METROPOLITAN DISTRICT COMMISSION
WATER BUREAU
WEDNESDAY, MARCH 25, 2020
4:00 P.M.

IN ACCORDANCE WITH GOVERNOR LAMONT’S EXECUTIVE ORDER #7B
THIS MEETING WILL BE A TELEPHONIC ONLY MEETING

Dial in #: (415)-655-0001
Access Code: 35580947#

The general public is welcome to call into the meeting. Everyone present on the conference call should mute their phone to limit background noise.

Quorum: 7

Commissioners
Adil Mandyck
Buell LeBeau
Camilliere Pane (VC)
DiBella (Ex-Officio) Salemi
Gardow Sweezy (C)
Hall Taylor
Holloway Special Representative
Ionno Carrier

1. CALL TO ORDER
2. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
3. APPROVAL OF MEETING MINUTES OF FEBRUARY 3, 2020
4. CONSIDERATION AND POTENTIAL ACTION RE: MODIFYING WATER MAIN INSTALLATION PROGRAM
5. CONSIDERATION AND POTENTIAL ACTION RE: RESCISSION OF ENCROACHMENT APPROVAL -594 ALBANY TURNPIKE (ROUTE 44), CANTON, CT
6. DISCUSSION RE: CROSS CONNECTIONS AND BACKFLOW PREVENTION
7. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
8. COMMISSIONER COMMENTS AND QUESTIONS
9. ADJOURNMENT
WATER SERVICE INSTALLATION PROGRAM

To: Water Bureau for Consideration on March 25, 2020

At the November 18, 2019 Water Bureau meeting, the Bureau approved the Water Service Installation Program to facilitate property owners to repair or install a water service line to their property. The District Board approved the program at its December 16, 2019 meeting. Staff recommends the following modifications to the Water Service Installation program.

IT IS RECOMMENDED THAT IT BE:

VOTED: That the Water Bureau modifies the Water Service Installation Program, and recommends to the District Board approval of the following modified Program:

THE METROPOLITAN DISTRICT’S WATER SERVICE INSTALLATION PROGRAM

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Water Service Type – Domestic**</th>
<th>Residential or Commercial Services 2” or less***</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public Portion (within ROW)</td>
<td>Private Property Portion</td>
</tr>
<tr>
<td>1</td>
<td>Existing Service Renewal</td>
<td>District installs at own cost</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Property Owner is responsible for actual cost of contractor. District pays contractor and Property Owner repays District over time.</td>
</tr>
<tr>
<td>2</td>
<td>New Service Class 1 Water Main – Pay charges when connect</td>
<td>District installs public portion, cost to owner $150 per foot* with option to roll into connection charges</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Property Owner is responsible for actual cost of contractor. District pays contractor, up to a cap, and Property Owner repays District over time.</td>
</tr>
<tr>
<td>3</td>
<td>New Layout &amp; Assessment Class 2 (private or community well) – Assessment due upon water main completion</td>
<td>District installs public portion, cost to owner $150 per foot* with option to roll into assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Property Owner is responsible for actual cost of contractor. District pays contractor, up to a cap, and Property Owner repays District over time.</td>
</tr>
</tbody>
</table>

* Prevailing rate for a Water Service Installation Charge as established by Water Bureau

** No fire services to be included

*** Exceptions subject to approval by CEO or designee
Criteria of Water Service Installation Program:

- Residential/Commercial properties requiring a water service of 2” or less abutting an MDC water main. Exceptions to the service size or type would be subject to approval of the Chief Executive Officer or his/her designee.
- Renewals shall be installed for the full length of service pipe.
- Water services must be built to MDC standards.
- Limit of $10,000 per property for water service installation/renewal for all work in public right-of-way and private property.
- Amount owed by property owner will be paid to District over fifteen or twenty years with same interest rate as water assessments (6%).
- Credit checks performed at District’s discretion.
- Contracts and/or price quotes between the property owners and their contractors must be submitted to Utility Services for review to verify the appropriateness of the cost proposal. The District reserves the right to deny any price proposal. Any increase in price of construction must be approved by District in order for property owner to receive increase of District payment to contractor.
- Owner bound to terms of the written contract with Contractor.
- District will issue a two party check addressed to the property owner and the contractor. The property owner will be required to endorse the check over to the contractor as acceptance of completed work and to pay for the completed work.
- The property owner will be required to provide written acceptance of the completed work in order for the District to issue payment to the Contractor. Failure by the property owner to provide written acceptance will not alleviate the property owner’s responsibility to pay the Contractor for the completed work.
- A 10% down payment of the cost proposal shall be required from the property. The 10% down payment may be waived at the sole discretion of the Chief Executive Officer or his/her designee.
- Property owner will repay the District by monthly payments as a separate line item on the water bill.
- Any deposit required by the contractor will be the sole responsibility of the property owner.
- No pre-payment penalties
- Funding to be established with a revolving fund from the Assessable Water Fund. $250,000 per year for the first 5 years appropriated in fund, plus revenue from principle and interest payments, to establish a self-sustaining fund.
FURTHER VOTED: That the Controller or Chief Administrative Officer be requested to make tentative allocations for this project pending passage by the District Board, and payment for the same is authorized from the Assessable Water Fund.

Respectfully submitted,

Scott W. Jellison
Chief Executive Officer
To: Water Bureau for consideration on March 25, 2020

On March 7, 2016, upon approval and recommendation of the Water Bureau, The Metropolitan District Commission (the “Board”), approved a request by David and Jacqueline Mott (collectively, the “Owners”), who own a certain parcel of land known as 594 Albany Turnpike, Canton, Connecticut (the “Property”), to permanently encroach upon the Barkhamsted-Nepaug Pipeline Right-of-Way, containing an existing 48-inch RCP raw water transmission main (the “Main”), located across private lands (including the Property) south of Albany Turnpike in Canton, Connecticut (the “Right-of-Way”) for the purpose of installing electric, telephone and cable lines and a new paved driveway to serve a proposed house on the Property (the “Initial Approval”). As part of this Initial Approval, the Board required that “a formal encroachment agreement shall be executed by the [O]wner[s] and [T]he Metropolitan District, consistent with current practice involving similar requests.” On or about April 14, 2016, MDC staff prepared the encroachment agreement and sent the same to Owners for review and execution.

Notwithstanding the foregoing Initial Approval, Owners refused to execute the encroachment agreement, and instead proceeded, without any notice to the MDC or its staff, with construction of the single-family house on the Property in complete disregard of the safety and integrity of the Main. Such construction included the installation of a 1,000 gallon underground propane tank in a location abutting the southern edge of the Right-of-Way, which tank and its location were not disclosed by Owners either in their encroachment request to MDC or in the site plan or other documents submitted by or on behalf of Owners in connection with such request. As a result of Owners’ above actions, MDC brought an action against Owners in Hartford Superior Court, which included a claim for injunctive relief, and secured a court approved order that permitted a one-time encroachment in the Right-of-Way for the purpose of installing the aforementioned utilities and driveway subject to and in accordance with all the material provisions of the Initial Approval. This order also requires Owners to immediately remove the excavated soils that were stockpiled on the Right-of-Way, and to work with MDC in good faith to relocate the propane tank to a mutually acceptable location on the Property where it will not pose any threat or danger to the safety or integrity of the Main. Please note that this order only resolves the injunctive claim of the action brought by MDC against Owners, and the underlying lawsuit (i.e., a quiet title action) remains intact and is proceeding absent a final settlement. As a result of this order, on April 3, 2017, and upon the approval and recommendation of the Water Bureau, the Board modified its Initial Approval by expressly requiring that the fully executed encroachment agreement be recorded on the Canton Land Records (the “Supplemental Approval,” and the Initial Approval together with the Supplemental Approval are hereinafter collectively referred to as the “Approval”). Despite this order and the Approval, Owners have steadfastly refused to relocate the propane tank or to sign the encroachment agreement containing modifications that are consistent with such order.
In light of the foregoing, Staff is recommending that the Board rescind its Approval.

It is therefore RECOMMENDED that it be

VOTED: That the Water Bureau recommends to the District Board passage of the following resolution:

RESOLVED: That the Board hereby rescinds its Approval, effective immediately.

Respectfully submitted,

[Signature]

Scott W. Jellison
Chief Executive Officer