

THE METROPOLITAN DISTRICT COMMISSION

555 Main Street
Hartford, Connecticut 06103
Monday, September 11, 2017

Present: Commissioners John Avedisian, Clifford Avery Buell, Luis Caban, Daniel Camilliere, William A. DiBella, Timothy J. Fitzgerald, Peter Gardow, Allen Hoffman, Jean Holloway, Alphonse Marotta, Whit Osgood, Dominic M. Pane, Bhupen Patel, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor and Richard W. Vicino (17)

Absent: Commissioners Andrew Adil, Mary Anne Charron, Donald M. Currey, Janice Flemming-Butler, Matthew B. Galligan, William P. Horan, David Ionno, Sandra Johnson, Kathleen J. Kowalyshyn, Byron Lester, Maureen Magnan, Michael Solomonides and Special Representative Michael Carrier (13)

Also

Present: Citizen Member Ron Angelo
Scott W. Jellison, Chief Executive Officer
John M. Zinzarella, Deputy Chief Executive Officer, Business Services
R. Bartley Halloran, District Counsel
Christopher Stone, Assistant District Counsel
John S. Mirtle, District Clerk
Susan Negrelli, Director of Engineering
Robert Zaik, Director of Human Resources
Marcy Wright-Bolling, Manager of Human Resources
Kelly Shane, Director of Procurement
Tom Tyler, Director of Facilities
Christopher Levesque, Director of Operations
Michael Curley, Manager of Technical Services
Nick Salemi, Special Services Administrator
Kerry E. Martin, Assistant to the Chief Executive Officer
Carrie Blardo, Assistant to the Chief Operating Officer
Cynthia A. Nadolny, Executive Assistant

CALL TO ORDER

The meeting was called to order by Chairman DiBella at 5:52 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.

District Chairman DiBella led the District Board in a moment of silence in remembrance of September 11, 2001.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Caban and duly seconded, the meeting minutes of August 7, 2017 were approved.

REPORT FROM DISTRICT CHAIRMAN

No report delivered by the District Chairman

REPORT FROM CHIEF EXECUTIVE OFFICER

Scott W. Jellison presented the Chief Executive Officer's Report.

REPORT FROM DISTRICT COUNSEL

R. Bartley Halloran delivered the District Counsel report.

EXECUTIVE SESSION

At 6:49 P.M., Chairman DiBella requested without objection a combined executive session to discuss Information Technology cybersecurity, pending CRRA litigation and Agenda Item #12 "Settlement of Pending Litigation- *Diaz v. MDC*"

On motion made by Commissioner Caban and duly seconded, the District Board entered into executive session to discuss information technology cybersecurity, the pending CRRA litigation and Agenda Item #12 "Settlement of Pending Litigation- Diaz v. MDC"

Those in attendance during the executive session:

Commissioners John Avedisian, Clifford Avery Buell, Luis Caban, Daniel Camilliere, William A. DiBella, Timothy J. Fitzgerald, Peter Gardow, Allen Hoffman, Jean

Holloway, Alphonse Marotta, Whit Osgood, Dominic M. Pane, Bhupen Patel, Pasquale J. Salemi, Raymond Sweezy, Alvin Taylor, Richard W. Vicino and Citizen Member Ron Angelo; Chief Executive Officer Scott W. Jellison, Chief Financial Officer John Zinzarella, District Counsel R. Bartley Halloran, Attorneys Christopher Stone, Brendan Fox, John Mirtle and Kevin Shea. MDC staff Robert Zaik, Robert Schwarm and Christopher Levesque.

At 7:04p.m. Attorney Kevin Shea exited the executive session.

At 7:20p.m. Citizen Member Ron Angelo exited the executive session.

At 7:27p.m. Commissioner Whit Osgood exited the executive session and meeting.

RECONVENE

At 7:28 P.M., Chairman DiBella requested to come out of executive session and on motion made by Commissioner Taylor and duly seconded, the District Board came out of executive session and reconvened. No formal action was taken.

BOARD OF FINANCE 2017 OPERATING BUDGET TRANSFER

To: District Board

September 11, 2017

From: Board of Finance

The 2017 Metropolitan District operating budget is currently experiencing deficits in Special Agreements & Programs and Taxes. The Special Agreements & Programs budget has a deficit in Postage and Outside Services due to monthly billing. Taxes reflect increases to the Colebrook, Hartland and Glastonbury taxes for 2017.

CERTIFICATIONS:

In accordance with Section 3-8 of the Charter of The Metropolitan District, I hereby certify that there exists free from encumbrances, in the following appropriation, the amounts listed:

	General	Water	Total
Department 701 – Debt Service	<u>\$22,668,800.00</u>	<u>\$26,029,500.00</u>	<u>\$48,698,300.00</u>
Total	<u>\$22,668,800.00</u>	<u>\$26,029,500.00</u>	<u>\$48,698,300.00</u>

John M. Zinzarella
Chief Financial Officer

At a meeting of the Board of Finance held on September 11, 2017, it was:

Voted: That the Board of Finance recommends to the District Board passage of the following resolution.

Resolved: That transfers within the 2017 Budget Appropriations be approved as follows:

From:	General	Water	Total
Department 701 – Debt Service	<u>\$0.00</u>	<u>\$897,500.00</u>	<u>\$897,500.00</u>
Total	<u>\$0.00</u>	<u>\$897,500.00</u>	<u>\$897,500.00</u>

To:	General	Water	Total
Department-831 Riverfront	\$0.00	\$312,500.00	\$312,500.00
Department-741 Special Agreements & Programs	0.00	350,000.00	350,000.00
Department-731 Taxes	<u>0.00</u>	<u>235,000.00</u>	<u>235,000.00</u>
Total	<u>\$0.00</u>	<u>\$897,500.00</u>	<u>\$897,500.00</u>

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.***

At 7:35 PM Commissioner Caban exited the meeting.

**WATER BUREAU
187 STONER DRIVE, WEST HARTFORD
ENCROACHMENT AGREEMENT**

To: District Board

September 11, 2017

From: The Water Bureau

On June 27, 2017, the Metropolitan District received a letter from Timothy Curtin, property owner of 187 Stoner Drive, West Hartford (the "Owner"), requesting permission to permanently encroach upon an existing 25-foot right-of-way containing an existing 24-inch tile water transmission main, located across private lands east of Stoner Drive in West Hartford (the "Right-of-Way") for the purpose of reconstructing an existing attached wood deck within the same footprint.

The water main easement across the parcel was conveyed to the Hartford Board of Water Commissioners in 1859 and assigned to the MDC upon West Hartford becoming a member town.

As stated previously, the purpose of this encroachment is to reconstruct the existing attached wood deck to the same dimensions and configuration as existing (hereinafter referred to as the "Improvements").

The Owner has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing 24-inch tile water transmission main located within the subject Right-of-Way and the District's accessibility along the length of the Right-of-Way:

1. No additional permanent structures, other than the proposed Improvements shall be located within the District's Right-of-Way.
2. The Metropolitan District shall not be held liable for any damage caused to the Improvements listed above located within or adjacent to the Right-of-Way in the event of an emergency water main repair. The Metropolitan District will make every effort feasible to minimize damage to these improvements; however the cost for repairs to such improvements shall be the responsibility of the Owner. The Metropolitan District may require such insurance and/or sureties as it deems, in its sole discretion, to be necessary to protect its right of way and water infrastructure.
3. No vibratory compaction equipment shall be used within 25 feet of the District's water transmission main. All new foundation piers for proposed deck posts within the right-of-way shall be dug by hand.
4. The District reserves the right to remove any improvements within the Right-of-Way at any time, if so required, for maintenance or repair of the water transmission main. The Owner shall bear any additional maintenance or repair costs necessitated by the presence of the improvements upon the Right-of-Way.
5. Care must be taken during construction not to disturb the existing water transmission main. All heavy construction equipment must be located outside the limits of the Right-of-Way. Any earth moving equipment that will be utilized

on the site over and adjacent to the water transmission main shall be reviewed and approved by District staff prior to mobilization to the site.

6. An MDC inspector must be on the job site whenever work is being performed by or on behalf of Owner to construct, maintain or repair any Improvements within the Right-of-Way, at the expense of the Owner. Any construction, maintenance or repair of the Improvements shall conform to District standards and 48-hours advance notice must be given to the District prior to any such construction, maintenance or repair within the Right-of-Way.

Staff has reviewed the proposed construction plans and determined that there will be no negative impact on District property or infrastructure.

Upon approval by the Water Bureau and the District Board, a formal encroachment agreement shall be executed between the owner and the Metropolitan District, consistent with current practice involving similar requests.

At a meeting of the Water Bureau held on Septembers 11, 2017, 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 an agreement, subject to approval as to form and content by District Counsel, granting permission to Timothy Curtin to encroach upon the existing 25-foot Right-of-Way east of Stoner Drive in West Hartford, with a wood deck, as shown on the compilation plan by MDC Survey Department dated 07/07/2017, provided that the District shall not be held liable for any costs or damages of any kind which may result during initial construction or in the following years with respect to any subsequent construction, maintenance or repair as a result of such encroachment.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

June 27, 2017

Allen King
The Metropolitan District Commission
555 Main Street
Hartford, CT 06103

Dear Mr. King,

Thank you for taking my call yesterday and for the guidance on how best to proceed with our deck project. The following summarizes my understanding of the conversation and request:

My wife (Jane Murphy) and I are the property owners of 187 Stoner Drive, West Hartford. We are in need of replacing the deck in the rear of our house that was built by the previous property owners. We have come to learn that the deck was built without proper approvals by the MDC and the town of West Hartford. We wish to rectify that situation as part of the deck replacement. Attached you will find a copy of a survey we had done on the property and which shows the deck in the rear of the house. It appears that the deck encroaches 5'7" into the MDC easement. The replacement deck would be of similar profile and encroachment.

I believe you indicated that the process would be for MDC personnel to review the request and make a recommendation to the Water Bureau for its consideration. If approved, the request would then be sent to the District Board for ultimate decisioning. Upon approval, we would need to enter into an Encroachment Agreement and our contractor would have to satisfy the MDC's insurance requirements.

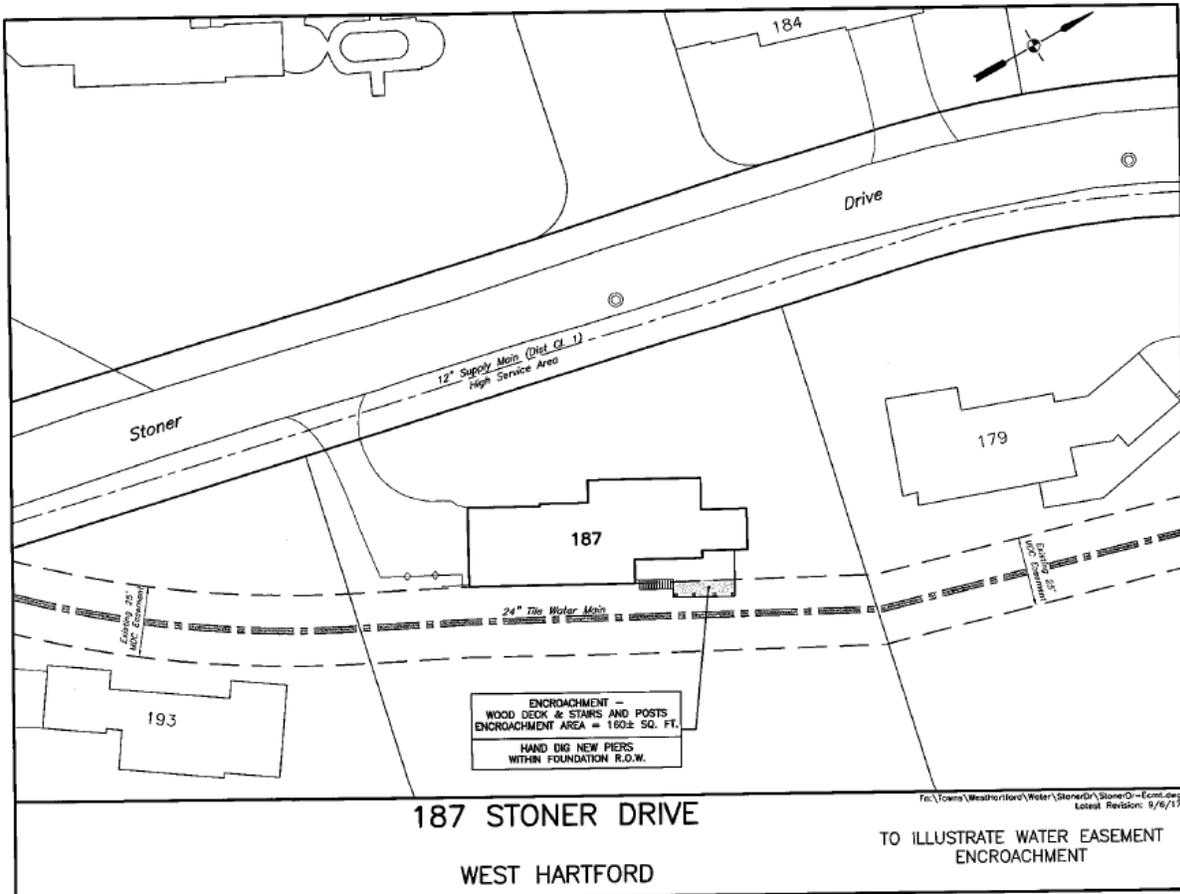
Would you please confirm if my understanding is correct or, if not, provide clarification? Time is of the essence for us, so your guidance on helping us most efficiently navigate the process would be greatly appreciated.

Thank you.

Regards,



Timothy Curtin
187 Stoner Drive
West Hartford, CT 06107
860-670-1520



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

**BUREAU OF PUBLIC WORKS
330 STONE ROAD, WINDSOR
ENCROACHMENT AGREEMENT**

To: District Board

September 11, 2017

From: Bureau of Public Works

In a letter dated September 5, 2017, Scott Bosco of Griffin Industrial Realty, Inc., on behalf of River Bend Associates, Inc., has requested permission from The Metropolitan District to encroach on an existing 60-foot sanitary sewer easement located across private lands between Stone Road and Tradeport Drive in Windsor, to construct a new commercial building and site improvements including a new water service, fire service, sanitary sewer lateral, gas service, light poles, electric and telephone service, roof leaders and storm drainage in conjunction with the 330 Stone Road development project.

The proposed encroachments consist of the installation of storm drainage including piping and catch basins, water services, sewer lateral, gas service, electric and telephone service, and light pole foundations over or adjacent to the existing 10-inch PVC sanitary sewer and within the existing 60-foot sewer easement, as shown on the accompanying map. The proposed underground utility crossings for the construction of the water services, gas service and storm drainage will be installed above the existing sanitary sewer with sufficient clearance between the pipes. The existing sanitary sewer was built through a Developer's Permit Agreement in 2013.

MDC staff has concluded that the encroachments are minor and that there will be no detriment to the sanitary sewer infrastructure as a result.

River Bend Associates has agreed to the following conditions in order to satisfy the District's concerns for protection of the existing sanitary sewer located within the subject parcel and to maintain accessibility along the length of the Metropolitan District's 60-foot permanent easement:

1. Care must be taken during the construction of the new building and the underground utilities and structures within the easement not to disturb the existing sewer. All heavy construction equipment must be located outside of the limits of the sewer easement when not in use. Any heavy construction or earth moving equipment that will be utilized on the site over and adjacent to the existing sewer shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing sanitary sewer caused by any such construction within or adjacent to the existing right-of-way shall be the responsibility of the Owner.
2. No additional permanent structures, other than the proposed water services, sanitary sewer lateral, gas service, electric and telephone service, storm drainage and light pole foundations shall be located within the District's sanitary sewer right-of-way.
3. The District reserves the right to remove structures within the sanitary sewer easement at any time if so required for maintenance, repair or replacement of the sanitary sewer. The Owner shall bear and pay for any and all additional maintenance, repair or replacement costs necessitated by or resulting from the presence of underground utilities and structures within the easement, including but not limited to any costs incurred by or on behalf of the MDC. The Metropolitan District may require such insurance and/or sureties as it deems, in its sole discretion, to be necessary to protect its right of way and sewer infrastructure.
4. In the event of a sewer emergency caused by the proposed construction and excavation in connection therewith, the Owner shall provide, at their expense, an appropriately sized bypass pump.

5. An MDC inspector must be on the job site whenever work is being performed within the sanitary sewer right-of-way. Any construction, maintenance, repair or replacement of the new water services, sanitary sewer lateral, gas service, electric and telephone service, storm drainage or light pole foundations shall conform to District standards and 48-hours advance notice must be given to the District prior to commencing any such activities within or adjacent to the sanitary sewer easement.
6. The Owner shall perform a CCTV inspection, witnessed by an MDC inspector, of the existing sanitary sewer in or adjacent to the areas of the construction upon completion of backfilling and restoration of the excavated areas. The videos will be delivered to the District for the purposes of assessing the post activity condition of the sanitary sewers.

Staff has reviewed this request and considers it feasible.

A formal encroachment agreement shall be executed between Riverbend Associates, Inc. and the Metropolitan District, consistent with current practice involving similar requests.

At a meeting of the Bureau of Public Works held on September 11, 2017, 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, subject to approval of form and content by District Counsel, granting permission to Riverbend Associates, Inc. to encroach upon the existing 60-foot sanitary sewer easement in private lands between Stone Road and Tradeport Drive, Windsor, in support of the planned development of 330 Stone Road, as shown on plans submitted by Barresi Associates, LLC, dated 6/6/17, revised 8/24/17, providing that the District shall not be held liable for any cost of damage of any kind in the following years as a result of the encroachment.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

GRIFFIN
INDUSTRIAL REALTYGriffin Industrial Realty, Inc.
204 West Newberry Road
Bloomfield, CT 06002

T: 850-286-7660

F: 850-286-7653

September 5, 2017

www.griffinindustrial.comMr. Michael Curley, PE
Manager of Technical Services
Metropolitan District Commission
555 Main Street
P.O. Box 800
Hartford, CT 06142-0800RE: Encroachment Permit
330 Stone Rd, Windsor, CT

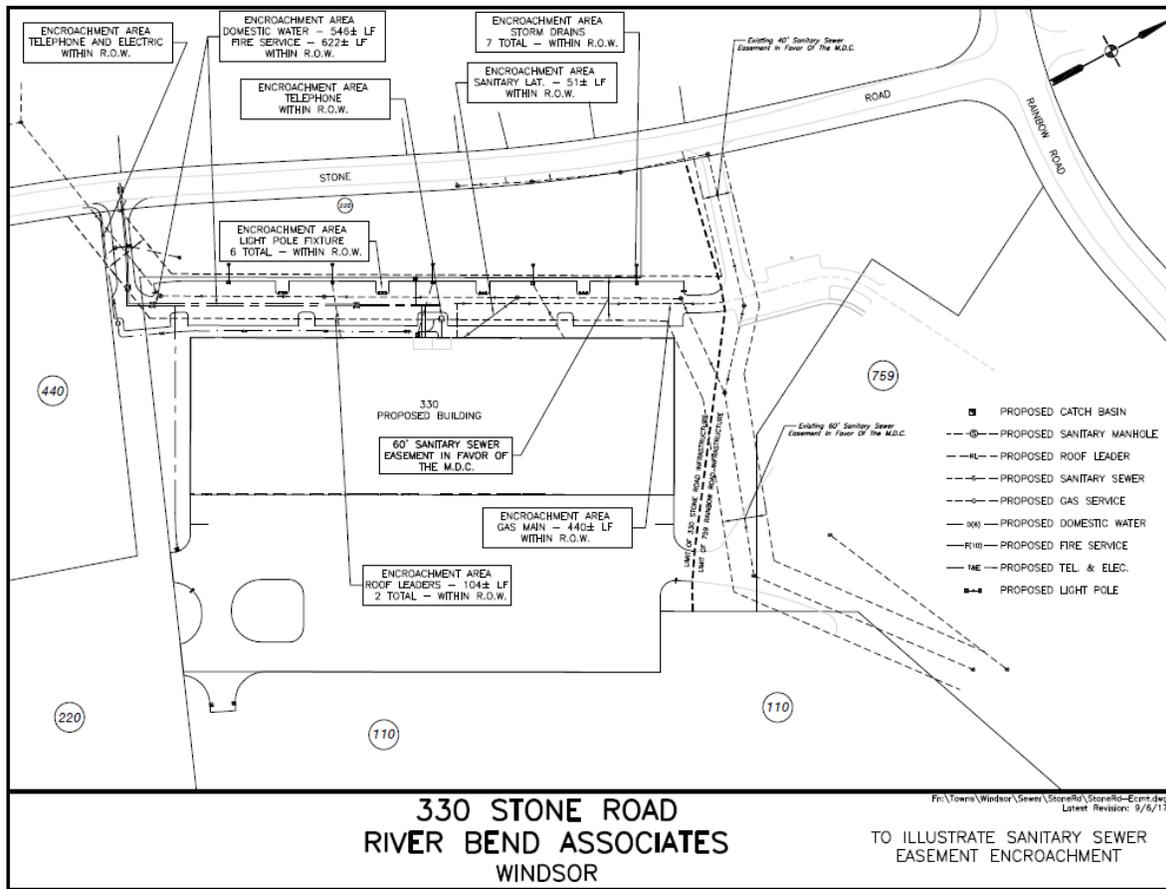
Dear Michael,

On behalf of River Bend Associates, Inc., I would like to request an Encroachment Permit be granted for the underground utilities located at the 330 Stone Road project. I have attached a sketch showing the underground utilities that will be located within the sanitary sewer easement on the property. There are four (4) locations where the storm sewer will cross the existing sanitary sewer line. The remaining encroachment locations will be kept at least 10' away from the existing sanitary sewer line as outlined in the Sewer Easement dated November 15, 2012 (attached).

A check in the amount of \$125.00 for administrative fees is being mailed along with the original letter and sketch. Please review the attached information and contact me if you have any questions.

Sincerely,

Scott Bosco
Vice President, ConstructionEnclosures:
Sewer Easement
Utility Plans



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

**BUREAU OF PUBLIC WORKS
SEWER USER CHARGE FOR MUNICIPAL PROPERTIES**

To: District Board

September 11, 2017

From: Bureau of Public Works

In 1972, Congress passed the Federal Water Pollution Control Act, known as the Clean Water Act, establishing the basic structure of regulating pollutant discharges into the waters of the United States. One aspect of the Clean Water Act required water pollution control agencies to adopt a system of charges to assure that each recipient of waste treatment services pay its proportionate share of the costs of operation and maintenance of the waste treatment services. Since The District's formation in 1929, the sewer operation and maintenance costs were paid by levying an ad valorem tax on the member towns. To comply with the requirements of the Clean Water Act, the District implemented a Sewer User Charge system as outlined in Part 12 of the District's Sewer Ordinances.

Federal Regulations require that a sewer system funded by ad valorem taxes, such as the District, must establish the following minimum classes of users:

1. Residential and non-residential users which discharge less than 25,000gpd of domestic sanitary wastes;
2. Industrial and commercial users which discharge more than 25,000gpd or a user which discharges a strength of waste that is the equivalent to 25,000gpd;
3. Users which pay no ad valorem taxes such as tax exempt institutions or governmental users, but excluding publicly owned facilities performing local governmental functions (e.g. city office building, police station, school).

Federal Regulations require governmental users, except for “publicly owned facilities performing local governmental functions,” to pay a sewer user charge. Therefore, any government owned property within the district should be billed a sewer user charge except for properties where “local governmental functions” are performed. Staff reviewed its records to analyze whether municipal, state and federally owned properties are being billed correctly in compliance with the federal requirements. While the Federal Regulations provide the examples of city office building, police station and schools as constituting “local governmental functions,” there are other types of local governmental functions which must be exempted from the sewer user charge. District Counsel determined that the following uses qualify as “local governmental functions” and are therefore exempt from the sewer user charge: town office buildings, schools, police, fire department, libraries, parks and recreation, public works, community centers, cemeteries, landfills and animal control. The following property uses do not qualify as “local governmental functions” and will be billed the sewer user charge: parking garages, housing, historical societies, hospitals, court houses, golf courses, restaurants and property leased to a private entity.

Prior billing of the sewer user charge for municipal properties was largely consistent with the classifications described above, but there were some properties identified that will begin being billed the sewer user charge going forward. The table below shows the estimated impact of billing the sewer user charge as described above on each town’s ad valorem payments.

MEMBER TOWN	CURRENT	UPDATED			Variance
	Ad Valorem	Ad Valorem	SUC	Total	
Hartford	\$ 10,835,100	\$ 10,605,600	\$ 623,400	\$ 11,229,000	\$ 393,900
East Hartford	\$ 5,083,000	\$ 4,975,400	\$ 128,500	\$ 5,103,900	\$ 20,900
Newington	\$ 3,761,100	\$ 3,681,500	\$ 22,100	\$ 3,703,600	\$(57,500)
Wethersfield	\$ 3,416,500	\$ 3,344,100	\$ 52,500	\$ 3,396,600	\$(19,900)
Windsor	\$ 3,645,900	\$ 3,568,700	\$ 16,700	\$ 3,585,400	\$(60,500)
Bloomfield	\$ 3,098,600	\$ 3,033,000	\$ 3,400	\$ 3,036,400	\$(62,200)
Rocky Hill	\$ 2,509,800	\$ 2,456,700	\$ 13,500	\$ 2,470,200	\$(39,600)
West Hartford	\$ 9,320,400	\$ 9,123,000	\$ 22,300	\$ 9,145,300	\$(175,100)
	\$ 41,670,400	\$ 40,788,000	\$ 882,400	\$ 41,670,400	\$ -

At a meeting of the Bureau of Public Works held on September 11, 2017, it was:

VOTED:

That the Bureau of Public Works recommends to the District Board passage of the following resolution:

RESOLVED:

The following property uses qualify as "local municipal governmental functions" under Part 12 of the District's Sewer Ordinances and are therefore exempt from the sewer user charge: town office buildings, schools, police, fire department, libraries, parks and recreation, public works, community centers, cemeteries, landfills and animal control.

FURTHER RESOLVED:

The following property uses do not qualify as "local municipal governmental functions" under Part 12 of the District's Sewer Ordinances and shall be billed the sewer user charge: parking garages, housing, historical societies, hospitals, court houses, golf courses, restaurants and property leased to a private entity.

Respectively submitted,

John S. Mirtle, Esq.
District Clerk

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

SETTLEMENT OF PENDING LITIGATION- *DIAZ v. MDC*

To: District Board

September 11, 2017

Be it resolved, that the Board of Commissioners of the Metropolitan District (“Board”) thereby authorizes District Counsel, or his designee, to enter into a settlement agreement with former employee Norberto Diaz (“Diaz”) whereby Diaz releases The Metropolitan District (MDC) from any and all claims he has or may have against the MDC, its commissioners, officers and employees (with the noted exception of any pending workers’ compensation claim(s)), and withdraws, with prejudice, litigation pending in the Judicial District of Hartford Superior Court captioned ***Diaz v. The Metropolitan District***, Docket No. HHD-CV-17-6077730-S, and in exchange therefore the MDC agrees to pay Diaz the following: 1) \$19,612.64 as lost wages; 2) \$13,075.10 for emotional distress; and 3) \$17,312.27 as attorney’s fees and costs; and

Be it further resolved, that the Board authorizes District Counsel to approve any and all documents reasonably necessary to effect the terms of the settlement described above.

Respectfully submitted,

John S. Mirtle, Esq.
District Clerk

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

ADJOURNMENT

The meeting was adjourned at 7:38 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval