordinances for consideration by the District Board.

GENERAL ORDINANCES

§ G9a INDEPENDENT CONSUMER ADVOCATE
§ G9b REPORTS

It is **RECOMMENDED** that it be:

VOTED: That the Committee on MDC Government recommends to the District Board passage of the following resolution:

RESOLVED: That the following Metropolitan District's General Ordinances be revised and adopted as follows:

SEC. G9a INDEPENDENT CONSUMER ADVOCATE

The State of Connecticut Consumer Counsel ("Consumer Counsel") will appoint an Independent Consumer Advocate ("Consumer Advocate") who shall be a member of the Connecticut bar and shall have ~~private~~ legal experience in ~~municipal, environmental or~~ public utility law and policy. The Consumer Advocate shall act as an independent advocate for consumer interests in all matters which may affect District consumers, including, but not limited to, rates, water quality, water supply and wastewater service quality. The Consumer Counsel ~~will appoint~~ shall select the Independent Consumer Advocate ~~prior to November 1, 2017 and then in each odd-numbered year thereafter~~ to serve for a two-year term commencing on the ~~following~~ first day of January ~~in each odd-numbered year, except that the length of any term and the dates of commencement and expiration of any term may be altered at the discretion of the Consumer Counsel in the event of a vacancy or in the best interests of the District's consumers.~~ The Consumer Advocate shall be independent of the District Board and may not be removed by the District Board for any reason. The District Board shall not direct or oversee the activities of the Consumer Advocate. The District Board shall cooperate with reasonable requests of the Consumer Advocate to enable the Consumer Advocate to effectively perform his or her duties and functions. The Consumer Advocate may be terminated by the Consumer Counsel prior to the completion of a two-year term only for misconduct, material neglect of duty or incompetence. Costs related to the Consumer Advocate, including, but not limited to, hourly fees and necessary expenses shall be paid for by the District. The

annual amount of such costs shall not exceed seventy thousand dollars ~~for the period from November 1, 2017 through December 31, 2018 and fifty thousand dollars for each year thereafter~~, unless there is a demonstration of substantial need made by the Consumer Advocate and approved by the District Board. ~~From November 1, 2017 through December 31, 2017, the Consumer Advocate shall not perform any of his or her official functions as set forth herein, but rather perform those duties reasonably necessary to enable him or her to commence performing the official functions of the Consumer Advocate as of January 1, 2018.~~

The Consumer Advocate may appear and participate in District matters or any other federal or state regulatory or judicial proceeding in which consumers generally of the District are or may be involved. The Consumer Advocate, in carrying out his or her duties, shall: (1) ~~H~~have access to the records of the District, (2) have the right to make a reasonable number of copies of District records, (3) be entitled to call upon the assistance of the District's technical and legal experts, and (4) have the benefit of all other information of the District, except for employment records and other internal documents that are not relevant to the duties of the Consumer Advocate. Prior to January 1, 2018, the Consumer Advocate and representatives of the District shall determine those District records that may be publicly disclosed without prior consent of the District. Requests for public disclosure of any other records shall be forwarded to the District Clerk and processed in accordance with the State of Connecticut Freedom of Information Act.

Nothing herein shall be construed to prevent any party interested in any proceeding or action of the District from appearing in person or from being represented by counsel therein.

SEC. G9b REPORTS

The Consumer Advocate shall prepare reports of his or her activities and submit such reports at the end of each calendar quarter to the District, the chief elected official of each ~~town-municipality~~ receiving service from the District and to the Consumer Counsel. Such quarterly reports shall be posted on the Internet web sites of the District and the Consumer Counsel. The Consumer Advocate shall hold an annual public forum on the second Wednesday of October each year at a location where the District holds hearings, for the purpose of describing the recent activities of the Consumer Advocate and receiving feedback from consumers. The District shall publicize the public forum through an announcement at the preceding scheduled meeting of the District, on its Internet web site and in a notice on or attached to its consumer bills. The Consumer Advocate may hold additional public forums as he or she deems necessary.

Respectfully submitted,



John S. Mirtle
District Clerk

On motion made by Commissioner Torres and duly seconded, the resolutions for agenda items #4 “Revision to Water Supply Ordinances”, #5 “Revision to Sewer Ordinances” and #6 “Revision to General Ordinances” were adopted by unanimous vote of those present.

Commissioner Peter Gardow entered the meeting at 4:06 PM.

POTENTIAL ORDINANCE FOR RETROACTIVE REIMBURSEMENT OF CUSTOMER SEWER REPAIRS

District Chairman Currey made the following motion:

The Committee on MDC Government does not approve making a referral to the District Board for their approval for any retroactive reimbursement of customer sewer repairs.

The motion was duly seconded and adopted by unanimous vote of those present.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

No one from the public appeared to be heard.

COMMISSIONER REQUESTS FOR FUTURE AGENDA ITEMS

Commissioner Patel asked to define the role of Commissioners and chairpersons, and their relationship with administration. He also asked for clarification on how and when they can intervene

ADJOURNMENT

The meeting was adjourned at 4:17 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval