

**BUREAU OF PUBLIC WORKS
SPECIAL MEETING
The Metropolitan District
555 Main Street, Hartford
Monday, January 7, 2019**

Present: Commissioners James Healy, Allen Hoffman, Maureen Magnan, Alphonse Marotta, Domenic Pane, Raymond Sweezy, Alvin Taylor, Richard W. Vicino and District Chairman William A. DiBella (9)

Absent: Commissioners John Avedisian, Luis Caban, Byron Lester and Bhupen Patel (4)

Also

Present: Commissioner Gary LeBueau
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
Christopher Levesque, Director of Operations
Sue Negrelli, Director of Engineering
Kelly Shane, Director of Procurement
Tom Tyler, Director of Facilities
Robert Zaik, Director of Human Resources
Karyn Blaise, Controller
Kerry E. Martin, Assistant to the Chief Executive Officer
Carrie Blardo, Assistant to the Chief Operating Officer
Victoria S. Escoriza, Executive Assistant
David Silverstone, Consumer Advocate
Attorney William Sweeney, Counsel

CALL TO ORDER

Chairman Vicino called the meeting to order at 4:09 PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MEETING MINUTES

On motion made by Commissioner Sweezy and duly seconded, the meeting minutes of October 18, 2018 were approved.

**WESTBROOK VILLAGE, HARTFORD
RELEASE OF RIGHT-OF-WAY AND ABANDONMENT OF SANITARY AND STORM
SEWERS**

To: Bureau of Public Works for consideration on January 7, 2019

On October 16, 2018, the District received a letter from Paul Rodrigues of Freeman Companies on behalf of the Hartford Housing Authority, Owner and Developer of Westbrook Village, requesting that the Metropolitan District abandon and release portions of the existing sanitary and storm sewers and easements within Ogilby Drive, Dillion Road and private lands north of Albany Avenue in Hartford, as shown on the accompanying map. The purpose of the request is to enable the construction of a new multi-phase residential housing development.

The Developer intends to install new sanitary and storm sewers within new public roads under a Developer's Permit Agreement for Westbrook Village Phase 1. The original easements were acquired by the Metropolitan District through a Developer's Permit-Agreement for Stillman P. Westbrook Village in May, 1954 and by two resolutions of the Court of Common Council of the City of Hartford in July 8, 1907 and November 13, 1911.

From an engineering standpoint, the release of the requested portions of these easements and abandonment of the sanitary and storm sewers will not have a negative impact on the District's sewer system, and no hardship or detriment would be imposed on others.

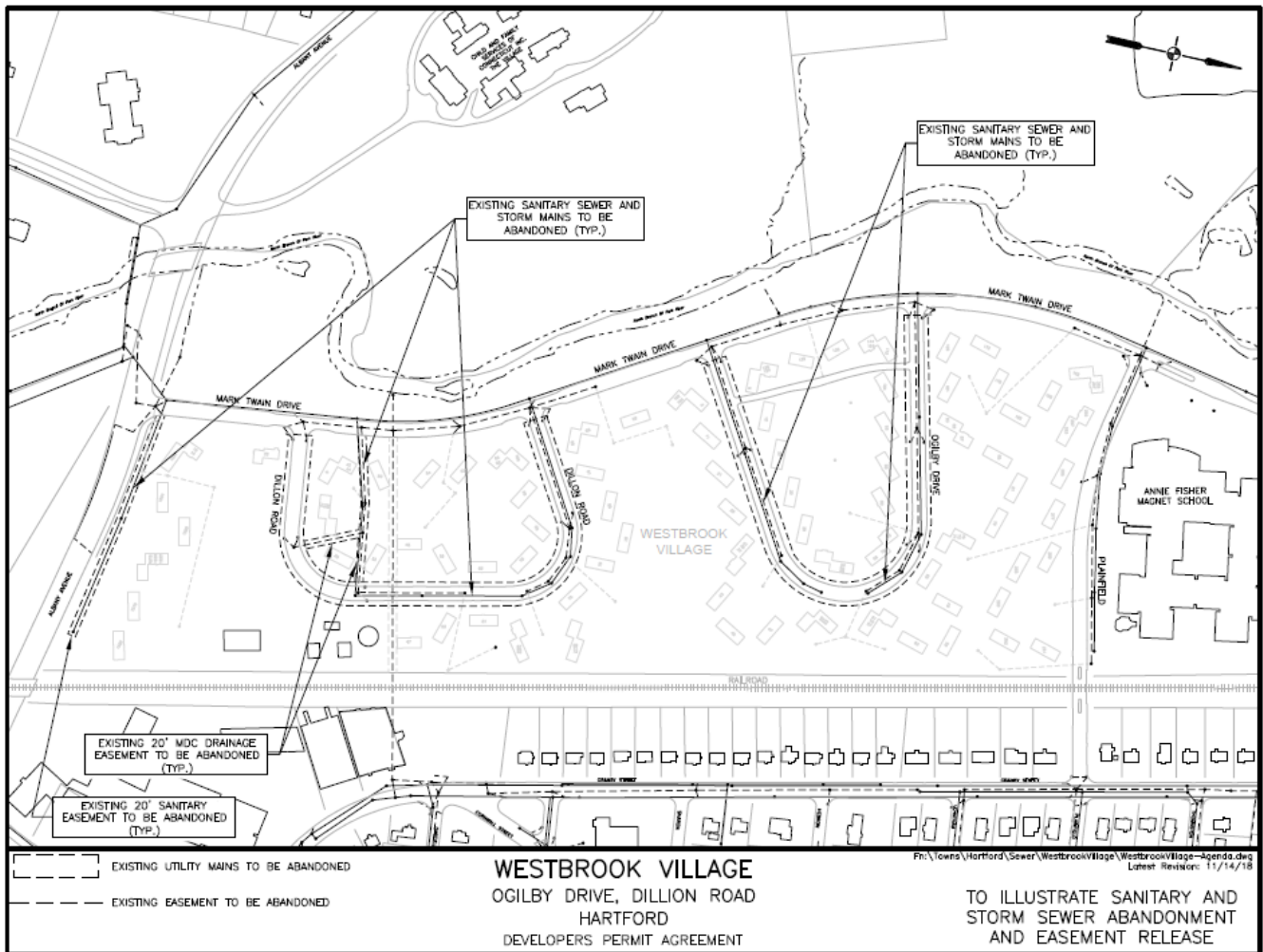
It is therefore RECOMMENDED that it be

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 the release of portions of the existing sanitary and storm sewer easements and discontinued sanitary and storm sewers on property owned by the Hartford Housing Authority, as shown on the accompanying map and as recorded in the City of Hartford land records in Volume 938, Page 25 and two resolutions of the Court of Common Council of the City of Hartford in July 8, 1907 and November 13, 1911. The release shall be subject to approval by District Counsel as to form and content.

Respectively submitted,

Scott W. Jellison
Chief Executive Officer





LAND DEVELOPMENT
ENGINEERING DESIGN
CONSTRUCTION SERVICES

October 16, 2018

Michael Curley, P.E.
Manager of Technical Services
The Metropolitan District
555 Main Street, P.O. Box 800
Hartford, CT 06142-0800

RE: **Abandonment Request**
Westbrook Village, Hartford, CT

Dear Mr. Curley:

The Westbrook Village project has been approved by the City of Hartford's Planning and Zoning Commission for a new master plan. This project will be redeveloped in six (6) total residential phases and a separate demolition phase for the entire site which will be to demolish the existing buildings, services, and infrastructure.

As discussed at our October 3, 2018 meeting, below is a request for the abandonment of water, sanitary sewer, and storm drainage at the following locations;

Sanitary Sewer:

1. 20' MDC Sanitary Sewer Easement north of Albany Avenue – see attached Exhibit 1
2. 20' MDC Sanitary Sewer Easement north of Dillon Road – see attached Exhibit 1
3. All Sanitary Sewer services off of Plainfield Street, Ogilby Drive, Mark Twain Drive, Dillon Road, and Albany Avenue
4. All Sanitary Sewer mains on Ogilby Drive and Dillon Road – see attached Exhibit 1

Storm Drainage:

1. 20' MDC Storm Easement north of Albany Avenue – see attached Exhibit 1
2. 20' MDC Storm Easement north of Dillon Road – see attached Exhibit 1
3. All Storm services off of Plainfield Street, Ogilby Drive, Mark Twain Drive, Dillon Road, and Albany Avenue
4. All Storm mains on Ogilby Drive and Dillon Road – see attached Exhibit 1

Water:

1. All Water services off of Plainfield Street, Ogilby Drive, Mark Twain Drive, Dillon Road, and Albany Avenue
2. All Water mains on Ogilby Drive and Dillon Road – see attached Exhibit 1

Please contact me if you require additional information to place this request on the appropriate MDC board agendas. Also, feel free to contact me with any questions or comments.

Sincerely,

Paul A. Rodrigues, PE
Manager of Civil Engineering

Attachment: Utility Abandonment Plan – Exhibit 1

36 John Street, Hartford, CT 06106

Office (860) 251-9550

www.freemancos.com

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

Chairman Vicino temporarily stepped down as Chair for Agenda Item #5. Vice Chairman Hoffman assumed the chair.

**TOWN CENTER WEST, ROCKY HILL PHASE 1 & PHASE 2
SANITARY SEWER INSTALLATION
REQUEST FOR REIMBURSEMENT AGREEMENT**

To: Bureau of Public Works for consideration January 7, 2019

TCW, LLC and West Street Developers, LLC, (jointly the “Developer”) constructed the Town Center West development in two phases: Phase 1 Developer’s Permit Agreement (DPA) was executed with the District on June 11, 2015 and Phase 2, under a separate DPA, on October 26, 2015. These agreements allowed for the installation of approximately 2,234 feet of 8-inch diameter and 259 feet of 12-inch diameter sanitary sewer in Cromwell Avenue and private lands, Rocky Hill. This installation was required to support the Developer’s planned commercial and residential housing development known as Town Center West, Rocky Hill. Phase 1 included the sanitary sewer within the limits of Cromwell Avenue (CT Route 3) and was constructed first to stay ahead of roadway restoration within the State roadway. Phase 1 construction was predominantly completed in August of 2015. Phase II consisted of the remainder of the sanitary sewer within private lands and was completed in January of 2016.

As part of the agreement, MDC staff requested that the Developer increase the size and length (approximately 330-ft) of proposed sanitary sewer main to route the development’s wastewater flows south to the District’s Rocky Hill Wastewater Pollution Control Facility (WPCF) service area (South Route) versus routing the flow north to the Mattabassett Sewer District’s treatment plant service area (North Route). The 8-inch diameter sewer pipe in Cromwell Avenue was also requested to be increased to 12-inches in diameter to accommodate future flows from potential service areas located north of the development to the Rocky Hill WPCF. The North and South Routes are distinguished by their respective proposed differing discharge points (downstream end connections) on Cromwell Avenue to a common upstream manhole on private property (Manhole #4).

It was understood that the District would pay the additional costs associated with the requested increase in size and length of the sanitary sewer that constitute betterments to the District’s sanitary sewer collection system. As such, the Developer’s Permit Agreements were written to allow the Developer to seek progress reimbursement payments for the differences in costs between the North and South Routes for the portion built in Phase I and for then the portion in Phase 2.

The first reimbursement payment, approved by the Bureau of Public Works and District Board in 2015, was for the sum of \$42,160 in engineering costs and \$490,342 for construction costs associated with Phase 1, totaling \$532,502. A second and final reimbursement request is being made for construction costs associated with Phase 2 and final pavement restoration costs in Cromwell Avenue associated with Phase 1 of the project, totaling \$85,083.50. Staff has carefully reviewed the Developer’s costs directly related to the construction of improvements associated with the increased sewer length and size. In accordance with Section 8a of the Ordinances of the Metropolitan District related to Sewers, it is the District staff’s opinion that the betterments constitute special circumstances, with the referenced reimbursement approval subject to the approval of the Bureau of Public Works.

This final payment of \$85,083.50 for Phase 2 improvements and Phase 1 pavement restoration costs will not represent any increase in CIP appropriation since staff has already earmarked the funding from previous years authorizations in the Capital Improvement General Purpose Sewer Program for improvements to the District's sanitary sewer system.

It is therefore RECOMMENDED that it be

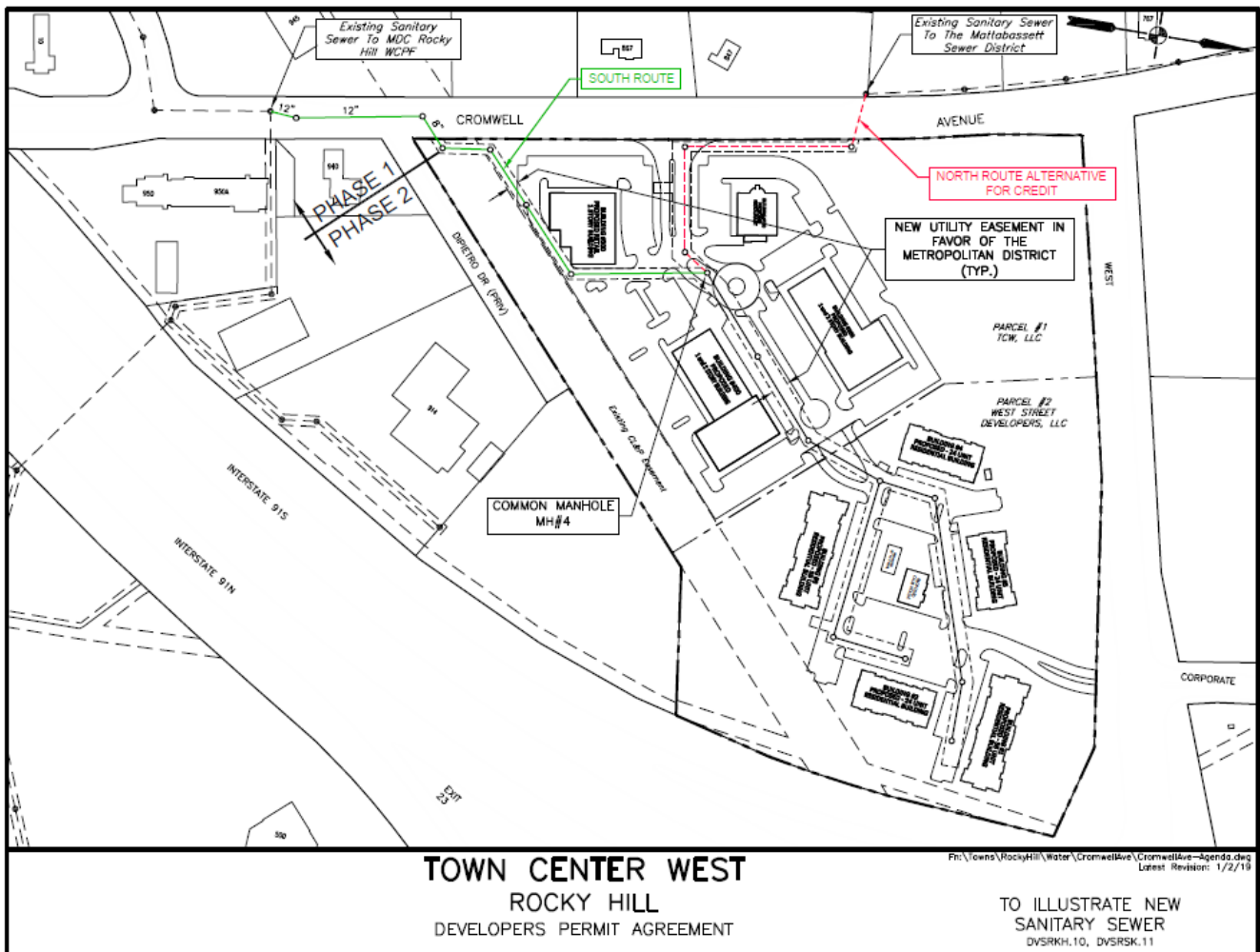
VOTED: That the District reimburse the Developer, TCW, LLC and West Street Developers, LLC, the sum of \$85,083.50 for final costs of Phase 2 improvements to the sewer collection system and final pavement restoration costs associated with Phase 1 in Cromwell Avenue, Rocky Hill, CT

AND

VOTED: To recommend to the District Board, to authorize that the \$85,083.50 due the Developer, TCW, LLC and West Street Developers, LLC, be paid from the previous years' authorizations in the Capital Improvement General Purpose Sewer Program designated for improvements to the District's sewer system.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer



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

Chairman Vicino reassumed the chair.

SETTLEMENT OF PENDING LITIGATION
CARLIN CONTRACTING, CO., INC. V. THE METROPOLITAN DISTRICT

EXECUTIVE SESSION

At 4:15 P.M., Chairman Vicino requested an executive session to discuss pending litigation.

On motion made by Commissioner Sweezy and duly seconded, the Bureau of Public Works entered into executive session to discuss litigation.

Those in attendance during the executive session:

Commissioners James Healy, Allen Hoffman, Maureen Magnan, Alphonse Marotta, Domenic Pane, Raymond Sweezy, Alvin Taylor, Richard W. Vicino and District Chairman William A.

DiBella; Chief Executive Officer Scott W. Jellison, Director of Engineering Susan Negrelli, Director of Facilities Tom Tyler; Attorneys Christopher Stone and William J. Sweeney.

RECONVENE

At 4:40 P.M., Chairman Vicino requested to come out of executive session and on motion made by Commissioner Sweezy and duly seconded, the Bureau of Public Works came out of executive session and reconvened. No formal action was taken.

To: Bureau of Public Works

January 7, 2019

BE IT HEREBY RESOLVED, that pursuant to Section B2f of the By-Laws of The Metropolitan District, the Board of Commissioners of The Metropolitan District hereby authorizes District Counsel, or his designee, to settle the lawsuit captioned Carlin Contracting Co., Inc. v. The Metropolitan District (“the “Lawsuit”), currently pending on the Complex Litigation Docket in the Superior Court for the Judicial District of Hartford bearing Docket X07-HHD-CV-17-6082016S, for the total sum of \$3,750,000.00, subject to the proper execution of any and all documents reasonably necessary to effect said settlement, including but not limited to a release of all claims referenced within the Lawsuit and formal withdrawal of said action.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer

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

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

No one from the public appeared to be heard.

ADJOURNMENT

The meeting was adjourned at 4:40 PM

ATTEST:

John S. Mirtle
District Clerk

Date of Approval