



The Metropolitan District

water supply · environmental services · geographic information

**DISTRICT BOARD  
555 MAIN STREET, HARTFORD, CT  
SPECIAL MEETING  
MONDAY, APRIL 10, 2023 5:30 PM**

*The general public is welcome to call into the meeting. Everyone on the call will need to mute their phone to limit background noise disrupting the meeting.*

Dial in #: (415)-655-0001; Access Code: 43808661#

[Meeting Video Link](#)

1. MEETING CALLED TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MEETING MINUTES OF APRIL 3, 2023
5. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
6. INTERNAL AUDIT COMMITTEE- (April 4, 2023)
  - A. TRANSMITTAL OF INDEPENDENT COUNSEL REPORT RE: SANDLER & MARA PC FROM THE INTERNAL AUDIT COMMITTEE TO DISTRICT BOARD
  - B. DISCUSSION RE: INDEPENDENT COUNSEL REPORT RE: SANDLER & MARA PC
  - C. CONSIDERATION AND POTENTIAL ACTION RE: INTERNAL AUDIT COMMITTEE RESOLUTION AND RECOMMENDATIONS TO THE DISTRICT BOARD FOLLOWING INDEPENDENT COUNSEL REPORT RE: SANDLER & MARA PC
  - D. CONSIDERATION AND POTENTIAL ACTION RE: RESOLUTIONS FROM COMMISSIONERS REGARDING INDEPENDENT COUNSEL REPORT RE: SANDLER & MARA PC
7. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
8. ADJOURNMENT

**INVESTIGATION REPORT  
RELATING TO SANDLER & MARA, P.C. INVOICES**

**APRIL 4, 2023**

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## I. Introduction

On August 1, 2022, at a special meeting of the Board of Commissioners of The Metropolitan District (“MDC”), the Board of Commissioners (“the MDC Board”) addressed outstanding Sandler & Mara, P.C. (“Sandler & Mara” or “the Firm”) invoices from 2021 and 2022 totaling \$85,036.25. A motion was passed unanimously referring the matter to the Internal Audit Committee of the MDC.

## II. Scope of Investigation

At a special meeting of the Internal Audit Committee on October 11, 2022, the Internal Audit Committee selected Kainen, Escalera & McHale, P.C. as investigative legal counsel to determine whether the work performed by Sandler & Mara, P.C. as reflected in their outstanding invoices from 2021 and 2022 was properly authorized by the MDC or any of its employees, officers, or commissioners. The Internal Audit Committee passed a resolution defining the scope of the investigative legal counsel’s work as follows:

- (1) findings of fact,
- (2) determine if there is a violation of the MDC Charter, Ordinances, By-Laws or Policies,
- (3) based on findings of items 1 & 2, recommend changes of the MDC Charter, Ordinances, By-Laws or Policies as may be necessary.

On October 20, 2022, John Mirtle, Assistant District Counsel/District Clerk The Metropolitan District, provided over 300 documents to lead investigator, Attorney Patrick J. McHale. Additional documents on subsequent dates were provided by Christopher Stone, District Counsel, Scott Jellison, MDC Chief Executive Officer, Chairman William DiBella through his attorney, Bart Halloran, and Commissioner Pasquale Salemi. Other documents reviewed included the MDC Charter, Ordinances, and By-laws as well as several Commission meeting minutes and transcripts. Over 500 documents were reviewed.

The following witnesses were interviewed: Christopher Stone, (October 31, 2022), Scott Jellison (November 3, 2022), William DiBella (November 16, 2022 and January 31, 2023), and Pasquale Salemi (January 4, 2023).

Jacqueline Mandyck also provided information on January 19, 2023. Attorney James Sandler declined to participate in this investigation despite requests on November 4, 2022 and November 16, 2022 for him to be interviewed. His attorney, Raymond Hassett, requested that the MDC Board indemnify Attorney Sandler and waive any claims against him before committing to being interviewed. No such indemnities or waivers were provided, so Attorney Sandler was not interviewed. In a letter dated December 19, 2022 to The Metropolitan District c/o William A. DiBella, Attorney Sandler stated, “Sandler & Mara, P.C. hereby withdraws and removes invoices submitted to The Metropolitan District for payment of its legal services rendered in calendar year 2022” and “will not seek payment.” He concluded his letter saying, “this decision will allow closure for both the MDC and Sandler & Mara, P.C.” Attorney Sandler’s letter is attached as Exhibit 1. Attorney Hassett sent a letter to Attorney McHale on February 13, 2023 commenting on the arrangement between Sandler & Mara and the MDC and that firm’s invoices in 2021 and 2022. Attorney Hassett’s letter is attached as Exhibit 2.

Obtaining participation of some witnesses in the investigation was difficult and delayed the progress of the investigation. On November 4, 2022, Attorney McHale emailed Commissioner Salemi requesting an opportunity to interview him as soon as possible and asking for his availability. On November 16, 2022, Attorney McHale wrote to Commissioner Salemi because he had not heard from him and asked him to provide his availability for an interview as soon as possible. Attorney Stone then contacted Attorney McHale on November 21, 2022 informing him that Commissioner Salemi did not receive Attorney McHale's first email and was offended by Attorney McHale's November 16, 2022 email. Attorney Stone told Attorney McHale that Commissioner Salemi was willing to meet for an interview and that Commissioner Salemi was dealing with some medical issues in his family. On November 30, 2022, Attorney McHale asked Attorney Stone to forward a message to Commissioner Salemi in which he apologized if Commissioner Salemi had interpreted Attorney McHale's November 16, 2022 email as a personal slight or suggestion that Commissioner Salemi had ignored his earlier email. He stated that he was following up on his request for an interview. Attorney Stone forwarded an email from Commissioner Salemi to Attorney McHale on December 9, 2022 stating that he would send a response concerning Attorney McHale's message soon. On December 29, 2022, Attorney McHale received an email from Attorney Stone with a list of Commissioner Salemi's conditions to being interviewed, which included being provided with all of the materials given to Attorney McHale in connection with the investigation. Commissioner Salemi agreed to be interviewed on January 4, 2023. He was interviewed on that date in the presence of Attorney Stone, who attended at Commissioner Salemi's request.

With respect to Chairman DiBella, on November 4, 2022, Attorney McHale asked to meet with Chairman DiBella and his counsel, Attorney Halloran. On that same date, Attorney Halloran questioned whether the firm of Kainen, Escalera & McHale, P.C. had a conflict due to prior representation of MIRA. Attorney McHale responded to Attorney Halloran assuring him that there was no such conflict and that the MDC was aware of the prior representation. Chairman DiBella was interviewed for the first time on November 16, 2022. The interview lasted for over three (3) hours and ended because Attorney Halloran needed to catch a flight out of state. During this interview, Attorney McHale was able to ask only a small portion of his questions because Chairman DiBella's responses often strayed far afield from the questions asked resulting in lengthy responses consisting of information that was not under investigation. As a result, Attorney McHale needed to urge Chairman DiBella to answer only the questions asked which was something Chairman DiBella found difficult to do. Chairman DiBella and Attorney Halloran agreed to resume Chairman DiBella's interview on November 28, 2022. The second day of the interview, however, was rescheduled to November 29, 2022 due to Attorney McHale's jury duty service. On November 23, 2022, Attorney Halloran informed Attorney McHale that Chairman DiBella was having surgery on November 29, 2022 and stated that he would contact Attorney McHale to reschedule the interview to either December 8 or December 12, 2022. Having not heard from Attorney Halloran, on December 7, 2022, Attorney McHale wrote to Attorney Halloran to ask when Chairman DiBella would be well enough to resume the interview that started on November 16, 2022. Attorney Halloran responded on December 12, 2022 and proposed December 16, 2022. Attorney McHale replied that same day informing Attorney Halloran that he was unavailable that day and asked for his and Chairman DiBella's availability during the next two weeks.

On December 27, 2022, Attorney Halloran responded to Attorney McHale indicating that in light of Attorney Sandler's decision to withdraw his bills for 2022 (which was communicated in the letter dated December 19, 2022 to the MDC c/o Chairman DiBella), "I believe that a further interview, at this time, is not warranted. If you, or the committee wishes to submit written questions to Chairman DiBella, we will review them and if appropriate, respond." On December 28, 2022, Attorney McHale responded to Attorney Halloran as follows: "We are continuing our investigation for MDC and want to finish our questioning of Chairman DiBella as soon as possible. As indicated previously, we want to interview him in person. We have numerous exhibits that we want to show him. And, we have questions about those exhibits to which we are seeking his responses. Please let us know if Chairman DiBella will not agree to continue to participate in this process. If he refuses to cooperate, we will note that in our report to MDC's Internal Audit Committee and make findings and recommendations based upon the information we are able to obtain." On January 4, 2023, Attorney Halloran responded to Attorney McHale as follows: "While I understand that you are continuing the investigation and want to interview Chairman DiBella in person, we respectfully decline to participate further in this process in this manner" and renewed his offer to respond to specific questions in writing. On January 6, 2023, Attorney McHale responded to Attorney Halloran as follows: "I am sorry to learn of Chairman DiBella's decision to refuse to cooperate further with respect to our investigation. You are correct that we were allowed an opportunity to speak with him for three hours on November 16, 2022. But, as you know, we were able to discuss with him only a portion of our inquiry related to the Property Disposition work and nothing with respect to the South Meadows work in which, from the records we have been provided, it appears that he was much more directly involved. That was because Chairman DiBella had difficulty limiting his responses to the questions asked of him on November 16th and seemed to prefer to discuss his work in the State Legislature about which he was asked no questions. As to your suggestion that we submit any further questions to Chairman DiBella only in writing, I have noticed that such an approach was attempted by the Internal Audit Committee before my firm's engagement. Based upon my review of the written questions asked of him and his written responses, it does not appear that he was willing to provide responsive answers to many of the written questions about the matter under investigation either. As I am sure you are aware, I have no authority to require the Chairman to cooperate with the investigation. Since I have received full cooperation from other witnesses, who managed to provide responsive answers to all questions asked during in-person interviews in under two hours' time, I will advise the Audit Committee that we should conclude our witness interviews at this time and prepare a report of our findings and recommendations based upon the information we have been able [to] discover." On January 12, 2023, Attorney Halloran responded to Attorney McHale as follows: "I have shared your last correspondence with Chairman DiBella, who advises me that he is willing to sit down for a limited time period to answer any remaining questions. If in fact the other witnesses took less than two hours, since we have already spent three hours, and since the chairman has had numerous health issues, we will be available for an hour and a half of further questions, at your convenience." Chairman DiBella ultimately agreed to meet with the investigators on January 31, 2023 to answer questions. After one hour and forty minutes, Attorney Halloran ended the second interview, and Chairman DiBella declined to cooperate further despite Attorney McHale's request that he stay, so that Attorney McHale could complete the interview. Consequently, the investigators did not pose all of their questions to Chairman DiBella.

### III. Background

In March, 2020, Christopher Stone was hired as the District Counsel for the MDC. In this role, he oversees the Legal Department and has discretion to hire attorneys. During his interview, he said that the MDC committees can retain consultants through him as District Counsel. According to District Counsel Stone, Attorney Sandler was working on the South Meadows project (trash; solid waste collection and disposal) and property disposition project, also called the surplus land project, (identifying MDC properties appropriate for selling to generate revenue) in 2020 and prior to 2020. At a Board meeting on December 6, 2021, District Counsel Stone described the South Meadows project to encompass decommissioning of the trash plant and considering the possible location of another trash facility of a different type, scope, and size, managed by a different entity within the South Meadows, which could include the involvement by MDC due to its land holdings in the South Meadows or its expertise in that area. District Counsel Stone stated that the City of Hartford created a task force on solid waste comprised of eleven members, four of whom were MDC affiliated, including Attorney Sandler. District Counsel Stone said that another project involved exploring available technologies for processing trash to create energy to replace the sludge incinerator at South Meadows. District Counsel Stone stated that the MDC Commissioners wanted the legal work performed in house if it could be done effectively. According to District Counsel Stone, Attorney Sandler's work on the South Meadows project concluded at the end of 2021. He stated that no one was working on the South Meadows project for the MDC in 2022.

William DiBella has been the Chairman of the MDC Board of Commissioners ("the MDC Board") since 2001. He previously served as Chairman from 1976 to 1981. As the Chairman, his responsibilities include overseeing the Board of Commissioners meetings and setting the agendas of the Board. During his interview, he stated that Attorney Sandler has provided services to the MDC for at least 40 years. Chairman DiBella has known Attorney Sandler for 40 years and worked with him on MDC issues during that time. He explained that Attorney Sandler was a "major player" in the formation of the South Meadows solid waste facility where the MDC operated the front end of the facility by sorting trash and materials. He said that Attorney Sandler handled the legal work at the facility for the MDC. Chairman DiBella recalled that Hartford Mayor Luke Bronin told him that he was creating a task force on solid waste because he wanted a smaller facility in the South Meadows, and Mayor Bronin asked him if the MDC was interested in participating on the task force. Attorney Halloran, the District Counsel at the time, appointed Attorney Sandler to sit on the task force to represent the MDC. Chairman DiBella stated that Attorney Sandler continued to represent the MDC on the Hartford Solid Waste Task Force when District Counsel Stone became District Counsel. According to Chairman DiBella, the District Counsel for the MDC hires and terminates outside counsel. The District Counsel works for the Board and has the right to hire whoever he wants.

Scott Jellison became the Chief Executive Officer of the MDC in February, 2015. He had previously held the position of Chief Operating Officer with the MDC since 2006. Sandler & Mara had been working for the MDC before he was hired. During his interview, Mr. Jellison explained that Attorney Sandler's contacts were Chairman DiBella and former District Counsel R. Bartley Halloran prior to District Counsel Stone being hired as District Counsel. He said that there is a longstanding relationship between Chairman DiBella and Attorney Sandler. According to Mr. Jellison, there has always been an issue about legal bills at the MDC. He said that District Counsel Stone was being held accountable by the Commissioners, who were pushing hard to maintain or reduce the budget for legal fees.

Commissioner Pasquale Salemi has been a Commissioner on the MDC Board for 35 years and the Chairman of the Board of Finance for 10 years. He previously served as the Chairman of the Water Bureau for 12 years. During his interview, he stated that he has been a close friend of Chairman DiBella for many years and has known Attorney Sandler for 33 years and considers him a friend. Attorney Dan Mara, Attorney Sandler's partner, conducted a real estate closing for one of Commissioner Salemi's businesses. Commissioner Salemi stated that Attorney Sandler was already representing the MDC in 1989 when he was appointed as a Commissioner.

#### IV. Findings of Fact

The findings of fact below are based on a preponderance of the evidence. Some of the statements made by witnesses are set forth in the findings as they, in addition to various documents reviewed, were used in making credibility determinations and forming conclusions.

1. Prior to 2021, the MDC engaged Sandler & Mara, P.C. ("Sandler & Mara" or "the Firm") on an hourly basis to represent the MDC in matters as directed to the Firm by the MDC. The last engagement letter for such an arrangement was dated February 10, 2015, addressed to R. Bartley Halloran, who was District Counsel at the time, and signed by Attorney James Sandler. The engagement was for no specific term. (003).
2. For the year 2021, District Counsel Stone decided to enter into an engagement arrangement with Sandler & Mara for a specific term and at a fixed retainer amount in an effort to better control legal costs, as MDC Commissioners wanted legal work done in house if it could be performed effectively. District Counsel Stone decided on a retainer amount of \$70,000 for Attorney Sandler's legal services in 2021.
3. District Counsel Stone met with Attorney Sandler and discussed the retainer amount. While District Counsel Stone initially told Attorney Sandler that the retainer amount would be \$50,000, he subsequently agreed to \$70,000 after Attorney Sandler told him that Chairman DiBella had informed him that District Counsel Stone had \$70,000 available for legal fees.

During his interview, Chairman DiBella admitted that he spoke with Attorney Sandler about District Counsel Stone's budget. He also stated that he spoke with District Counsel Stone and Mr. Jellison about hiring Attorney Sandler in 2021 for the energy issue (purchasing electricity) because of Attorney Sandler's expertise in electricity. Chairman DiBella stated that they all agreed to hire Attorney Sandler.

4. An engagement letter dated February 23, 2021 was signed by both District Counsel Stone and Attorney Sandler. (258-259). This letter confirmed the engagement of Sandler & Mara to perform certain legal services on behalf of the MDC for 2021. The letter provides: "Effective January 1, 2021, and through December 31, 2021, the Firm is retained by the MDC Office of District Counsel to perform such legal services as it may be assigned from time to time by the District Counsel." The letter described the services as follows:

Initially, these services include monitoring the development of solid waste collection and disposal alternatives to serve the Greater Hartford and advising the MDC, through its Board

Chairman, of potential opportunities for the MDC in this arena and developing strategies to implement whatever direction the MDC Board of Commissioners determine is in the MDC's best interest. Other tasks may be assigned to the Firm based upon its expertise and available funding.

While the description of services specifically referred to the South Meadows project, the letter also provided for the District Counsel to assign other tasks to Sandler & Mara. During his interview, District Counsel Stone recalled that he met with Attorney Sandler about the scope of his work and told him that he assumed that Sandler & Mara was performing no other work for the MDC, except for the lawsuit being handled by Attorney Mara. District Counsel Stone stated that Attorney Sandler did not inform him of any other work he was doing.

5. The engagement letter stated that the annual compensation for services rendered was \$70,000.00, which included expenses, except extraordinary expenses pre-approved by the District Counsel. The fee was payable in equal monthly installments of \$5,833.33. Sandler & Mara was required to submit a monthly invoice with a general written statement of the prior month's services.
6. The engagement letter provided for advising the MDC through its Board Chairman. According to District Counsel Stone this was included because, historically, Attorney Sandler reported to Chairman DiBella. Also, District Counsel Stone stated that he did not feel comfortable having Attorney Sandler reporting to him because he was not knowledgeable enough about the projects on which Attorney Sandler was working.
7. District Counsel Stone intended that any work performed for the MDC by Sandler & Mara in 2021 would be included in the scope of the engagement per the letter of February 23, 2021 and paid by the monthly retainer, except for a lawsuit in which Attorney Daniel Mara represented the MDC.
8. Consistent with prior practice according to District Counsel Stone, District Counsel Stone did not provide the Finance Committee with a copy of the engagement letter dated February 23, 2021 with Sandler & Mara.
9. District Counsel Stone did not need more money in his budget for legal fees in 2021. District Counsel Stone stated during his interview that he had a hard time finding work for Attorney Sandler in 2021 because there was not much for the Hartford Solid Waste Task Force to do.
10. Sandler & Mara addressed two invoices dated February 1, 2021 to District Counsel Stone for services rendered during January, 2021 as follows:
  - Invoice #98025-73, in reference to "General," contains detailed entries by date and hours worked with descriptions that include "property disposition" and "South Meadows." Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella and Commissioner Salemi. The invoice total is \$8,235.50.

- Invoice, #2021-04-01, labeled “Monthly Retainer,” refers to “South Meadows,” and reflects a fixed retainer in the amount of \$5,833.33. A detailed invoice, in reference to “South Meadows,” containing entries by date and hours accompanied this invoice and totaled \$5,203.25. Entries reflect Attorney Sandler had conferences with various individuals, including Chairman DiBella and Commissioner Salemi. Some entries refer to “property disposition.”
  - Some, but not all, entries in invoice #98025-73 appear in the detailed invoice of #2021-04-01.
  - A notation on invoice #98025-73 indicates that the retainer amount of \$5,833.33 was paid.
11. Sandler & Mara addressed invoice #2021-04-02 labeled “Monthly Retainer” to District Counsel Stone for services rendered during February, 2021 for “South Meadows” that reflects a fixed retainer in the amount of \$5,833.33. A detailed invoice dated March 1, 2021, in reference to “South Meadows” and containing entries by date and hours, accompanied this invoice and totaled \$12,564.50. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. A notation on the invoice reflects that the monthly retainer was paid for the Firm’s work in February, 2021.
  12. Sandler & Mara addressed invoice #2021-04-03 labeled “Monthly Retainer” to District Counsel Stone for services rendered during March, 2021. It contains no reference to any specific work performed and contains no description of the work performed. The invoice reflects a fixed retainer in the amount of \$5,833.33. A detailed invoice dated April 1, 2021, in reference to “South Meadows” and containing entries by date and hours, accompanied this invoice and totaled \$11,706.50. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella.

In an email dated April 16, 2021, District Counsel Stone requested a revised bill that eliminated the reference to “South Meadows” and reflected the firm’s activities generally rather than hourly. (024). The MDC paid the monthly retainer for services rendered during March, 2021.

13. Commissioner Salemi has worked with Attorney Sandler on surplus land projects for the MDC. During his interview, he stated that he was not sure when he started working with Attorney Sandler on this issue. He said that, in January, 2021, Chairman DiBella and Mr. Jellison told him to go ahead and work on the property disposition project if it would result in more revenue for the MDC. He also recalled meeting in February, 2021 with Mr. Jellison to obtain authorization on the property disposition project. He further recalled that Mr. Jellison specifically agreed that Attorney Sandler would work on the project with Commissioner Salemi.
14. Commissioner Salemi did not talk with District Counsel Stone about working with Attorney Sandler on the surplus land project. He stated during his interview that he did not do so because he knew that Attorney Sandler was the MDC’s outside attorney and Mr. Jellison told him to work with Attorney Sandler on surplus land issues.

15. Mr. Jellison authorized the implementation of the property disposition project work, including the use of Attorney Sandler. During his interview, Mr. Jellison acknowledged authorizing this work through Commissioner Salemi, the Chairman of the Board of Finance, and recalled that he, Commissioner Salemi, and Chairman DiBella discussed in March, 2021 that the information identifying land for possible sale would be updated by the MDC staff on the technical side and Attorney Sandler on the legal side. He recalled that the MDC staff updated the information and provided it to Attorney Sandler.
16. Commissioner Salemi knew that Attorney Sandler was performing legal work for the MDC in 2021, including the property disposition project, the Glastonbury land sale, and the South Meadows issue. During his interview, he stated that he was not aware of the details of the budgets for Attorney Sandler's services. He said that he had no idea whether Attorney Sandler's work on the property disposition issue was separate from his work for the Legal Department. Commissioner Salemi stated that he was not very familiar with the other work that Attorney Sandler was doing for the Legal Department.
17. Commissioner Salemi was not aware of the terms of the engagement letter between the MDC and Attorney Sandler in 2021 and had no idea as to the terms under which Attorney Sandler was to perform work in 2021. He said during his interview that the Finance Department of the MDC was responsible for paying Attorney Sandler's invoices in 2021 and assumed they were paying his invoices. Commissioner Salemi explained during his interview that his understanding was that the MDC staff initiated a contract with a vendor, and after they are hired, they are available to perform those assignments given to them by either District Counsel Stone or Mr. Jellison.
18. Commissioner Salemi regularly worked with Attorney Sandler on the property disposition project in 2021. He explained during his interview that the surplus land project was initiated in 2020 when he went to Mr. Jellison to suggest selling the Glastonbury property. Commissioner Salemi then asked Mr. Jellison about selling a parcel in Manchester. Subsequently, other pieces of land were identified as possible properties for sale. He said that he was not really working on the surplus land project prior to 2021 and that the real work began in 2021. Commissioner Salemi said that he worked with Attorney Sandler to identify land that could be sold, so the MDC could raise revenue and unload tax and other liabilities.
19. On May 14, 2021, Attorney Sandler sent by email to Mr. Jellison and Chairman DiBella memos dated March 10, 2021 and May 11, 2021 from Attorney Sandler and Commissioner Salemi regarding the surplus land project. (028).

Commissioner Salemi stated during his interview that he wrote the two memos and gave them to Attorney Sandler for his review and approval. He said that there were a number of properties that could be sold, and he was working with Attorney Sandler and MDC employee, Jim Randazzo, on various tasks necessary to identify the properties and place them for sale.

During his interview, Chairman DiBella could not recall if he read the memo dated May 11, 2021 from Attorney Sandler and Commissioner Salemi or if there was any additional work that Attorney Sandler needed to do on the surplus land disposition

issue in 2021. He commented that he (Chairman DiBella) “does not get paid.” He did recall, however, that there was an ongoing issue for the MDC in trying to sell property to the Town of Manchester. He also recalled that some of the land that Commissioner Salemi and Attorney Sandler were talking about selling was owned by the Water Bureau, which caused Commissioner Raymond Sweezy, who was the Chairman of the Water Bureau, to be upset. According to Chairman DiBella, he had to “smooth things over” between Commissioner Salemi and Commissioner Sweezy, who came to an agreement with Commissioner Salemi that they had to meet with him and obtain the committee’s approval to divest land.

Chairman DiBella knew that Commissioner Salemi was using Attorney Sandler’s services and said that Commissioner Salemi thought that he had the right to have legal counsel. He stated that he told Commissioner Salemi that he did not have the right to an attorney and told him to see District Counsel Stone.

20. Sandler & Mara addressed invoice #2021-04-04 to District Counsel Stone for services rendered during the month of April, 2021 in connection with the South Meadows Development Project with a general description of those services, including conferences with Chairman DiBella. The invoice reflected a fixed retainer in the amount of \$5,833.33. The MDC paid this invoice.

This invoice was sent to District Counsel Stone on May 25, 2021. District Counsel Stone emailed Attorney Sandler that day stating that he did not see any general reference to Attorney Sandler’s work regarding District properties even though he had received the memo Attorney Sandler had written on that subject. He directed Attorney Sandler to reference work on that matter in his description of services to the extent he continued to work on that matter. (035).

21. Attorney Sandler did not reply to District Counsel Stone’s email of May 25, 2021 but told District Counsel Stone that his work on the property disposition matter was for the MDC Board of Finance and separate and distinct from his work for legal. (Stone Summary Timeline).
22. Sandler & Mara addressed invoices #2021-04-05, #2021-04-06, #2021-04-07, #2021-04-08, #2021-04-09, #2021-04-10 to District Counsel Stone for services rendered during the months of May, 2021, June, 2021, July, 2021, August, 2021, September, 2021, and October, 2021, respectively, in connection with the South Meadows Development Project with a general description of those services, including conferences with Chairman DiBella. Each invoice reflected a fixed retainer in the amount of \$5,833.33. The MDC paid these invoices.
23. On July 27, 2021, Attorney Sandler sent two invoices to Mr. Jellison’s executive assistant requesting that she deliver them to Mr. Jellison. These two invoices were for services rendered from January, 2021 through April, 2021 regarding the property disposition matter as follows:

- Sandler & Mara addressed invoice #2021-15-01 dated May 26, 2021 to Chairman DiBella, cc’ing Mr. Jellison.<sup>1</sup> This invoice indicates that it is for the

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<sup>1</sup> While the first page of this invoice indicates that the invoice number is 2021-15-01, the pages with detailed entries indicate that the invoice number is 2021-05-01.

“Property Disposition” matter and contains detailed entries by date and hours worked from January, 2021 through March, 2021. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella, Commissioner Salemi, District Counsel Stone, and Mr. Jellison. The total amount of this invoice is \$8,937.50.

- Sandler & Mara addressed invoice #2021-15-02 dated June 27, 2021 to Chairman DiBella, cc'ing Mr. Jellison.<sup>2</sup> This invoice indicates that it is for the “Property Disposition” matter and contains detailed entries by date and hours worked during April, 2021. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella and Commissioner Salemi. The total amount of this invoice is \$3,848.00.
24. Chairman DiBella does not know why the property disposition invoices dated May 26, 2021 and June 27, 2021 were addressed to him. He stated during his interview that the bills should have been sent to District Counsel Stone because he is District Counsel but did not know why they were not sent to him. He said that he did not ask Attorney Sandler why these invoices were addressed to him and that he was not really involved in the property disposition project. In addition, he stated that he had no idea why Attorney Sandler sent bills in May, 2021 for work performed back in January, 2021. Chairman DiBella did not know whether it was usual for Attorney Sandler to address invoices to him and could not recall whether Attorney Sandler had addressed invoices to him prior to 2021.

During his interview, Commissioner Salemi stated that he had no idea why the property disposition invoices dated May 26, 2021 and June 27, 2021 were addressed to Chairman DiBella. Until Commissioners started asking questions about invoices in late 2021, he had never seen any invoices for Attorney Sandler's bills. Commissioner Salemi had no idea why Attorney Sandler was billing in May, 2021 for work performed in January, February, and March, 2021.

25. Commissioner Salemi believes, as far as he can recall, that the invoice dated May 26, 2021 (042-044) accurately represents the work Attorney Sandler performed on the property disposition issue.
26. Commissioner Salemi believes that the invoice dated June 27, 2021 accurately represents the work that Attorney Sandler performed on the property disposition issue.
27. Commissioner Salemi did not have any discussions with Attorney Sandler about his May 26, 2021 and June 27, 2021 invoices.
28. Commissioner Salemi could not recall if he had any discussions with Mr. Jellison about paying the May 26, 2021 and June 27, 2021 invoices.
29. Sandler & Mara billed the MDC twice for Attorney Sandler's work in January, 2021 on the property disposition issue.

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<sup>2</sup> While the first page of this invoice indicates that the invoice number is 2021-15-02, the pages with detailed entries indicate that the invoice number is 2021-05-02.

A comparison of invoice #2021-15-01, which was sent to Chairman DiBella, to invoice #98025-73 dated February 1, 2021, which was sent to District Counsel Stone as part of the monthly retainer invoice, shows that all of the January, 2021 entries in invoice #2021-15-01 dated May 26, 2021 are substantively identical in description and hours worked to entries in invoice #98025-71. These entries total \$3,062.25. None of the February and March, 2021 entries in invoice #2021-15-01 duplicates the entries in the detailed monthly retainer invoices for those months.

30. Mr. Jellison paid invoice #2021-15-01 in the amount of \$8,937.50 and invoice #2021-15-02 in the amount of \$3,848.00 on or about August 3, 2021. An email dated August 3, 2021 from Mr. Jellison's executive assistant requests that these two invoices be paid. Another of Mr. Jellison's assistants confirmed on December 14, 2021 that these two invoices were paid out of the CEO's budget. (089).

During his interview, Mr. Jellison stated that District Counsel Stone said that he was not paying the two invoices because he did not authorize them. Mr. Jellison recalled that Chairman DiBella told him that Attorney Sandler was asking when the MDC was going to pay these invoices. Mr. Jellison stated that he has an operating budget, so he paid the bills. He explained that he has authority to pay expenses up to \$25,000 through a purchase order. Mr. Jellison stated that a purchase order was created to pay the Sandler & Mara invoices.

Chairman DiBella stated during his interview that he did not think that Attorney Sandler had asked him to talk with Mr. Jellison about paying these invoices and could not recall if Attorney Sandler sent these two invoices to Mr. Jellison. He denied that he asked Mr. Jellison to pay these invoices and said that District Counsel Stone spoke with Mr. Jellison about paying them. According to Chairman DiBella, Mr. Jellison told him that he had paid the invoices, and Mr. Jellison also stated during a Board meeting that he had done so. Chairman DiBella stated that Mr. Jellison was willing to pay these two invoices because District Counsel Stone did not have the money in his budget designated for such purpose.

During his interview, District Counsel Stone said that he was surprised when he received a Sandler & Mara invoice in May, 2021. He asked Attorney Sandler why he sent the invoice because the work reflected on the invoice was included in the monthly retainer. District Counsel Stone assumed that Mr. Jellison paid the invoice because Chairman DiBella asked Mr. Jellison to pay it. He explained that Mr. Jellison can authorize the creation of a purchase order to pay invoices that are less than \$25,000. District Counsel Stone stated that he learned about the May and June, 2021 property disposition invoices when Chairman DiBella asked him to pay them. He said that he told Chairman DiBella that these invoices were not in his budget, so Chairman DiBella asked Mr. Jellison to pay them. District Counsel Stone stated that Chairman DiBella has not asked him to pay other vendors' bills but likes to have input as to who is hired.

31. District Counsel Stone did not authorize any invoices for payment separate and apart from the fixed monthly retainer of \$5,833.33 in 2021. His office did not pay any invoices separately for the property disposition matter. According to District Counsel Stone, Attorney Sandler submitted invoices either through Mr. Jellison or Chairman DiBella in 2021 for 2021 work that Attorney Sandler considered was outside of Sandler & Mara's monthly retainer. Mr. Jellison confirmed during his

interview that District Counsel Stone said that he was not paying the property disposition invoices dated May 26, 2021 and June 27, 2021 because he did not authorize them.

32. Attorney Sandler, Chairman DiBella, and Mr. Jellison viewed Attorney Sandler's work on the property disposition issue to be separate from the work he was performing for the Legal Department. Attorney Sandler told District Counsel Stone when District Counsel Stone questioned him on May 25, 2021 about not including his work on the property disposition issue in his retainer invoice for the month of April, 2021 that his work on the property disposition matter was for the MDC Board of Finance and separate and distinct from his work for legal. (Stone Summary Timeline). Mr. Jellison paid the invoices for Attorney Sandler's work performed on the property disposition issue in the months of January through April, 2021. During his interview, Mr. Jellison stated that he was familiar with the engagement letter between the MDC and Sandler & Mara and understood that the scope of the work under the retainer was for all work performed, except for the property disposition issue. He said that he had already agreed with Chairman DiBella and Commissioner Salemi that work on this issue would be a separate task. Mr. Jellison recalled that District Counsel Stone was upset that Attorney Sandler was performing work outside the retainer and indicated that Attorney Sandler should be working within the Legal Department and not outside of it. Mr. Jellison said that he agreed to pay Attorney Sandler outside the retainer agreement.

During his interview, Chairman DiBella stated that Attorney Sandler's work on the property disposition issue must have been separate from his work for the Legal Department because the MDC Board allocated separate money (\$50,000) to this issue. He further stated that Attorney Sandler's work on the property disposition issue was not part of the retainer but denied having any discussions with Attorney Sandler about his work on the property disposition issue as a separate project from the work he was performing for the Legal Department.

33. Attorney Sandler did not have an engagement letter or other agreement with the MDC for work claimed to be outside the retainer agreement of February 23, 2021. Consequently, there was no understanding as to the terms of Attorney Sandler's engagement for the property disposition project, including Attorney Sandler's billing rate. During his interview, Mr. Jellison confirmed that there was no engagement letter with Attorney Sandler for this work or an understanding about Attorney Sandler's rate. Mr. Jellison stated that it was clear to everyone in general that he had \$25,000 to pay for this work. Mr. Jellison stated that he was comfortable that the amount of work Attorney Sandler needed to do would be within \$25,000 because the MDC staff was updating the data about the amount of land that was viable to sell and Attorney Sandler was looking at the legal issues concerning the disposition of the land.
34. On August 17, 2021, Mr. Jellison met with Chris Levesque, Thomas Tyler, and James Randazzo to discuss the surplus land disposition project. (048). According to Mr. Jellison, everything needed from the MDC staff for this project was provided to Attorney Sandler and Commissioner Salemi on May 14, 2021, and no new items were needed. The relevant maps had been updated in April, 2021. (Jellison Timeline).

35. On August 17, 2021, Mr. Jellison informed Commissioner Salemi about his meeting with Mr. Levesque, Mr. Tyler, and Mr. Randazzo by forwarding Mr. Randazzo's email with the maps and stating that he was verifying that this was the information he requested and that he would get back to him after meeting with the staff. (506).
36. On August, 17, 2021, Mr. Jellison, Chairman DiBella, and Commissioner Salemi met about the property disposition project. A note, handwritten by Mr. Jellison, stated, "Per discussion with Bill & Bud, no more billing on the surplus land until such time Board authorizes further development." (125).

During his interview, Mr. Jellison stated that the Commissioners began asking about the legal bills in March, May, June, and July of 2021. He recalled that the MDC staff had completed their update of the information concerning the property disposition project. Yet, he continued to receive emails from Attorney Sandler's office asking for the maps to be updated even though they were already updated. He recalled receiving a memo from Attorney Sandler about the project. He said that there was nothing additional that the MDC staff had to do to update the information. Consequently, he did not feel right about continued billing on this project when there was nothing else to do. Mr. Jellison stated that he met with Chairman DiBella and Commissioner Salemi and told them that some Commissioners were questioning Attorney Sandler's invoices, and he was continuing to receive emails from Attorney Sandler's office. He did not quite understand what Attorney Sandler was doing on the property disposition project because his staff had told him that they had done everything that was asked for back in April, 2021. Mr. Jellison stated that he was "clear and adamant" that the billing on this project needed to stop. He commented during his interview that there was a clash at that time between Commissioner Salemi and Commissioner Sweezy, the Chairman of the Water Bureau over who controlled the sale of land, the Board of Finance or the Water Bureau. He also stated that he was getting the sense that Attorney Sandler's work would exceed \$25,000, so he stopped the

work. Mr. Jellison stated that he expected Chairman DiBella and Commissioner Salemi to inform Attorney Sandler to stop billing on the surplus land issue and believed that Attorney Sandler would be told.

Mr. Jellison stated that he handwrote the note on an email requesting the payment of the May 26, 2021 and June 27, 2021 invoices as a reminder to himself and his staff not to pay any additional bills pertaining to the property disposition project. He stated that he did not further document his decision to stop Attorney Sandler's billing, as he felt that his conversation with Chairman DiBella and Commissioner Salemi was sufficient.

During his interview, Chairman DiBella recalled that Mr. Jellison discussed with him and Commissioner Salemi that he was not paying any more invoices, which is the reason that the issue was brought to the MDC Board. Chairman DiBella admitted that Mr. Jellison told him and Commissioner Salemi that there should be no more billing on the surplus land issue. He explained that Mr. Jellison spoke with him and Commissioner Salemi about this because he is the Chairman of the MDC Board and Commissioner Salemi is the Chairman of the Board of Finance. Chairman DiBella recalled Mr. Jellison's handwritten note but could not recall when he saw it.

During his interview, Chairman DiBella acknowledged that he agreed with Mr. Jellison's directive that Attorney Sandler's work on the property disposition project should stop because an issue about the payment of his fees existed. He recalled that Commissioner Salemi was upset when Mr. Jellison shut down billing on this project because he was being restricted from his work on this project, so Commissioner Salemi needed to resolve the issue about payment. Chairman DiBella stated that he was concerned that Commissioner Salemi needed some authority to handle the property disposition issue. He recalled that Commissioner Salemi thought that he was acting properly and had been told that Attorney Sandler's bills would be paid using proceeds from the sale of land in Glastonbury.

During his interview, Commissioner Salemi remembered the meeting on August 17, 2021 but could not recall any details about the meeting. According to Commissioner Salemi, Mr. Jellison did not tell him to stop working with Attorney Sandler on the project. His understanding was that Mr. Jellison spoke with Chairman DiBella, and at some point, Chairman DiBella told Commissioner Salemi that the work needed to stop until they had a budget. Commissioner Salemi stated that he did not agree with Mr. Jellison that Attorney Sandler's work on the property disposition issue should stop.

District Counsel Stone confirmed, at the Board meeting on December 6, 2021, that Mr. Jellison had indicated that no more legal work, whether by inside or outside counsel, would be done and no payments would be made on the land sales issue absent action by the MDC Board on the issue and the funding. (December 6, 2021 Board Meeting Transcript, Minute 39:51).

During the Board meeting on December 6, 2021, Mr. Jellison acknowledged that there was no direction from the MDC Board to work on land sales, so he asked Attorney Sandler and District Counsel Stone to hold any future billing on that topic until it could be brought to the Board, Water Bureau, and Bureau of Public Works

to determine how to proceed. (December 6, 2021 Board Meeting Transcript, Minute 46:48).

37. Chairman DiBella clearly understood that Attorney Sandler's work on the property disposition project should stop until the issue about the payment of Attorney Sandler's fees was resolved. During his interview, Chairman DiBella admitted that it was clear the work was to stop and commented that the payment issue was resolved by a resolution of the Board to approve a budget of \$50,000 for that project. He said that the Board approved the \$50,000 because Mr. Jellison said that he had no more money in his budget to pay Attorney Sandler.
38. Commissioner Salemi acknowledged that he was aware of Mr. Jellison's directive but said during his interview that he did not know the reason for his directive. He stated that Mr. Randazzo told him, in September, 2021, that Mr. Randazzo could not work on the project any more, and Commissioner Salemi needed to talk with Mr. Jellison. According to Commissioner Salemi, he later learned from Attorney Sandler that, even though Mr. Jellison had approved the work in January, 2021, Mr. Jellison said that there was no more money for this project and that new authorization from the MDC Board was needed for the project to continue. Commissioner Salemi stated that he did not know why Mr. Jellison all of a sudden said there was no more money for the project when there could always be more money appropriated.
39. Attorney Sandler was aware of Mr. Jellison's directive that there should be no more billing on the surplus land issue until the Board authorized further work. While witnesses were inconsistent about who made Attorney Sandler aware of this directive, the evidence showed that Attorney Sandler was informed that he should stop work on the surplus land issue. During their interviews, both District Counsel Stone and Mr. Jellison confirmed that Commissioner Salemi stated that he had conveyed this directive to Attorney Sandler. According to District Counsel Stone, he told Commissioner Salemi that Attorney Sandler was submitting bills on the property disposition project and asked him why he was continuing to do so. Commissioner Salemi said that he did not know because he had told Attorney Sandler "to stand down" on that project after August 17, 2021. Mr. Jellison stated during his interview that he heard from District Counsel Stone that Commissioner Salemi had called Attorney Sandler on August 18, 2021 and told him that he needed to stop billing. While Commissioner Salemi denied during his interview that he informed Attorney Sandler, he believed that Attorney Sandler was informed, but he was not sure who told Attorney Sandler that he should stop working on the project. He said that Attorney Sandler told him that Mr. Jellison had directed that the work on this project needed to stop until there was new authorization for it to continue.

During his interview, Chairman DiBella stated that he did not tell Attorney Sandler to stop working on the property disposition issue and did not know if Attorney Sandler was told to stop work. He said that he thought Mr. Jellison told Attorney Sandler.

40. In an email dated June 10, 2022 to District Counsel Stone, Attorney Sandler stated that his reason for billing beyond August 17, 2021 was due to his understanding that Chairman DiBella and Mr. Jellison "were aware of and supported the

continued pursuit of the prospects for parcel selection.” (128). During his interview, Chairman DiBella stated that he may have contacted Attorney Sandler about his June 10, 2022 email and reiterated to Attorney Sandler that he did not have the authority to direct his work. He said that he was disappointed and did not know why Attorney Sandler “threw him under the bus.”

Mr. Jellison was aware that Attorney Sandler was working on the property disposition project on October 8, 2021 because he acknowledged receiving an email that day from a Sandler & Mara employee requesting maps and providing the May 11, 2021 memo from Attorney Sandler and Commissioner Salemi. (Jellison Timeline). In addition, Commissioner Salemi sent an email on October 12, 2021 to Mr. Jellison and Attorney Sandler stating to Mr. Jellison that they had been in touch with Mr. Randazzo and he was prepared to provide the mapping and description information they needed. In his email, Commissioner Salemi further stated that they were hoping Mr. Jellison would ask the Engineering Department to make the production of the maps for the selected properties available for them to begin developing the process for disposing of the surplus properties. (497). During his interview, however, Mr. Jellison denied that he directed or authorized Attorney Sandler to work on this project after August 17, 2021. Mr. Jellison recalled receiving, in October, 2021, the same May, 2021 memo that he had already received from Attorney Sandler. He recalled that Attorney Sandler, through Commissioner Salemi, continued to ask for maps to be updated, but the MDC staff had already done this in April, 2021. Therefore, Mr. Jellison did not quite understand what more was needed on this project. Mr. Jellison stated that Attorney Sandler was asking for additional resources even though Mr. Jellison had shut down the project. (047).

During his interview, Commissioner Salemi stated that he learned from Attorney Sandler himself that Mr. Jellison said that Commissioner Salemi should stop working with Attorney Sandler on the project because the money had run out for the project. He recalled Attorney Sandler telling him, “I am not sure that I am going to get paid for this work.” Commissioner Salemi recalled that he was told in September, 2021 by Chairman DiBella to stop working on the project until they had a budget. Commissioner Salemi further recalled that Chairman DiBella told him not to worry about the funding and that he would take care of it. Consequently, Commissioner Salemi continued working on the project with Attorney Sandler expecting that funding would be approved. According to Commissioner Salemi, Chairman DiBella also told him that he would take care of Mr. Jellison’s shutting down the work.

Chairman DiBella stated during his interview that he did not recall telling Commissioner Salemi not to worry about the funding and that he would take care of it. He said that Attorney Sandler was critical to what Commissioner Salemi was doing on the property disposition project. He also stated that he supported Commissioner Salemi’s work and that a Board committee had given approval for Commissioner Salemi to do the work. Chairman DiBella recalled that Mr. Jellison provided the funding for the project through an account with proceeds from the sale of land to Glastonbury but then had no more money. According to Chairman DiBella, District Counsel Stone took control, and Commissioner Salemi requested a \$75,000 budget for the property disposition project. He recalled that Commissioner Sweezy became involved, and Chairman DiBella told him that the

Water Bureau would sign off on any property disposition decisions, but if the MDC Board wanted to do something, it could do it. Chairman DiBella said that he, District Counsel Stone, and Mr. Jellison agreed that a \$50,000 budget for this project was appropriate.

41. Even though Chairman DiBella and Commissioner Salemi were aware of Mr. Jellison's directive, they knew that Attorney Sandler was continuing to work on the property disposition issue after August 17, 2021. In addition, Commissioner Salemi continued working with Attorney Sandler on the property disposition issue despite knowing that Mr. Jellison wanted Attorney Sandler's billing to stop.

On September 8, 2021, Attorney Sandler sent Commissioner Salemi a draft property disposition memo listing the initial parcels of MDC non-watershed, unused, and disposable land selected for disposition. According to Commissioner Salemi this memo was created in response to a request from Mr. Jellison to Commissioner Salemi. (503).

In reviewing Attorney Sandler's invoices dated October 1, 2021 and June 1, 2022, Chairman DiBella initially stated that he did not remember attending the meetings listed by Attorney Sandler. But during his second interview, he said he thought that he may have had telephone calls or met with Attorney Sandler when meeting with Commissioner Salemi. He could not recall the dates of the calls or meetings or spending the kind of time reflected in the entries. He stated that he could not say if he attended all of the meetings listed on the invoice. Chairman DiBella stated that he remembered there were calls because people did not want to attend meetings. He said that he could not remember being involved in the property disposition issue because he was not directly working with Attorney Sandler. He said that Attorney Sandler was working with Commissioner Salemi.

Commissioner Salemi sent an email on October 12, 2021 to Mr. Jellison and Attorney Sandler stating to Mr. Jellison that they had been in touch with Mr. Randazzo and he was prepared to provide the mapping and description information they needed. In his email, Commissioner Salemi further stated that they were hoping Mr. Jellison would ask the Engineering Department to make the production of the maps for the selected properties available for them to begin developing the process for disposing of the surplus properties. (497).

Commissioner Salemi admitted that Attorney Sandler continued to work on the property disposition project after August 17, 2021 because Commissioner Salemi was tasked with the responsibility of working on the project, so he continued to work with Attorney Sandler with the expectation that there would be no problem funding the project in the future. He said that "[a] soldier's job is to do or die." He stated that everyone reasonably believed that the budget for the project would be approved, and Attorney Sandler would ultimately be paid. Commissioner Salemi explained that he thought it was important to keep the property disposition work on track and moving forward while property values were high so that the MDC could realize the best price on land.

According to Commissioner Salemi, he and Chairman DiBella did not agree that Attorney Sandler's work should stop. They were simply told that there needed to be an approved budget to continue it and had every reason to believe there would

be one. While the budget was being sorted out, Attorney Sandler agreed to work “in good faith.”

Commissioner Salemi’s name appears in every single entry of Attorney Sandler’s invoice dated June 1, 2022. Commissioner Salemi stated during his interview that he attended all of the meetings as reflected in the entries of Attorney Sandler’s bill.

42. On October 26, 2021, Commissioner Salemi sent an email to Attorney Mirtle and District Counsel Stone with a proposed resolution for presentation to the Board of Finance, which would approve the establishment of a program to identify surplus lands of the MDC eligible for sale. District Counsel Stone made revisions to the resolution that same day, including adding language that costs or expenses associated with the program would be paid from existing purchase orders or through a funding request from District staff to the Finance Committee and District Board for appropriation of additional funds.
43. On October 27, 2021, the Board of Finance passed the resolution recommending that a program be established to identify surplus lands eligible for sale.

At the Board meeting on December 6, 2021, District Counsel Stone confirmed that the Board of Finance had authorized the Board of Finance Chair, Commissioner Salemi, to continue to pursue possible revenue options for the sale or lease of the MDC property that was no longer of any use to the MDC. (December 6, 2021 Board Meeting Transcript, Minute 39:51).

44. At its meeting on February 9, 2022, the Board of Finance unanimously adopted a motion made by Chairman DiBella on the disposition of surplus land as follows:

Now therefore resolved to establish a budget item for external services to be used in conjunction with staff services to pursue the “program” as described in the October 27, 2021 Board of Finance Resolution herein for 2022 and transfer the sum of \$50,000 from the “Legal-Collection” budget to a new line item within the legal budget for this purpose.

45. At its meeting on March 7, 2022, the MDC Board unanimously adopted the resolution recommended by the Board of Finance at its meeting on February 9, 2022 as follows:

To establish a budget item for external services to be used in conjunction with staff services to pursue the “program” as described in the October 27, 2021 Board of Finance Resolution herein for 2022 and transfer the sum of \$50,000 from the “Legal-Collection” budget to a new line item within the legal budget for this purpose.

46. Attorney Sandler continued to work on the property disposition issue after August 17, 2021 and into 2022 because Commissioner Salemi and Chairman DiBella communicated with him about this project and a budget for this project.

Commissioner Salemi emailed the revised proposed resolution on the establishment of a program to identify surplus lands of the MDC eligible for sale to Attorney Sandler on October 26, 2021. During his interview, Commissioner Salemi

stated that Attorney Sandler helped create the resolution for future funding of the project.

Sandler & Mara's invoice #2021-05-04 dated June 1, 2022 referring to property disposition contains an entry on May 2, 2022 stating that Attorney Sandler had a "[t]eleconference with Pasquale Salemi, William A. DiBella – budget." When questioned by District Counsel Stone in an email of July 27, 2022 about the budget he was referring to in that entry, Attorney Sandler replied by email that same day that "[t]he budget addressed was the funding for the scopes of legal undertaking for the South Meadows and property disposition which the Chairman and Chair of the Finance Board were participating." (202). Attorney Sandler also stated that "Bill told me he had \$85k" in response to District Counsel Stone's question about whether a budget had been established. (209).

During his interview, District Counsel Stone stated that he spoke with Commissioner Salemi who told him that Attorney Sandler was doing work for him in the Spring of 2022 on the property disposition issue. A budget of \$50,000 for future expenses had been submitted to the Water Bureau and MDC Board for approval. During his interview, Commissioner Salemi confirmed that he was working with Attorney Sandler on the property disposition issue, and he, Attorney Sandler, and Chairman DiBella discussed that they needed a resolution to obtain a budget to continue Attorney Sandler's work.

While Commissioner Salemi stated during his interview that he did not remember telling Attorney Sandler explicitly that he would be paid for his work after August 17, 2021 on the property disposition issue, he stated that he felt there was an understanding that Attorney Sandler would work in good faith until the budget was sorted out. Although there were no specific agreements about the matter, Commissioner Salemi explained that his idea of good faith meant that they would ask for funding and if it was approved, Attorney Sandler would be paid, but if it was not approved, Attorney Sandler would not be paid for his work. Commissioner Salemi, however, did not think there was any chance of that happening, since Chairman DiBella had assured him that he would take care of it.

An email dated June 7, 2022 from Attorney Sandler's office to District Counsel Stone's office stated that Attorney Sandler was awaiting confirmation from Chairman DiBella "that the 'promised' budgets had been established." (105). On June 8, 2022, Sandler & Mara reiterated to District Counsel Stone's office that Attorney Sandler was continuing "to await confirmation from Bill DiBella that the 'promised' budgets have been established for 2022." (114).

While Chairman DiBella responded "no" to the Internal Audit Committee's question, "At any point in the past year did you tell Jim Sandler that he would get a budget for 2022?", he admitted during his interview that he discussed a budget for the property disposition issue with Attorney Sandler.

47. During his interview, Commissioner Salemi said he understood that Attorney Sandler would be paid for his work on the property disposition issue after the monies were ultimately approved by the MDC Board.

48. After the Board of Finance passed the resolution about establishing a program to identify surplus lands eligible for sale, District Counsel Stone clarified at the Board meeting on December 6, 2021 that this program had not been considered by the Board, but he anticipated that it would be addressed in January or February, 2022. He further stated that he did not have funding in his budget for this program and did not believe that Mr. Jellison had a budget line item designated for this program. He explained that funding would need to be authorized by the Board of Finance first and then by the MDC Board. (December 6, 2021 Board Meeting Transcript, Minute 39:51).
49. District Counsel Stone authorized Attorney Sandler to work on the South Meadows and Hartford solid waste issue in 2021. At the MDC Board meeting on November 3, 2021, District Counsel Stone told the Commissioners that he authorized Attorney Sandler to work on the South Meadows and Hartford solid waste issue because it has been an issue that the MDC has been advised of and was ongoing. He stated that Attorney Sandler is experienced in the area of energy generally and specifically in the trash facility at South Meadows. (300). He also stated that he did not regret allocating the amount of money for Attorney Sandler and acknowledged that the work being done should be disclosed to the entire Board. District Counsel Stone further acknowledged that there was no formal resolution from the Board about the work being done by Attorney Sandler. (302). He stated that Attorney Sandler was continuing to monitor and be engaged in the involvement of the South Meadows project. (302).

During his interview, Chairman DiBella stated that the energy issue was a legal issue, and therefore, Attorney Sandler's invoices relating to energy should have been paid out of District Counsel Stone's budget in 2021. According to Chairman DiBella, the MDC traditionally used Attorney Sandler to deal with the consultant on the energy issue. He stated that neither District Counsel Stone nor Mr. Jellison objected to using Attorney Sandler for the energy issue. Chairman DiBella said that Attorney Sandler was working for District Counsel Stone, who was not questioning what Attorney Sandler was doing.

50. The MDC Board allocated a portion of the Legal Department's 2021 budget for outside legal services. At the MDC Board meeting on November 3, 2021, District Counsel Stone acknowledged that the Board had authorized the Legal Department to spend up to a certain amount each year in its budget for outside legal services. (301). He stated that the Legal Department remained within that budget, and as District Counsel, he should have a certain amount of discretion in spending the money allocated by the Board. (302). During his interview, Chairman DiBella confirmed that the Board approves a budget for the Legal Department, but the District Counsel has a discretionary amount to spend. He stated that the District Counsel reports back to the Board how he spends the money.
51. On November 3, 2021, Chairman DiBella and Commissioner Salemi learned from District Counsel Stone that the MDC had a retainer agreement with Sandler & Mara for the year 2021. District Counsel Stone informed the MDC Commissioners at the MDC Board meeting on November 3, 2021 that the MDC had a retainer agreement, rather than hourly billing, with Sandler & Mara in 2021, so that Attorney Sandler was paid a fixed amount regardless of whether he spent more time than anticipated on the work. (301). In the December 6, 2021 MDC Board meeting,

District Counsel Stone reiterated that Attorney Sandler worked on a flat rate retainer under a written agreement that he had with Attorney Sandler, and he did not bill hourly. (December 6, 2021 Board Meeting Transcript, Minute 39:51).

At the Board meeting on July 11, 2022, District Counsel Stone reiterated that the retainer amount was to pay outside counsel for only 2021. (July 11, 2022 Board Meeting Transcript).

During his interview, Chairman DiBella stated that he was not aware of the 2021 engagement letter between the MDC and Sandler & Mara until the MDC Board meeting in November, 2021. He said that District Counsel Stone did not discuss with him how much he paid Attorney Sandler, and he did not know about District Counsel Stone's arrangement with Attorney Sandler until District Counsel Stone shared it with the Board in November, 2021. He then understood that Attorney Sandler was not being paid on an hourly basis. He further stated that he was not involved in paying Attorney Sandler and that District Counsel Stone was responsible for doing so. Chairman DiBella stated that the MDC Board ultimately approves everything, but District Counsel Stone has an amount of money within the Legal Department budget to spend at his discretion without returning to the Board for approval and may decide who to hire (such as attorneys and lobbyists). He said that the Board approves the budget for the Legal Department and/or makes special appropriations for expenses. During his interview, Chairman DiBella expressed that the retainer did not sufficiently compensate Attorney Sandler for all of the hours that he worked for the MDC.

52. Chairman DiBella knew that Attorney Sandler was working on matters for the MDC in 2021. He stated during his interview that he knew Attorney Sandler was working on the South Meadows project in 2021 because Attorney Sandler had sent some materials relating to that project. Chairman DiBella also knew that Attorney Sandler was working on an energy issue, as he had attended two meetings with Attorney Sandler and a consultant. In addition, Chairman DiBella stated that he discussed the surplus land issue with Commissioner Salemi and learned that Attorney Sandler had started working on that project. He said that he did not know that Attorney Sandler was working on this issue until he learned that there was an issue with paying Attorney Sandler from the proceeds of the sale of land to Glastonbury. According to Chairman DiBella, the Legal Department structured a deal to work with Attorney Sandler, and the budget for his services came out of the Legal Department. He said that Attorney Sandler had worked on a land sale to Glastonbury and was being paid out of the account ("Glastonbury account") that held the proceeds. Chairman DiBella stated that District Counsel Stone told him that they could not use the Glastonbury account to pay Attorney Sandler's fees for the property disposition issue in 2021.
53. At the MDC Board meeting on November 3, 2021, Commissioner Ray Sweezy stated that he was not trying to tell Mr. Jellison and District Counsel Stone how to spend the money once the Board budgeted it into their budgets. He stated that he did not think that they should be "spending a penny" on South Meadows. He further stated that he did not see their names on two years of bills from Attorney Sandler and did not recall any reporting to the Board on South Meadows. (307). He wanted to make a motion that any money spent outside of District Counsel Stone's budget comes to the Board. (301).

54. On November 4, 2021, District Counsel Stone sent an email to Commissioner Mandyck, copying Commissioners Torres and Pane, Mr. Jellison, and Chairman DiBella, clarifying that Sandler & Mara was paid a fixed amount in monthly installments, even if the hourly billing would exceed the monthly amount. (069).
55. On November 10, 2021, District Counsel Stone sent an email to all of the Commissioners with a copy of the current invoices from Sandler & Mara as requested at the November 3, 2021 Board meeting. (073).
56. On November 10, 2021, Attorney Sandler knew that the Board had questioned District Counsel Stone about Attorney Sandler's work on issues relating to South Meadows development and trash. District Counsel Stone sent an email to Attorney Sandler on that date, stating that he "defended these initiatives." He requested that Attorney Sandler provide a more detailed report of his work and suggested that he be present at the next Board meeting on December 6, 2021. Attorney Sandler confirmed that he received this email by responding that he would start on the report. (074-075). In addition, during his interview, Chairman DiBella stated that he "might have had a conversation" with Attorney Sandler about his bills being addressed at a public meeting. He commented that District Counsel Stone had made it clear that Attorney Sandler was doing what he was supposed to be doing.
57. As of November 15, 2021, the only invoices received by District Counsel Stone from Sandler & Mara were the retainer invoices, which he considered to all relate to the South Meadows project, and a lawsuit handled by Attorney Mara. In an email dated November 15, 2021 to John Mirtle, with a copy to Commissioner Pane, District Counsel Stone stated that the invoices sent pre-October and the October retainer invoice all relate to Sandler's \$80,000 [sic] annual retainer and trash work, except for a capital project collection action handled on a capped fee basis over the past two years by Attorney Mara.

58. Attorney Sandler did not provide District Counsel Stone with a detailed report of his work on the South Meadows project and did not attend the December 6, 2021 Board meeting despite repeated requests of District Counsel Stone. District Counsel Stone sent an email to Attorney Sandler on November 15, 2021 requesting the updated report and that he plan to attend the Board meeting on December 6, 2021. (082). District Counsel Stone sent an email on November 18, 2021 to Attorney Sandler stating that he was looking forward to seeing the updated report on the trash issue and asked him to plan on attending the December 6, 2021 Board meeting. (083). The minutes and transcript of the Board meeting on December 6, 2021 reflect that Attorney Sandler did not provide District Counsel Stone with an updated report and did not attend the Board meeting. (December 6, 2021 Board Meeting Minutes, List of Attendees; December 6, 2021 Board Meeting Transcript, List of Attendees; Minutes 34:05; 43:38).

During his interview, Chairman DiBella recalled, in a passing conversation, telling Attorney Sandler that he had to come to a Board meeting and that District Counsel Stone was comfortable with the work he had done. Chairman DiBella did not know why Attorney Sandler did not attend the Board meeting but was not disappointed, saying that it was District Counsel Stone's responsibility for Attorney Sandler's attendance.

59. Some Commissioners as well as Mr. Jellison and District Counsel Stone indicated that Attorney Sandler's continued work on the South Meadows project was a policy decision for the MDC Board. In an email dated November 5, 2021, Commissioner Pane, copying Commissioners Mandyck and Torres, Mr. Jellison, and Chairman DiBella, stated that the matters, including South Meadows, that Attorney Sandler was working on were "alarming" and "major policy decisions" needed to be made by the full Board. (071). Commissioner Pane also stated during the Board meeting on December 6, 2021 that issues, including South Meadows, had not been voted on by the Board for policy decisions. (December 6, 2021 Board Meeting Transcript, Minute 33:45).

While Commissioner Mandyck stated in an email on November 5, 2021 that she thought that the Strategic Planning Committee should consider the South Meadows trash facility issue, she stated that a broader decision on what lines of business and opportunities to be considered needed to be made. (077).

At the December 6, 2021 Board meeting, Commissioner Sweezy asked that all legal work on the South Meadows project be suspended until the Board decided to move forward with the project. (Board Meeting Transcript, Minutes 35:07; 38:45).

Mr. Jellison agreed with Commissioner Pane during the Board meeting on December 6, 2021 that the issue with the trash (South Meadows) is a policy issue for the Board to decide in terms of Attorney Sandler working on the projects relative to the trash plant. (Board Meeting Transcript, Minute 46:48).

District Counsel Stone stated at the December 6, 2021 Board meeting that he would leave it to the Board as to whether it wanted Attorney Sandler to continue to do work in the South Meadows on the trash issue. (December 6, 2021 Board Meeting, Minute 39:51).

60. Chairman DiBella did not find any of Attorney Sandler's work for the MDC to be alarming like Commissioner Pane and did not agree that there were some major policy decisions that needed to be made by the full MDC Board as suggested by Commissioner Pane. During his interview, Chairman DiBella stated that he was comfortable with District Counsel Stone's assessment of Attorney Sandler's work (no regrets in hiring Attorney Sandler), and District Counsel Stone was paying Attorney Sandler.
61. District Counsel Stone was aware that Attorney Sandler had worked on the South Meadows issue and an electricity or power issue that he considered to be part of the retainer. While District Counsel Stone had not yet received the invoice for November, 2021, he stated during the December 6, 2021 Board meeting that he knew that Attorney Sandler was working on those issues. (December 6, 2021 Board Meeting Transcript, Minute 33:03).

At the Board meeting on December 6, 2021, Chairman DiBella confirmed that Attorney Sandler was working on the issue of electricity with him, a consultant, Mr. Jellison and District Counsel Stone, and that Chairman DiBella had been pursuing this matter for the last six months. (December 6, 2021 Board Meeting Transcript, Minute 44:47). During his interview, Chairman DiBella stated that he knew Attorney Sandler was working on the South Meadows project, the energy issue, and the surplus land issue in 2021.

62. In late 2021/early 2022, Chairman DiBella received an invoice dated October 1, 2021 in the amount of \$14,095.25 from Sandler & Mara. The MDC did not pay this invoice. The invoice was hand-delivered to Chairman DiBella. (Jellison Timeline). This invoice, #2021-15-03, is addressed to Chairman DiBella, cc'ing Mr. Jellison.<sup>3</sup> This invoice indicates that it is for the "Property Disposition" matter and contains detailed entries by date and hours worked by Attorney Sandler during May, June, July, August, and September, 2021. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella, Mr. Jellison, and Commissioner Salemi prior to August 17, 2021. Entries also reflect that Attorney Sandler had a conference with Commissioner Salemi and Chairman DiBella on August 17, 2021 as well as conferences with Commissioner Salemi, Mr. Jellison, and Chairman DiBella in September, 2021.

District Counsel Stone explained during the July 11, 2022 Board meeting that this invoice primarily had to do with excess land disposition. Mr. Jellison stated during this meeting that the invoice was incurred prior to the Board of Finance, then the Water Bureau, and then the MDC Board approving \$50,000 to study the sale of land. (July 11, 2022 Board Meeting Transcript).

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<sup>3</sup> While the first page of this invoice indicates that the invoice number is 2021-15-03, the pages with detailed entries indicate that the invoice number is 2021-05-03.

During his interview, Chairman DiBella admitted that he received the invoice for \$14,095.25 but did not know why the bill was addressed to him. He said that he did not ask Attorney Sandler why he was sending bills to him.

During his interview, Mr. Jellison stated that Mr. DiBella told him that he received another invoice from Attorney Sandler for the property disposition issue. Mr. Jellison said that he did not review the bill because the MDC Board had directed that work stop on this project. He recalled that he did not receive a copy of the \$14,095.25 invoice until Sandler & Mara sent it to District Counsel Stone in June, 2022. He said that, even if the entries on the invoice were accurate, he had told Commissioner Salemi and Chairman DiBella that there was to be no more billing on the surplus land project after August 17, 2021, and the invoice contained some entries past that date. He said that he did not have any conversations with Attorney Sandler after August 17, 2021 as listed by Attorney Sandler in this invoice. Mr. Jellison stated that he also asked the MDC staff to review the invoice to determine if they had participated in the meetings listed in the invoice. He recalled that Jim Randazzo stated that he did not participate in the meetings, and the last time he met with Attorney Sandler was in April, 2021. In Mr. Jellison's opinion the invoice was "over the top" because the MDC staff had informed him that they had provided everything needed to Attorney Sandler in April, 2021.

During his interview, Commissioner Salemi stated that the entries in the invoice dated October 1, 2021 seemed to be accurate, and he recalled telling District Counsel Stone that the invoice was accurate as far as he was concerned.

63. Chairman DiBella asked Mr. Jellison to pay the invoice for \$14,095.25. Chairman DiBella admitted during his interview that he asked Mr. Jellison to pay this invoice because the Board did not designate payment in a resolution. Mr. Jellison confirmed that Chairman DiBella asked him to pay this invoice and recalled that Chairman DiBella said that someone needed to pay Attorney Sandler. Mr. Jellison stated that he had a discussion with District Counsel Stone and Chairman DiBella about the invoice. Mr. Jellison also stated in an email of June 8, 2022 to District Counsel Stone that Chairman DiBella asked him to pay this invoice. (120). Also, on June 10, 2022, Chairman DiBella asked Mr. Jellison where they were in paying Attorney Sandler's bills. (123). The MDC Board wanted to review Attorney Sandler's bills and wanted Attorney Sandler to come to a Board meeting to explain his bills. Mr. Jellison recalled a number of conversations with Chairman DiBella asking him when they were paying Attorney Sandler's bills, and Mr. Jellison responded that the Board needed to review and approve his bills. He recalled that the Board wanted Attorney Sandler to attend Board meetings to explain his bills. Mr. Jellison said that Chairman DiBella does not regularly ask him to pay vendor's bills.

Chairman DiBella stated during his interview that he gave the bill to Mr. Jellison, who had paid some bills on this issue. He also stated that "for some reason," Mr. Jellison said that he was not going to pay any more bills. Chairman DiBella asked Mr. Jellison if anyone was going to pay the bill. Chairman DiBella said that he did not have the authority to pay the bill or order anyone to pay the bill.

64. Chairman DiBella informed Attorney Sandler that his presence at the MDC Board meeting on January 10, 2022 was not required. District Counsel Stone sent an

email to Attorney Sandler on January 7, 2022 confirming Chairman DiBella's communication to Attorney Sandler that his presence was not required but requested that Attorney Sandler provide information about South Meadows. Attorney Sandler forwarded District Counsel Stone's email to Chairman DiBella, saying "[t]hank you." (330). Chairman DiBella stated during his interview that he did not know why Attorney Sandler was thanking him or the reason why his attendance was not required.

65. In accordance with District Counsel Stone's request, on January 10, 2022, Attorney Sandler provided Chairman DiBella with information concerning the termination of operations of the combustion facility in the Hartford South Meadows and the future of municipal solid waste management for MDC member municipalities. (329, 330).
66. At its meeting on January 10, 2022, the MDC Board referred the solid waste, sludge, South Meadows, and new technology issues to the Bureau of Public Works ("BPW"). (156-162). Mr. Jellison confirmed that a budget would have to be submitted to BPW and approved by the Board before proceeding with a consultant, whether engineering or legal. (159). Chairman DiBella confirmed that expenditures, including consultants, would be outlined and reported back to the Board and that the Board was going to have to allocate anything that was spent above \$25,000. (160).

During his interview, Chairman DiBella acknowledged that the MDC Board referred all issues relating to South Meadows to the Bureau of Public Works at the January 10, 2022 meeting.

67. Attorney Sandler acknowledged District Counsel Stone's email of January 11, 2022 requesting that he submit his December, 2021 invoice as soon as possible, so that Attorney Sandler's 2021 purchase order and engagement letter could be closed out. (092).
68. Attorney Sandler was aware that a 2021 invoice could not be paid with the 2022 legal budget. (092). Attorney Sandler acknowledged District Counsel Stone's email of January 11, 2022 informing him of this.
69. Commissioner Salemi communicated with Attorney Sandler about the property disposition project before the MDC Board had considered the Board of Finance's recommendation for a program to identify surplus lands eligible for sale and before a budget was approved.

On January 11, 2022, Commissioner Salemi told Attorney Sandler that, with the rise in value of developable land and the low cost of borrowing, he thought it was a good time to get started on the most marketable land. (465). The MDC Board had not yet considered the Board of Finance's recommendation for a program to identify surplus lands eligible for sale, and District Counsel Stone had stated at the

Board meeting on December 6, 2021 that he did not have funding in his budget for this program and did not believe that Mr. Jellison had a budget line item designated for this program. (December 6, 2021 Board Meeting Transcript, Minute 39:51).

70. On January 12, 2022, District Counsel Stone received Sandler & Mara's retainer invoice for December, 2021.
71. No purchase order for Sandler & Mara was created for the year 2022, and no engagement letter was entered into between Sandler & Mara and the MDC in 2022. On February 8, 2022, District Counsel Stone told District Counsel Stone's assistant there would be no 2022 purchase order for Sandler & Mara. (095). District Counsel Stone reiterated to Attorney Sandler in his email of February 11, 2022 that the 2021 engagement letter had been closed out and informed him that there was no purchase order for 2022 and his engagement letter of February 23, 2021 expired on December 31, 2021. (097). At the MDC Board meeting on July 11, 2022, District Counsel Stone emphasized that the 2021 retainer agreement was not renewed and was paid in full. (July 11, 2022 Board Meeting Transcript).
72. On February 9, 2022, Commissioner Salemi admitted that the work on surplus lands was suspended until a budget was established. Commissioner Salemi submitted a memo to the Board of Finance requesting the establishment of a budget to continue the use of external services, including legal. (452).
73. Attorney Sandler knew that no purchase order for 2022 was created for Sandler & Mara. He also knew that the 2021 engagement letter had expired. Despite this, Attorney Sandler sent a retainer invoice for the month of January, 2022 to District Counsel Stone. (097).

On January 11, 2022, Attorney Sandler acknowledged District Counsel Stone's email of that same date requesting that he submit his December, 2021 invoice as soon as possible, so that Attorney Sandler's 2021 purchase order and engagement letter could be closed out. (093). Also, District Counsel Stone reiterated to Attorney Sandler in his email of February 11, 2022 that the 2021 engagement letter had been closed out and informed him that there was no purchase order for 2022. (097). The MDC did not pay this invoice. (Stone Summary Timeline, #14).

During his interview, District Counsel Stone stated that he did not think there was any other work that Attorney Sandler was performing after the engagement letter ended in December, 2021.

74. Attorney Sandler did not respond to Attorney's Stone's email of February 11, 2022 which stated that District Counsel Stone thought the 2021 engagement letter was clear that it had expired at the end of 2021 and requested that he advise him if he made other arrangements with the Chairman. (097).
75. As of February 11, 2022, Attorney Sandler knew that the issue of solid waste collection and disposal had been referred to the Bureau of Public Works for its investigation and recommendation, and any work on that issue should cease. In

his email of February 11, 2022, District Counsel Stone informed Attorney Sandler about the referral and stated that “[a]ny more work on this issue should be held in abeyance pending the outcome of BPW’s work.” (097).

76. Attorney Sandler communicated with Chairman DiBella about District Counsel Stone’s emails concerning closing out his 2021 engagement and not creating a 2022 purchase order for Sandler & Mara. On February 17, 2022, Attorney Sandler’s office forwarded District Counsel Stone’s emails of January 11, 2022 and February 11, 2022 to Chairman DiBella. (099).
77. Chairman DiBella knew that there was no engagement letter or contract between Sandler & Mara and the MDC in 2022. Chairman DiBella knew in January, 2022 that the MDC did not have a contract with Sandler & Mara for Attorney Sandler’s services in 2022. Mr. Jellison stated that District Counsel Stone was clear to Chairman DiBella, him, and the MDC Board that there was no contract for Attorney Sandler’s work in 2022. At the MDC Board meeting on December 6, 2021, District Counsel Stone stated that Attorney Sandler worked on a flat rate retainer, and he was under a written agreement for the retainer amount through the end of the year. (December 6, 2021 Meeting Transcript, Minute 39:51). According to Mr. Jellison, Chairman DiBella began having discussions with him and District Counsel Stone about finding work for Attorney Sandler in January, 2022 because it was clear that Attorney Sandler had no contract with the MDC. Also, Chairman DiBella was sent District Counsel Stone’s email of February 11, 2022 by Attorney Sandler that specifically stated that no purchase order for 2022 had been created and the engagement letter dated February 23, 2021 had expired on December 31, 2021. (100). In addition, Chairman DiBella admitted during his interview that Attorney Sandler told him in March or April, 2022 that he had not received direction from District Counsel Stone and did not have a contract to perform legal work for the MDC.
78. In 2022, Mr. Jellison, Chairman DiBella, and District Counsel Stone discussed the possibility of work for Attorney Sandler in 2022 and paying outstanding invoice entries prior to August 17, 2021. (Jellison Timeline). During his interview, Mr. Jellison stated that he did not agree that Attorney Sandler’s invoice for work prior to August 17, 2021 should be paid because he found the entire bill to be suspect. District Counsel Stone recalled during his interview that Chairman DiBella asked him in February or March, 2022 to find work for Attorney Sandler. He told Chairman DiBella that he could not give Attorney Sandler money without work. Mr. Jellison also recalled discussions throughout 2022, starting in January, 2022, with Chairman DiBella and District Counsel Stone where Chairman DiBella told them that they needed to find work for Attorney Sandler, and District Counsel Stone said that he had no work for Attorney Sandler. Mr. Jellison said that he told Chairman DiBella that if Attorney Sandler wanted to work for the MDC, he needed to talk to District Counsel Stone as District Counsel for the MDC. According to Mr. Jellison, Attorney Sandler did not feel that he needed to speak with District Counsel Stone to obtain work at the MDC. Mr. Jellison said that Chairman DiBella does not regularly ask for work for vendors.

During his interview, Chairman DiBella stated that District Counsel Stone did not reassign Attorney Sandler to the Hartford Solid Waste Task Force. He recalled that he asked District Counsel Stone to meet with Attorney Sandler because there

was still an allocated amount of money in the budget for Attorney Sandler to perform work for the MDC. He stated that District Counsel Stone told him that he would meet with Attorney Sandler, and he told Attorney Sandler that District Counsel Stone would meet with him.

79. In late Winter or early Spring, 2022, Chairman DiBella asked District Counsel Stone whether or not Attorney Sandler would be doing any legal work for the MDC in 2022. (Stone's Summary Timeline, #15). Chairman DiBella was aware that the MDC did not have a contract with Attorney Sandler for 2022 and did not have any work for him to do. Mr. Jellison recalled during his interview that District Counsel Stone had told Chairman DiBella that he did not have any work for Attorney Sandler.
80. Although Chairman DiBella was aware that the MDC did not have a contract with Attorney Sandler for 2022, he told Mr. Jellison and Commissioner Mandycyk that he thought that Attorney Sandler had a contract with the MDC because he knew that Attorney Sandler was working on issues for the MDC in 2022.

District Counsel Stone informed Chairman DiBella and the other Commissioners during the MDC Board meeting on December 6, 2021 that he was under a written agreement for a flat fixed amount with Attorney Sandler through the end of 2021. (December 6, 2021 Board Meeting Transcript, Minute 39:51). Also, on February 17, 2022, Attorney Sandler forwarded District Counsel Stone's emails of January 11, 2022 and February 11, 2022 concerning the closing out and expiration of the 2021 engagement letter to Chairman DiBella. District Counsel Stone's email of February 11, 2022 also informed Attorney Sandler that no purchase order for 2022 had been created. (099-100).

On July 19, 2022, Commissioner Mandycyk asked Chairman DiBella if he or Commissioner Salemi had directed outside people or companies to do work on behalf of the MDC with the promise of payment. She forwarded her July 19, 2022 email to Chairman DiBella on July 26, 2022 stating that she was following up on her email. Chairman DiBella did not respond to Commissioner Mandycyk's emails. During a discussion with Commissioner Mandycyk prior to a District Board meeting in 2022, Chairman DiBella told her that he thought that Attorney Sandler had a contract with the MDC when she asked him why there were so many meetings with Attorney Sandler even though Chairman DiBella knew as of December 6, 2021 that the engagement agreement had ended in 2021 and as of February 17, 2022 that District Counsel Stone had not created a purchase order for 2022 for Attorney Sandler.

On or about July 25, 2022, Chairman DiBella told Mr. Jellison that he was aware that Attorney Sandler was working on issues but thought he had a contract he was authorized to bill against even though he knew as of December 6, 2021 that the engagement agreement had ended in 2021 and as of February 17, 2022 that District Counsel Stone had not created a purchase order for 2022 for Attorney Sandler. (181). In addition, during his interview, Mr. Jellison stated that he had multiple meetings with both Chairman DiBella and District Counsel Stone or individually with Chairman DiBella where he told Chairman DiBella that if he wanted Attorney Sandler to perform work for the MDC, he needed to call District Counsel Stone.

Further, Chairman DiBella's knowledge that there was no contract is demonstrated by his statement during his interview that District Counsel Stone was directed to call Attorney Sandler about his work for the MDC in 2022. In his email of May 9, 2022 to Chairman DiBella, Attorney Sandler stated that he "never received the promised call from Chris." (324). Attorney Sandler also stated in his email of June 23, 2022 to District Counsel Stone that, subsequent to May 4, 2022, Chairman DiBella had repeatedly advised him on a weekly basis that District Counsel Stone would be calling Attorney Sandler to discuss matters that he had been attending to for the MDC. (140). Thus, Chairman DiBella understood that Attorney Sandler needed to speak with District Counsel Stone about providing services in 2022. Also, Mr. Jellison confirmed during his interview that he discussed with Chairman DiBella that Attorney Sandler needed to speak with District Counsel Stone if he wanted to work with the MDC.

81. In late Winter or early Spring, 2022, District Counsel Stone told Chairman DiBella that he would speak with Attorney Sandler if he had any work available that he could handle. (Stone Summary Timeline, #15).
82. In 2022, Mr. Jellison and District Counsel Stone told Chairman DiBella that Attorney Sandler's bills could not be paid without review and approval by the MDC Board. (Jellison Timeline; Jellison Interview). During his interview, Mr. Jellison stated that he told Chairman DiBella that if he wanted to get work for Attorney Sandler, he needed to get the approval of the Board.
83. In Spring, 2022, Chairman DiBella asked Mr. Jellison and District Counsel Stone when Attorney Sandler's 2021 bills were going to be paid. (Stone Summary Timeline, #21).
84. Chairman DiBella understood that any requests for payment of Attorney Sandler's outstanding 2021 bills needed to be directed to and approved by the MDC Board. (Stone Summary Timeline, #21). During his interview, Mr. Jellison stated that he told Chairman DiBella that Attorney Sandler's invoices needed to be submitted to the Board for approval.
85. Although Attorney Sandler knew that he did not have a purchase order or engagement agreement in 2022 with the MDC, he told Chairman DiBella on April 8, 2022 that they "should line up appointments now" in connection with a law establishing a trash to energy working group. Attorney Sandler communicated this to Chairman DiBella by sending an email to Chairman DiBella's personal yahoo email. (327). During his interview, Chairman DiBella said that he did not know if he responded to Attorney Sandler's email and could not recall whether it was

common for Attorney Sandler to send emails to his yahoo email address. He recalled the email and said that he did not want to be involved in the working group and removed the MDC from the legislation.

86. In 2022, Attorney Sandler was under the impression that Chairman DiBella could resolve the billing issue with the property disposition, South Meadows, and new technology projects. Attorney Sandler sent an email with his property disposition invoice of \$14,095.25 dated October 1, 2021 to Chairman DiBella at his personal yahoo address on May 4, 2022 saying he would “be most appreciative to have this longstanding bill paid immediately.” (325-326). On May 9, 2022, Attorney Sandler sent an email to Chairman DiBella at his personal yahoo address asking him to resolve the billing issue. (324). On June 10, 2022, Chairman DiBella asked Mr. Jellison where they were in paying Attorney Sandler’s bills. (123). During his interview, Chairman DiBella stated that he did not know why Attorney Sandler was asking him to pay the property disposition invoice of \$14,095.25 dated October 1, 2021. He recalled having conversations with Attorney Sandler in which he told him that he had no authority to pay bills. He also told Attorney Sandler that he thought the issue of paying his invoice was resolved with the \$50,000 allocation approved by the Board.
87. Attorney Sandler understood from Chairman DiBella that there was a budget of at least \$85,000 for the South Meadows project and a budget of \$50,000 for the property disposition project in 2022. Attorney Sandler stated his understanding of the budgets in an email to Chairman DiBella on May 9, 2022. (324). Chairman DiBella confirmed during his interview that Attorney Sandler was correct about the budget amounts and said that Attorney Sandler probably knew about these budgets because Chairman DiBella told him, but he did not know.

At the Board meeting on July 11, 2022, District Counsel Stone confirmed that the MDC Board approved the \$50,000 budget, which was set aside out of his budget, but he could not spend the money unless he had Board approval. (July 11, 2022 Board Meeting Transcript). During his interview, District Counsel Stone explained that the concept of the property disposition project was approved by the MDC Board for fiscal year 2022 as part of the Board’s budget. He said that it appeared as a line item without funding and would return to the Board with a budget in early Spring, 2022. District Counsel Stone stated that a budget of \$50,000 was approved for appraisers and consultants, which could be Attorney Sandler, but the type of services and identity of the appraisers and consultants was not specified. He said that Commissioner Salemi, as Chairman of the Board of Finance, was to determine how to use the money, which would be used for future expenses, not to pay Attorney Sandler’s past bills.

During his interview, Chairman DiBella stated that District Counsel Stone and Commissioner Salemi developed a budget for Attorney Sandler, which was approved by the Board but was to be used prospectively on fees. He recalled that he called Commissioner Salemi after Mr. Jellison informed them that he was not going to pay any more property disposition bills, and he told Commissioner Salemi

that he needed to work this out. According to Chairman DiBella, District Counsel Stone, Commissioner Salemi, and Attorney Sandler created a resolution to present to the Board for the \$50,000 budget to be used prospectively.

Mr. Jellison stated during his interview that the Board of Finance approved a \$50,000 budget for the property disposition project, which was agreed to by the MDC Board. However, the \$50,000 would not be spent without clear direction from the Board as to how it would be spent. In addition, he stated that the scope of the \$50,000 was to be managed by the MDC staff and the Legal Department and was to be used for expenses, such as for appraisers, outside the expertise of the MDC staff. He recalled that District Counsel Stone stated that the \$50,000 was not to be used to pay Attorney Sandler's prior invoices.

88. Attorney Sandler claimed that he continued to work on the South Meadows project despite being told by District Counsel Stone on February 11, 2022 that the issue of solid waste collection and disposal was referred to the Bureau of Public Works and "work on this issue should be held in abeyance pending the outcome of BPW's work." (097). Invoices from Sandler & Mara #2021-04-14 dated March 1, 2022, #2021-04-15 dated April 1, 2022, #2021-04-16 dated May 1, 2022, #2021-04-17 dated June 1, 2022, #2021-04-18 dated July 1, 2022 all refer to Attorney Sandler's work on the South Meadows project.
89. On June 8, 2022, Sandler & Mara sent the property disposition invoice dated October 1, 2021 in the amount of \$14,095.25 to District Counsel Stone. (114).
90. District Counsel Stone and Attorney Sandler did not speak about Attorney Sandler providing legal services for 2022. In his email of May 9, 2022 to Chairman DiBella, Attorney Sandler stated that he "never received the promised call from Chris." (324). Attorney Sandler also stated in his email of June 23, 2022 to District Counsel Stone that subsequent to May 4, 2022, DiBella had repeatedly advised him on a weekly basis that District Counsel Stone would be calling Attorney Sandler to discuss matters that he had been attending to for the MDC. (140). Mr. Jellison stated during his interview that District Counsel Stone was upset with Attorney Sandler because Attorney Sandler was going around him to Chairman DiBella. Mr. Jellison said that he discussed with Chairman DiBella that Attorney Sandler needed to speak with District Counsel Stone if he wanted to work with the MDC. During his interview, Chairman DiBella stated that he told Attorney Sandler that District Counsel Stone had money in his budget for Attorney Sandler's services, but it was Stone's decision to hire him.
91. Chairman DiBella asked both District Counsel Stone and Mr. Jellison to find some legal work for Attorney Sandler in 2022. District Counsel Stone's email of June 3, 2022 to Mr. Jellison stated that both he and Mr. Jellison had been asked to find work for Attorney Sandler. (103). In addition, District Counsel Stone stated that he had intended to assign some work to Attorney Sandler, but Attorney Sandler had a conflict. Attorney Sandler attempted to circumvent District Counsel Stone in assisting a company without going through the open procurement process even though District Counsel Stone had asked him not to approach the company. (103). Mr. Jellison confirmed during his interview that Chairman DiBella asked both him and District Counsel Stone to find work for Attorney Sandler in 2022, but neither of

them had any work for him. Mr. Jellison stated that he wanted to keep legal fees in the Legal Department in 2022.

92. On June 7, 2022, District Counsel Stone learned that Attorney Sandler was holding invoices for services performed in 2022, as Attorney Sandler was awaiting confirmation from Chairman DiBella that the “promised” budgets had been established. (105). District Counsel Stone did not expect there to be any invoices for 2022 work because no contract for services existed between Attorney Sandler and the MDC. (Stone Summary Timeline, #22). District Counsel Stone forwarded the email he received from Attorney Sandler’s office about “promised budgets” to Chairman DiBella on July 6, 2022. (151). During his interview, Chairman DiBella did not recall District Counsel Stone’s email of July 6, 2022 or the June 7, 2022 email from Attorney Sandler’s office but thought that the budget Attorney Sandler was referring to was the \$50,000 budget that was approved by the Board. Chairman DiBella stated that he does not read all of his emails, “especially with this baloney” because he has no responsibility with respect to paying invoices. He commented that he was playing golf four times per week in July, 2022 and did not look at his emails. Chairman DiBella recalled during his interview that he told Attorney Sandler that if he had bills, he should send them out. He also stated that Attorney Sandler called him more than once about District Counsel Stone calling him, and Chairman DiBella told him that District Counsel Stone would call him. Chairman DiBella said that he was very clear with Attorney Sandler that he did not have authority to make payments or direct what Attorney Sandler was doing on the task force.
93. On June 8, 2022, Sandler & Mara reiterated to District Counsel Stone’s office that Attorney Sandler was continuing “to await confirmation from Bill DiBella that the ‘promised’ budgets have been established for 2022.” (114). According to Chairman DiBella, the issue of Attorney Sandler’s invoices was with District Counsel Stone and Commissioner Salemi.
94. Even though Sandler & Mara had no contract for services with the MDC for 2022, Attorney Sandler issued invoices for services performed in 2022.

On June 8, 2022, Sandler & Mara sent an invoice for Attorney Sandler’s work on the Energy matter in October, November, and December, 2021 and January, 2022 to District Counsel Stone’s office. (112). This invoice, #2009-28-98, is dated June 1, 2022 and addressed to District Counsel Stone. Pages with detailed entries containing dates from October 22, 2021 to January 3, 2022 address the invoice to Chairman DiBella, cc’ing Mr. Jellison. The total amount of the invoice is \$3,672.50. Entries reflect that Attorney Sandler had conferences on certain dates with various individuals, including Chairman DiBella (on January 3, 2022, the only January entry). The MDC did not pay this invoice.

Attorney Sandler sent the Energy invoice (\$3,672.50) and the Property Disposition invoice (\$14,095.25) along with the following invoices to District Counsel Stone and Chairman DiBella on July 26, 2022 in response to District Counsel Stone's request of that same date that he provide his invoices for work in 2022.<sup>4</sup>

Sandler & Mara addressed invoice #2021-04-13 dated February 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during January, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. The total amount of the invoice is \$11,807.25. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-04-14 dated March 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during February, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. The total amount of this invoice is \$12,028.25. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-04-15 dated April 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during March, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. The total amount of this invoice is \$8,541.00. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-04-16 dated May 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during April, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella, Commissioner Salemi, and District Counsel Stone. The total amount of this invoice is \$9,421.75. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-05-04 dated June 1, 2022 to Chairman DiBella, cc'ing Mr. Jellison. This invoice indicates that it is in reference to "Property Disposition" and contains detailed entries by date and hours worked by Attorney Sandler during October, 2021, November, 2021, February, 2022, March, 2022, and May, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella and Commissioner Salemi. The total amount of the invoice is \$8,950.50. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-04-17 dated June 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during May, 2022.

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<sup>4</sup> Attorney Stone or his assistant had also made requests for Attorney Sandler's 2022 invoices on June 8, 2022, June 10, 2022, and June 13, 2022.

Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. The total amount of this invoice is \$6,175.00. The MDC did not pay this invoice.

Sandler & Mara addressed invoice #2021-04-18 dated July 1, 2022 to District Counsel Stone. This invoice is in reference to "South Meadows" and contains detailed entries by date and hours worked by Attorney Sandler during June, 2022. Entries reflect that Attorney Sandler had conferences with various individuals, including Chairman DiBella. The total amount of this invoice is \$10,344.75. The MDC did not pay this invoice.

95. Sandler & Mara's outstanding invoices for 2021 and 2022 total \$85,036.25. During his interview, Mr. Jellison stated that he was "shocked" about the \$85,000 in bills submitted by Attorney Sandler relating to the South Meadows and property disposition projects because District Counsel Stone had made it clear that he had no work for Attorney Sandler in 2022. He stated that he was not expecting any bills from Attorney Sandler in 2022.
96. According to District Counsel Stone, the South Meadows work was all but over at the end of 2021, and no one was working on the South Meadows project in 2022. There was not much for the task force to do.
97. Chairman DiBella knew that Attorney Sandler was continuing to work on the South Meadows project in 2022. While Chairman DiBella stated during his interview that he did not recall talking about the South Meadows with Attorney Sandler, he stated that he thought Attorney Sandler was working on the task force and said that he had no reason to question that because he received a significant amount of information from Attorney Sandler concerning environmental issues and the closing of the garbage plant in the South Meadows. In addition, when reviewing Attorney Sandler's invoices from February to July, 2022, which state that Attorney Sandler had several conferences with Chairman DiBella, Chairman DiBella stated that he did not think the invoices were a "fraud" but said that he did not recall all of the meetings listed. He did recall working with one of the individuals listed, Ed Spinella, as well as attending breakfast meetings with Attorney Sandler, although he was unsure if the breakfast meetings were in 2021 or 2022. He also stated that he could have been on some of the calls. During his interview, Chairman DiBella stated that he did not tell Attorney Sandler to continue working on the South Meadows project and said that he did not control what Attorney Sandler did.

Other evidence also indicated that Chairman DiBella knew that Attorney Sandler was continuing to work on the South Meadows project. In an email dated June 10, 2022 from Attorney Sandler to District Counsel Stone, Attorney Sandler stated that the invoices for 2022 "involve the South Meadows project under the direction of Bill DiBella." (128). Also, Attorney Sandler forwarded District Counsel Stone's email of June 13, 2022 to Chairman DiBella in which District Counsel Stone stated that he was not aware of any invoices for legal work on the South Meadows project for 2022, and that as Attorney Sandler was aware, the MDC Board directed that any expenses relating to surplus land sales needed to be submitted to and approved by the Board. (134). Attorney Sandler forwarded District Counsel Stone's email to Chairman DiBella with the comment, "Really?" (322). Chairman DiBella stated

during his interview that he was not surprised to receive this response from Attorney Sandler and did not respond to his email.

Also, on or about July 25, 2022, Chairman DiBella told Mr. Jellison that he was aware that Attorney Sandler was working on issues but thought he had a contract he was authorized to bill against, even though Chairman DiBella knew as of December 6, 2021 that the engagement agreement had ended in 2021 and as of February 17, 2022 that District Counsel Stone had not created a purchase order for 2022 for Attorney Sandler. (181).

98. Chairman DiBella admitted that he authorized Attorney Sandler to perform work on the trash task force in 2022 until his conversation on June 13, 2022 with District Counsel Stone about additional invoices forthcoming from Attorney Sandler. Chairman DiBella said that he stopped by Attorney Sandler's office and told him that he needed to submit his bills. He stated that he was surprised by Attorney Sandler's 2022 invoices because he did not remember attending all of the meetings listed in the invoices.
99. The work performed by Attorney Sandler in 2021 on the Energy matter as reflected in the Energy invoice was included in the scope of work under the engagement letter dated February 23, 2021. District Counsel Stone stated during his interview that he intended that any work performed for the MDC by Sandler & Mara in 2021 was included in the scope of the engagement per the letter of February 23, 2021 and paid by the monthly retainer, except for a lawsuit in which Attorney Daniel Mara represented the MDC. He also stated during the MDC Board meeting on December 6, 2021 that he knew Attorney Sandler was working on this matter, which was included in the retainer. During his interview, Mr. Jellison acknowledged that Attorney Sandler was working on energy issues and stated that he expected that his work was within the scope of the engagement letter with the retainer. During his interview, Chairman DiBella stated that the energy issue was a legal issue, and therefore, Attorney Sandler's invoices relating to energy should have been paid out of District Counsel Stone's budget in 2021.
100. Mr. Jellison was able to confirm only one entry (December 10, 2021) in the Energy invoice indicating Attorney Sandler's work on that matter. (117). During his interview, he stated that he did not believe that all of the meetings listed in Attorney Sandler's Energy invoice from October to January, 2022 occurred.
101. Mr. Jellison, District Counsel Stone, and Chairman DiBella understood that the \$50,000 approved by the MDC Board for the property disposition project was for prospective costs only, not to pay Attorney Sandler's invoices prior to the approval of funds. (117, 120). During his interview, Chairman DiBella confirmed that this budget was for prospective costs, not to pay prior bills.

102. Neither Mr. Jellison (or his staff) nor District Counsel Stone authorized Attorney Sandler to perform any work for the MDC in 2022.

In an email to Attorney Sandler on June 13, 2022, District Counsel Stone told Attorney Sandler that he was not aware of any invoices for legal work on the South Meadows project for 2022. (134).

District Counsel Stone emailed Chairman DiBella and Mr. Jellison on July 5, 2022 forwarding Attorney Sandler's email of June 10, 2022, which states that his 2022 work on South Meadows was "under the direction of Bill DiBella." (147). During his interview, Chairman DiBella denied that he directed legal work for South Meadows and said that he told District Counsel Stone that he did not have that authority.

On July 6, 2022, Mr. Jellison emailed District Counsel Stone and Chairman DiBella stating that neither he nor his staff authorized Attorney Sandler to perform any work on the MDC's behalf in 2022. (147). He also sent an email to District Counsel Stone and Chairman DiBella that day stating that per his direction and commitment to the Bureau of Public Works on January 10, 2022 as well as discussions with the MDC Board on November 3, 2021, there was to be no more billing or spending on new technology, electrical, South Meadows, or land surplus issues without notifying the subcommittee and/or the full Board, and they had a responsibility to notify the Board if Attorney Sandler was occurring legal expenses in 2022 on land surplus, South Meadows issues, or any other issue. (154). During his interview, Mr. Jellison stated that he had told Chairman DiBella many times that they could not move forward with incurring any fees until notifying the Board.

In an email dated July 6, 2022, District Counsel Stone informed Chairman DiBella and Mr. Jellison that he was not aware of any services performed in 2022 by Attorney Sandler or any "promised budgets" being established. (151). During his interview, Chairman DiBella said that he did not recall seeing District Counsel Stone's email that forwarded Attorney Sandler's position that he was waiting to submit 2022 invoices.

At the Board meeting on July 11, 2022, District Counsel Stone and Mr. Jellison stated that they did not authorize Attorney Sandler's work. (July 11, 2022 Board Meeting Transcript). During his interview, Mr. Jellison stated that he did not know that Attorney Sandler was working on the South Meadows project in 2022.

On July 26, 2022, after receiving Attorney Sandler's outstanding invoices from District Counsel Stone, Mr. Jellison responded that he did not authorize any of the billings. (187).

At the Special MDC Board meeting on August 1, 2022, both District Counsel Stone and Mr. Jellison denied authorizing the work in the 2022 bills. (August 1, 2022 Board Meeting Transcript, Minutes 1:26:22.7, 1:26:34.2).

During his interview, Mr. Jellison stated that District Counsel Stone made it clear that, to his knowledge, Attorney Sandler was not working on the South Meadows project. He said that he told Chairman DiBella that, if he wanted Attorney Sandler to work on the South Meadows project in 2022, he needed to bring this issue to the MDC Board.

103. Attorney Sandler addressed the February, 2022 through July 1, 2022 invoices related to South Meadows to District Counsel Stone not because District Counsel Stone had authorized the work, but because such invoices were historically addressed to the legal department. In an email of July 26, 2022, Attorney Sandler replied to District Counsel Stone's inquiry as to why the 2022 invoices were billed to the legal department by simply stating, "historical." (191).
104. Chairman DiBella was in contact with Attorney Sandler about Attorney Sandler's 2022 invoices and District Counsel Stone's request of July 18, 2022 for copies of Attorney Sandler's communications and emails relating to the South Meadows project for 2021 and 2022. In an email on July 25, 2022, Mr. Jellison informed District Counsel Stone that he had told Chairman DiBella that they needed to address Attorney Sandler's work and bills as soon as possible with the MDC Board, and Chairman DiBella told him that Attorney Sandler would not be ready with his emails and bills for the Board's August 1, 2022 meeting. (181). During his interview, Mr. Jellison recalled that Chairman DiBella cancelled the August 1, 2022 Board meeting and told him that he wanted Mr. Jellison and District Counsel Stone to meet with Attorney Sandler. Mr. Jellison did not agree and said that Attorney Sandler should meet with the entire Board. (225).
105. In a letter dated February 13, 2023 to investigator Patrick McHale, Attorney Raymond Hassett, who represents Sandler & Mara, acknowledged that the engagement of Sandler & Mara by the MDC for calendar year 2021 was for a fixed fee and contended that the statements submitted by Sandler & Mara were, therefore, reporting on activity, not statements for payment. Yet Attorney Sandler submitted three separate invoices, apart from the invoices for the fixed fee, for the property disposition project (dated May 26, 2021, June 27, 2021, and October 1, 2021) outside of the fixed fee arrangement, two of which Mr. Jellison paid.

Attorney Hassett further stated that the descriptions on the statements reflect the nature of activity and do not express meetings or conferences in person. Yet, both the retainer statements and itemized statements submitted by Sandler & Mara contain entries using the terms, "conference with," "conferences with," and "teleconference with".

Attorney Hassett also stated that "[t]he general invoicing process in 2021 and 2022 was similar to past invoicing, approved and authorized by General Counsel, Chris Stone, without reservation." While District Counsel Stone approved and authorized the invoicing process for a fixed retainer amount by entering into an engagement letter with Sandler & Mara for the year 2021, the evidence showed that he did not approve and authorize the three invoices submitted by Sandler & Mara in May, June, and October, 2021 for Attorney Sandler's work on the property disposition project. In addition, District Counsel Stone did not approve and authorize any invoicing process for the year 2022 and did challenge the 2022 invoices by explicitly telling Attorney Sandler that the 2021 engagement letter had been closed

out, no purchase order for 2022 had been created, and his engagement letter of February 23, 2021 expired on December 31, 2021.

Attorney Hassett confirmed that Chairman DiBella caused Attorney Sandler to believe that he was engaged in 2022 to continue representing the MDC by Chairman DiBella's suggestion that District Counsel Stone would allocate funds to address the ongoing engagements.

V. Relevant Governing Documents

A. Compiled Charter of The Metropolitan District (January 1, 2022)

The Compiled Charter of MDC ("Charter") provides the powers of the District Board, which include the appointment of a Chairman from its members. See Charter, Sec. 2-8. The Charter also requires that the District Board adopt by-laws and ordinances for the purpose of carrying into effect any of its powers and duties. See Charter, Sec. 2-8. The only express authority provided to the Chairman in the Charter is calling for elections of commissioners (Sec. 2-5; Sec. 2-6), signing bonds (Sec. 2-8; Sec. 4-5), voting on the Board of Finance as an ex-officio member (Sec. 3-1), drawing and signing an order upon each town for its tax (Sec. 3-13), appointing one member of the water bureau of the district to the seven-member commission for boating, hunting, and fishing (Sec. 7-16), and collecting by warrant amounts due to MDC as special benefits in connection with improvements on property (Sec. 12-6).

The Charter requires a written contract for work needed to execute or perfect a public work or improvement or when supplies are needed that involve the expenditure of more than \$25,000. Section 2-16 of the Charter states in relevant part:

Whenever any work shall be necessary to execute or perfect any public work or improvement, or whenever any supplies for the district shall be needed for any particular purpose and such work or supplies shall involve the expenditure of more than twenty-five thousand dollars, except in the case of an emergency to be determined by the district board, a written contract for such work or supplies shall be made under such regulations as the district board may establish, which contract shall be based on sealed bids at least ten calendar days prior to the time designated for opening competitive bids or proposals . . . .

With respect to the Board of Finance, Section 3-1 (Board of Finance, Composition, Powers, Etc.) provides:

There shall be in said metropolitan district a board of finance, consisting of four members of the district board and five taxpayers and electors of said district appointed by the district board who shall hold office each for the term of two years from his appointment and shall not be removed by the district board. Five members shall constitute a quorum. All vacancies shall be filled for the unexpired portion of the term by said district board. The chairman of said metropolitan district shall be an ex-officio member with voting rights on the board of finance. The district clerk shall be the clerk of the board of finance and shall keep a record of its doings. The board of finance may call for information including books and papers in the possession of any bureau, commission, committee or officer of said district and each such bureau, commission or committee or any member thereof and each such officer shall appear before said board of finance when summoned and furnish all facts and data in written, printed or other form concerning the respective departments.

B. General Ordinances

Sec. G8a Supplies and Services

With the exception of the procurement of supplies and services pursuant to Sections G8d, G8e, and G8g below when either an emergency exists or the Chief Executive Officer determines that the interests of the District would be best served by the procurement of such supplies and services through best value based selection or on a single or sole source basis, supplies and services which must be purchased following public bids, pursuant to Section 2-16 of the Charter of The Metropolitan District, if the expenditure for such supplies and services exceeds twenty-five thousand dollars, shall be the same types of supplies and services which must be purchased following competitive bids by the State of Connecticut pursuant to Section 4a-57(a) of the Connecticut General Statutes.

C. By-Laws

B2a Chairman of the District Board

The Chairman of the District Board shall call and preside over meetings thereof; shall issue tax warrants; shall sign, when duly authorized, agreements on behalf of the District; shall sign bonds in facsimile, notes and other certificates of debt; shall call District elections; and perform all other duties set forth in the Charter of the District.

The Chairman of the District Board shall be an ex officio member, with vote, of the bureaus, or committees of the District Board, except on the election of a chairman of the said bureaus, or committees, and except where the charter of said District shall provide otherwise.

The Chairman is empowered to call the first meeting for the ensuring year of each of the several bureaus and committees of the District.

The Chairman, or Vice Chairman, is authorized to sign on behalf of The Metropolitan District, agreements with the State of Connecticut, Department of Transportation for reimbursement by the State for the relocation or removal and reconstruction of water pipes and sewers in connection with construction of state highways, as set forth in the general statutes, subject to approval of the form of agreement by the District Counsel.

B2d Chief Executive Officer

The following is an excerpt from section B2d:

The Chief Executive Officer shall be authorized to sign, on behalf of the District, all contracts to which the District is a party, and such authorization with respect to any such contract involving the expenditure of more than \$25,000.00 shall be upon award of such contract by the District and upon satisfaction by the successful proposer or bidder of all legal requirements of the District pertaining to such award. The Chief Executive Officer is further authorized to delegate such signing authority to any other District officer(s) or employee(s), provided such delegation shall be in writing and a copy thereof shall be filed with the District Clerk.

B2f District Counsel

The following is an excerpt from section B2f:

In any matter affecting the interests of The Metropolitan District involving legal proceedings or otherwise, the District Counsel is authorized and empowered to enter, prosecute, defend and/or intervene in any court in any action at law or suit in equity with full power and authority to cause any writ and complaint to be served; appearance to be made, answers and/or other pleadings, motions and appeal prepared and/or filed and to do any other act necessary and/or convenient for the protection of the interests of The Metropolitan District in connection with any such matter, including the right to retain additional counsel and assistance, expert or otherwise, that he or she may deem necessary, with power to compound or compromise, and/or settle or delegate the settlement of, any action, suit or claim involving not more than \$5,000.00.

B2k Commissioner Interactions with District Staff, Consultants and Contractors

In order to ensure proper adherence with existing protocols of the Board of Commissioners and to maintain awareness of issues or concerns that may arise, should any commissioner or citizen member wish to make a request of any District employee with ultimate reporting authority to the Chief Executive Officer, including Executive Administrative staff, or any of its consultants or contractors, regarding District business, they shall direct their request to the District Chairman and Chief Executive Officer who, upon receipt of any such request, shall either facilitate the interaction between the Commissioner and the appropriate employee, consultant, or contractor, as the case may be, and/or provide the Commissioner with a response to any such request. Any request and/or subsequent response that involve matters of District policy or relate to either customers or member towns generally shall be shared with all Commissioners.

No Commissioner shall take any action in direct contravention to the proper implementation by District staff of the policy decisions and directives formally adopted by the District Board.

Violation of this by-law may result in the subject Commissioner being removed from committee assignments or reassigned to another committee, and/or reporting said violation to his/her appointing authority.

Nothing in this section shall preclude a Commissioner or Citizen Member from making inquiries to District Staff regarding operations or community activities provided such Commissioner or Citizen Member does not, either explicitly or implicitly, ask or direct staff to take or not take any particular course of action.

## VI. Violations of Relevant Governing Documents

Based on the findings of fact, the following violations of the MDC's Charter and By-Laws were found:

1. Chairman DiBella exceeded the authority provided to the Chairman in the Charter and By-Laws when he authorized Attorney Sandler to continue working on the property disposition project after August 17, 2021. Also, none of the governing documents provide such authority to the commissioners. Chairman DiBella admitted that Mr. Jellison told him and Commissioner Salemi that Attorney Sandler's work on the property disposition project should stop because an issue about the payment of his fees existed. Yet, he disregarded Mr. Jellison's directive and did not tell Attorney Sandler to stop working on the property disposition issue even though he knew that Attorney Sandler was continuing to work on this issue. In addition, he discussed with Commissioner Salemi and Attorney Sandler the need for a budget to continue Attorney Sandler's work, and there was an understanding that Attorney Sandler would continue working until the budget was resolved. Further, Chairman DiBella knew, but ignored, that the MDC had no engagement letter or contract with Sandler & Mara for Attorney Sandler's work in 2022.
2. Chairman DiBella exceeded the authority provided to the Chairman in the Charter and By-Laws when he authorized Attorney Sandler to work on the South Meadows project in 2022. Also, none of the governing documents provide such authority to the commissioners. Chairman DiBella admitted that he authorized Attorney Sandler to perform work on the Hartford Solid Waste Task Force in 2022, and Attorney Sandler stated that he was performing the work "under the direction of Chairman DiBella." In addition, Chairman DiBella knew that Attorney Sandler was performing work on the South Meadows issues and property disposition project even though Attorney Sandler had no engagement letter with the MDC in 2022.
3. Chairman DiBella violated the third paragraph of Section B2k of the By-Laws, which prohibits Commissioners from "either explicitly or implicitly, ask[ing] or direct[ing] staff to take or not take any particular course of action," when in 2022 he asked Mr. Jellison to pay the Sandler & Mara invoice dated October 1, 2021 in the amount of \$14,095.25, which was received in 2022 relating to the property disposition project.
4. Commissioner Salemi exceeded the authority provided to the Board of Finance in Section 3-1 of the Charter when he continued to work on the property disposition project with Attorney Sandler after August 17, 2021, the date that Mr. Jellison directed that Attorney Sandler's work on the property disposition project end. Also, none of the governing documents provide such authority to the commissioners. Commissioner Salemi disregarded Mr. Jellison's directive and continued working on the project with Attorney Sandler because he expected that funding would be approved by the Board and Attorney Sandler would ultimately be paid. Thus, Attorney Sandler agreed to work "in good faith" due to his communications with Commissioner Salemi. In fact, Commissioner Salemi acknowledged that he attended all of the meetings reflected in the entries of Attorney Sandler's invoice dated June 1, 2022. Further, he, Attorney Sandler, and Chairman DiBella discussed the need for a budget to continue Attorney Sandler's work, and there was an

understanding that Attorney Sandler would continue working until the budget was resolved.

5. Attorney Sandler's work listed in entries after August 17, 2021 in the Sandler & Mara invoice #2021-05-03 (Property Disposition) dated October 1, 2021 (totaling \$4,013.75) was not properly authorized by the MDC. Mr. Jellison directed on August 17, 2021 that all work by Attorney Sandler stop, and Chairman DiBella, Commissioner Salemi, and Attorney Sandler all knew about this directive.
  
6. While the work listed in entries dated in 2021 in the Sandler & Mara invoice #2009-28-98 (Energy) were properly authorized by the MDC, the payment for this work was included in the retainer fee paid under the February 23, 2021 engagement letter between Sandler & Mara and the MDC. One entry in this invoice, dated January 3, 2022, however, was not authorized by the MDC, since the engagement letter dated February 23, 2021 expired on December 31, 2021, and no engagement agreement existed between Sandler & Mara for the year 2022.
  
7. Attorney Sandler's work listed in the following invoices was not properly authorized by the MDC because no engagement agreement existed between the MDC and Sandler & Mara for the year 2022, and also, with respect to the property disposition project, Mr. Jellison had directed that Attorney Sandler's work stop after August 17, 2021: (1) invoice #2021-05-04 dated July 1, 2022 (Property Disposition) in the amount of \$8,950.50; (2) invoice #2021-04-13 dated February 1, 2022 (South Meadows) in the amount of \$11,807.25; invoice; (3) invoice #2021-04-14 dated March 1, 2022 (South Meadows) in the amount of \$12,028.25; (4) invoice #2021-04-15 dated April 1, 2022 (South Meadows) in the amount of \$8,541.00; (5) invoice #2021-04-16 dated May 1, 2022 (South Meadows) in the amount of \$9,421.75;(6) invoice #2021-04-17 dated June 1, 2022 (South Meadows) in the amount of \$6,175.00; (7) invoice #2021-04-18 dated July 1, 2022 (South Meadows) in the amount of \$10,344.75.

VII. Recommended Changes (Note: To the extent any of the following recommendations relate to the Office of District Counsel, many of these recommendations are consistent with past and existing procedures of that office)

Based on this investigation, the following changes in procedures and/or the MDC governing documents are recommended:

1. Only the District Counsel should have the authority to retain outside counsel.
2. The District Counsel, on behalf of the MDC, should enter into a written agreement with outside counsel for legal services regardless of whether the work is being performed for the Legal Department. The agreement should specify the terms of the engagement, including rates, whether fixed or hourly, a general description of the services, and the length of the agreement.
3. When working on a matter requiring legal services, Commissioners and MDC staff should consult with the District Counsel to obtain authorization for the use of outside counsel. If approved by the District Counsel, the District Counsel should prepare an engagement agreement with outside counsel.
4. The District Counsel should provide the terms of the engagement of outside counsel to the Commissioners or MDC staff who are working with the outside counsel.
5. All legal invoices from outside counsel should be sent to the District Counsel for review and approval before they are paid.
6. None of the services provided by outside counsel should be separate from their engagement agreement entered into with the District Counsel.
7. Retained outside counsel should report to the District Counsel regardless of the project. While other MDC staff and Commissioners may be points of contact, the District Counsel should at least be made aware of the work being performed by the retained attorneys.
8. Commissioners and MDC staff should contact the District Counsel before working with outside counsel to confirm that the outside counsel has been properly retained and legal services have been approved by the District Counsel.
9. When authorization for a project is withdrawn by the CEO or other MDC staff, a formal written document should be prepared and distributed to inform all relevant individuals, including outside counsel working on the project and the District Counsel (if outside counsel has been retained).
10. The agreements with outside counsel and the By-Laws should specify that Commissioners have no authority to engage legal services or to authorize legal work on behalf of the MDC and that such authority is held exclusively by the District Counsel.

11. All attorney work-product prepared by outside counsel should be provided to the District Counsel who shall report on the status of all matters for which legal services are engaged to all MDC Commissioners to eliminate the creation of silos of information among select individuals on the MDC Board.
12. Outside counsel who are hired by the MDC should be required, per the engagement agreement, to submit bills for their services on a monthly basis so that the practice of billing for time spent on MDC matters many months in arrears does not reoccur.
13. The first paragraph of Section B2k in the MDC By-Laws, which appears designed to prohibit the MDC Commissioners and citizen members from pressuring the MDC employees to act or refrain from acting in a desired manner, is unclear. It should be modified to require the MDC Commissioners (including the MDC Chairman) to direct any individual requests only to the Chief Executive Officer, not to both the District Chairman and the Chief Executive Officer, because all District employees ultimately report to the Chief Executive Officer.

# **EXHIBIT 1**



Riverview, Suite 312  
800 Cottage Grove Road  
Bloomfield, CT 06002  
Phone: (860) 241-7700  
Fax: (860) 241-7701

PRIVILEGED SETTLEMENT CORRESPONDENCE

December 19, 2022

Via Email

The Metropolitan District  
c/o William A. DiBella  
Chairman  
555 Main Street  
Hartford, CT 06142

Re: *Sandler & Mara, P.C. Invoices*

Dear Chairman DiBella:

Sandler & Mara, P.C. hereby withdraws and removes invoices submitted to The Metropolitan District for payment of its legal services rendered in calendar year 2022. It was our understanding and belief that, just as in the prior year 2021, the engagement for each service had been properly approved and funds had been allocated within the District legal budget for said engagement. For unknown reasons, it appears the 2022 approval was not made.

The record that the firm has already supplied to the MDC shows that our firm was retained to provide services in connection with south Hartford issues in 2021. We billed the MDC for that work, and were paid monthly, without question for most invoices. At the beginning of 2022, the circumstances for which we were engaged continued, but the approval by District Counsel for the new annual engagement for the same scope lagged. We continued to provide services, in good faith, on matters required, while awaiting confirmation of the formal engagement from District Counsel. For the entire duration of our lengthy association with the MDC, formal engagements typically followed well behind the instructions to represent the District in developing or moving matters. Based on past practices, there was little concern. This was misplaced.

During 2022, we repeatedly informed the District of our activities, confirmed by invoices, as was the past practice. Those invoices were not addressed, and we raised questions with both District Counsel and with you, Chairman DiBella. On more than one occasion, the Chairman repeatedly assured us that the south Hartford initiatives remained important to the MDC and that District Counsel would contact us to confirm the billing and retainer issues. Attorney Stone never made a call to confirm the payment and billing arrangement. To date, we are unaware of any steps taken to properly address payment for services rendered. Instead, Attorney Stone ultimately reiterated that there was

no 2022 budget for the south Hartford issues unless we had another arrangement with the Chairman. We continued to provide services with the presumption that the matter would be resolved.

That scope of the 2022 services remained of strategic value to the District and its member towns. The objective of the engagement was realized. The site, in close proximity to District property, is contaminated with coal, ash and other contaminants and there are dangerous incursions in the dike which must be addressed to protect the Connecticut River. Additionally, Materials Innovation and Recycling Authority has irresponsibly proposed to abandon the facility and leave its buildings and equipment in place instead of clearing the valuable 83-acre site for redevelopment. Such redevelopment could include District facilities (including environmentally sound generation of electricity at the adjoining peaking jets facility to increase revenue and enhance services to member towns and the region).

The District has a vital continuing interest in the South Meadows. It currently conducts many of its activities there, and should maintain a responsible, leadership and collaborative role in determining the reuse and development of the site consistent with the principles of environmental justice. It developed and successfully operated the trash plant there for decades.

We have had the distinct privilege and honor to render legal services to The Metropolitan District since 1972, in numerous capacities. Throughout all five decades, my firm was directed and supported by a bipartisan, unified and visionary Board of Commissioners, committed to continuing the District's essential role as the very best example of regional government, while providing critical services to its member municipalities and the region.

Many current District Commissioners may not be aware of this lengthy professional relationship and history of various roles and engagements. A summary is offered to document the accomplishments and successes, in contravention of those who may question otherwise:

Initially in 1972, we personally engaged as Labor Counsel: I along with my firm participated in the Hartford Fire Organization Study. Conducted union contract negotiations, mediation and successful final and binding last best offer arbitration. Conducted grievance hearings and negotiated grievance resolutions. We also participated with District management in the design of wage classification studies and pension actuarial and findings evaluation and negotiations.

Development of The Mid-Connecticut Project: We served as legal counsel in virtually every aspect of the MDC "partnership" with Connecticut Resources Recovery Authority ("CRRA") including Drafted MDC-CRRA Operating Agreement, Municipal Services Agreement, Construction Agreement with Combustion Engineering, City of Hartford Landfill Lease, Connecticut Light & Power Company ("CL&P") Power Purchase Agreement – favorable rate of 8.5 cents per kilowatt hour. Served as counsel at permitting hearings at Department of Environmental Protection ("DEP") and Connecticut Siting Council. We recruited Town participation and negotiated minimum put or pay commitments from member municipalities. Negotiated the plant modification and ultimate system acceptance with Combustion Engineering. Represented the MDC in the CRRA landfill operation dispute.

Development of the Goodwin-Colebrook Hydroelectric Projects: We initiated the MDC interest in development of hydroelectric facilities on the Farmington River as a defense against commercial development which would have conflicted with the District's interests on the West Branch. Prepared successful applications to the Federal Energy Regulatory Commission for the license and exemption of the power plants. Negotiated and drafted the construction agreements with ONG and Catalyst Energy. Represented the MDC before the Siting Council and Department of Public Utility Control ("DPUC") for required approvals. Developed the protocol for and secured the first Diversion Permit from the DEP under the newly established Connecticut Water Diversion Policy Act. Negotiated the power purchase agreement with CL&P for the record payment for on peak power, resulting in millions of dollars of net income to the MDC. Represented the MDC in the contract dispute with Catalyst Energy, the contractor at Colebrook, resulting in the recovery of performance bond and letter of credit collateral which protected the District from the contractor's default. Successfully represented the MDC before the DPUC in the contested docket dispute with CL&P rejecting annual CL&P line cost charges. Negotiated with CL&P the buydown of the power purchase agreement resulting in the payment to the MDC of \$13 million. Secured the DPUC approval of the CL&P buydown. Negotiated the CL&P withdrawal of a claim against the District for violation of contract requirements for power quality, resulting in the revision of the contract in favor of the MDC and a substantial economic saving.

Connecticut River Cleanup: Designed the District's media campaign to secure referendum approval of the project for "cleanup of the Connecticut River" in November 1990. Received a citation of appreciation by the Board of Commissioners.

Farmington River Wild & Scenic Study: Served as counsel to the District in the Farmington River Wild & Scenic Study to ensure the protection of the District's interests in the West branch by providing the District with an absolute veto by the MDC of any action which would be adverse to the District. Received a citation from the National Park Service for the effort.

CRRA Litigation: Participated in the defense of the CRRA-MDC contract termination arbitration dispute as an MDC witness and in organizing the defense of the contract which we drafted. Participated with District counsel and litigation attorneys in the preparation for and presentation of the MDC case in the CRRA arbitration.

Energy Matters: Having served for 30 years as a member and Chairman of the Connecticut Energy Advisory Board, we represented the MDC in the highly profitable "surrender" of the MDC's power purchase agreements after the electric industry deregulation. Represented the MDC in procurement of electricity and natural gas with contracts preparation, organization and attendance at reverse auctions. Participated in development of the Windsor solar energy array and Puddletown station renewable energy project.

Sale of Surplus Property: Engaged with District Staff and development professionals in the plan for the extensive development of District's Glastonbury surplus Class III land and the approval of the State Bond Commission appropriation resulting in the sale of the property for \$8.5 million.



The Honorable William A. DiBella  
Chairman  
The Metropolitan District  
December 19, 2022  
Page 4

It is clear that these engagements were productive and contributed to maintenance and extension of District services for member towns.

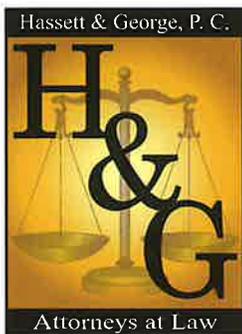
As noted above, the firm herewith withdraws and removes the calendar year 2022 invoices and will not seek payment, with continuing best wishes for, and confidence in, the continued successful service by The Metropolitan District to its member municipalities and the Central Connecticut region. This decision is made with recognition of the past services of Sandler & Mara, P.C. and its past and present attorneys. More importantly, this decision will allow closure for both the MDC and Sandler & Mara, P.C.

Respectfully,

A handwritten signature in black ink, appearing to read 'James P. Sandler', with a large, sweeping flourish at the end.

James P. Sandler

# **EXHIBIT 2**



**Hassett & George, P.C.**  
Attorneys at Law

945 Hopmeadow Street 628 Hebron Avenue, Ste 212  
Simsbury, CT 06070 Glastonbury, CT 06033

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

**Raymond M. Hassett**  
*rhassett@hgesq.com*  
(860) 651-1333, ext. 125

*Please reply to Glastonbury*

February 13, 2023

**Privileged Correspondence**

**Via Email** [pmchale@kemplaw.com](mailto:pmchale@kemplaw.com)

Patrick McHale, Esq.  
Kainen, Escalera and McHale, PC  
21 Oak Street, Suite 601  
Hartford, CT 06106

Re: MDC Invoices Sandler & Mara

Dear Attorney McHale:

Since I have not heard from you in some time, I have taken the liberty of contacting you relative to the above referenced matter.

As you know this office represents Sandler and Mara ("S&M") relative to payment of invoices submitted to the MDC for work in 2021 and 2022, which you are investigating. Without waiving prior concerns and privilege claims, I feel it is important for you to understand a fundamental aspect of the arrangement my client had with the MDC, before rendering an opinion.

The engagement of S&D for calendar year 2021 was budgeted for a fixed fee and was not discontinued or altered. It is critical to note that the statements submitted by S&D were therefore reporting on activity, not statements for payment, as the engagement was understood to be a flat rate engagement. The descriptions on the statements submitted reflect the nature of activity and do not express meetings or conferences in person. These are not itemized requisitions for defined services, as frequently seen in the legal industry. Rather the explanations describe the individuals who are involved or related in the matters addressed, including legislators, Hartford City officials, industry participants and other individuals whose interests align with the MDC. These persons were involved to protect the South Meadows property and counter MIRA operations, to name a few.

Therefore, payment for services was not correlated to hours billed. If this was the case, many MDC bills would have far exceeded payment for hourly services. The general invoicing process in 2021 and 2022 was similar to past invoicing, approved and authorized by General

**Hassett & George, P.C.**

February 13, 2023

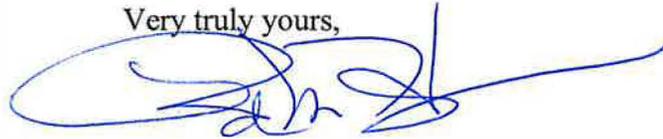
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Counsel, Chris Stone, without reservation. Clearly, Attorney Stone also understood this to be the case, as they were not challenged. These methods were known and approved through past practice.

S&D believed and had reason to understand the firm was engaged in 2022 to continue in this representation, as years prior. Jim Sandler believed, and had reason to understand, he was engaged in 2022 to continue in this representation. It was suggested by the Chairman that General Counsel Stone would allocate funds to address the ongoing engagements. With that understanding he continued providing the services which were designed to protect the MDC interests in the South Meadows and took the opportunity for a restoration of its remunerative operations for added revenues and services to the District member municipalities. In fact it was the participation of Jim Sandler together with other MDC representatives Steven Bonafonte, James Sanchez and Clarence Corbin who served on the Hartford Solid Waste Task Force leading to the now successful effort to terminate the operations of the MIRA facility.

It is unfortunate that the wonderful work performed by Attorney Sandler for over 5 decades, for the benefit of the MDC and the people it served, is now tainted with this investigation.

Very truly yours,



Raymond M. Hassett

RMH/lol

cc: client

*S:\Commercial Litigation\Sandler Mara PC\correspondence\Corr to Atty McHale.docx*

**INTERNAL AUDIT COMMITTEE  
RESOLUTION AND RECOMMENDATIONS TO THE DISTRICT BOARD FOLLOWING  
INDEPENDENT COUNSEL REPORT RE: SANDLER & MARA PC**

To: District Board

April 10, 2023

From: Internal Audit Committee

At a meeting of the Internal Audit Committee held on April 4, 2023, it was:

**Voted:** The Metropolitan District Internal Audit Committee hereby adopts the following resolution:

Whereas, at a Special Meeting of The Metropolitan District Board of Commissioners (“District Board”) called pursuant to MDC By-Law B1b and held on August 1, 2022, the Board referred the matter of outstanding 2021 and 2022 Sandler & Mara, P.C. legal invoices to the Internal Audit Committee; and

Whereas, at its meeting of September 6, 2022, the Internal Audit Committee adopted a resolution recommending that the District Board create a budget in the amount not to exceed \$50,000.00 for the Internal Audit Committee to retain outside legal counsel to conduct an independent investigation into issues relating to 2021 and 2022 Sandler & Mara, P.C. invoices; and

Whereas, at its meeting of September 7, 2022, the District Board adopted the foregoing resolution of the Internal Audit Committee, thereby creating a budget in the amount not to exceed \$50,000.00 for the Internal Audit Committee to retain outside legal counsel to conduct an independent investigation into issues relating to 2021 and 2022 Sandler & Mara, P.C. invoices; and

Whereas, at its meeting of October 11, 2022, the Internal Audit Committee selected the firm of Kainen, Escalera & McHale to conduct the independent investigation; and  
Whereas, at its meeting of March 16, 2023, the Internal Audit Committee received a draft report from counsel conducting the independent investigation; and

Whereas, at its meeting of March 16, 2023 and March 29, 2023, the Internal Audit Committee thoroughly reviewed the draft report;

Now Wherefore, the Internal Audit Committee resolves as follow:

1. The Internal Audit Committee concurs with the findings set forth in the “Investigation Report Relating to Sandler & Mara, P.C. Invoices” prepared by Attorneys Patrick McHale and Jennifer Dixon of Kainen, Escalera & McHale, P.C. and dated April 4, 2023 (“Report”), including the recommendations

contained therein, and the report is hereby accepted and forwarded to the District Board for its consideration and action as it deems appropriate; and

2. In addition to the recommendations set forth in the Report, the Internal Audit Committee also recommends the following to the District Board:
  - a. The District Board refer to the Committee on MDC Government the development of an annual training and orientation of new and existing Board members to provide such members with information relating to their specific authority under the District Charter, Ordinances and By-Laws and the operation, organization, and governance of The Metropolitan District in general.
  - b. The District Board refer to the Committee on MDC Government the issue of whether, and if so to what extent, the terms of the chairpersons and vice chairpersons of the Board and all committees, bureaus and subcommittees should be limited, by ordinance or by-law, and direct said Committee to report its recommendations, if any, to the District Board on or before July 1, 2023.
  - c. The District Board refer to the Committee on MDC Government revision of By-Law 2Bk to provide that the MDC Chairperson and Commissioners direct individual requests only to the Chief Executive Officer, not to the Chief Executive Officer and the District Chairperson, and other revisions as it deems advisable.

Respectfully submitted,



John S. Mirtle, Esq.  
District Clerk

**THE METROPOLITAN DISTRICT COMMISSION**

555 Main Street  
Hartford, Connecticut 06103  
Monday, April 3, 2023

**PRESENT:** Commissioners Andrew Adil, John Avedisian, John Bazzano, Richard Bush, Donald Currey, William A. DiBella, David Drake, John Gale, Peter Gardow, Joan Gentile, James Healy, Allen Hoffman, Jean Holloway, Gary Johnson, Byron Lester, Diane Lewis, Maureen Magnan Jacqueline Mandyck, Dominic Pane, Bhupen Patel, Pasquale J. Salemi, Alvin Taylor, Calixto Torres and James Woulfe (24)

**REMOTE ATTENDANCE:** Commissioners Christian Hoheb, Mary LaChance, and David Steuber (3)

**ABSENT:** Commissioners Kyle Anderson, Clifford Avery Buell, Dimple Desai, Michael Maniscalco, Jon Petoskey, and New Britain Special Representative Michael Carrier (6)

**ALSO PRESENT:** Scott Jellison, Chief Executive Officer  
Christopher Stone, District Counsel  
John S. Mirtle, District Clerk  
Chris Levesque, Chief Operating Officer  
Kelly Shane, Chief Administrative Officer  
Jamie Harlow, Director of Human Resources  
Sue Negrelli, Director of Engineering  
David Rutty, Director of Operations  
Robert Schwarm, Director of Information Technology  
Carrie Blardo, Assistant to the Chief Executive Officer  
Victoria Escoriza, Executive Assistant  
Dylan Pecego, IT Consultant (Remote Attendance)  
Joe Szerejko, Independent Consumer Advocate (Remote Attendance)

**CALL TO ORDER**

The meeting was called to order by Chairman DiBella at 5:33 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.

**APPROVAL OF MINUTES**

***On motion made by Commissioner Pane and duly seconded, the meeting minutes of March 6, 2023 were approved. Commissioners Adil and Healy abstained.***

**PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS**

Bridgette Prince began to provide public comment.

***Commissioner Currey made a point of order due to the topic not being on the agenda. Chairman DiBella informed Ms. Prince that she is able to make general public comment at the end of the meeting.***

Cynthia Jennings began to provide public comment but then stated she would wait until the end of the meeting for the general public comment section.

**REPORT FROM DISTRICT CHAIRMAN**

***District Chairman DiBella asked CAO Kelly Shane to brief the District Board regarding the #2023-RFI-01 for Technology for Processing Multiple Solid Waste Streams. Mrs. Shane informed the Board that approximately 50 questions were received by potential respondents and the answers will be posted next week to all interested parties via the MDC's ProcureWare online system.***

***Commissioner Lewis entered the meeting at 5:41PM***

**REPORT FROM CHIEF EXECUTIVE OFFICER**

***Scott Jellison, Chief Executive Officer, discussed recent correspondence with CT DEEP regarding street flooding that had been forwarded to Commissioners last week.***

***Commissioner Magnan entered the meeting at 5:44PM***

**REPORT FROM DISTRICT COUNSEL**

***No report was provided***

**PERSONNEL, PENSION AND INSURANCE COMMITTEE  
LOCAL 184 TENTATIVE AGREEMENTS**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

The District reached a tentative contract settlement agreement with Local 184 on March 3, 2023. The agreement was made subject to the ratification with Local 184 and the District's governing bodies.

Local 184 conducted ratification voting on March 28<sup>th</sup>, March 29 and March 30, 2023 and provided notice to the District to confirm that the unit had voted to accept the tentative agreement. Staff and legal counsel recommend that the tentative agreement be approved by this Committee with the recommendation of approval to the full Board of Commissioners.

The significant items of this agreement include:

As to new employees within the bargaining unit hired after December 31, 2022

- Longevity payments-Employees hired after December 31, 2022 are not eligible for longevity payments.
- Pro-Rata Vacation Payment (10 days)- Employees hired after December 31, 2022 are not eligible for Pro-Rata Vacation Payments at retirement.  
*(Current employees are paid two weeks of additional vacation time at time of retirement)*

Applicable to both existing and/or new employees (after December 31, 2022)

- District will implement a Health Enhancement Plan (HEP) in conjunction with the District's Medical Plan. Health Enhancement Program- helps direct employees and spouses to receive age appropriate preventative wellness care that can help employee/spouse well-being by early detection and prevention. The Health Enhancement Plan requires enrolled adults to receive age appropriate activities/exams (employee and enrolled spouse).

Both Employee and Spouse are considered compliant by completing age appropriate requirements within the coverage year (i.e. 2023). If Employee and Spouse are both enrolled, both parties must complete the age appropriate exams/activities to be deemed compliant.

If enrolled individual(s) do not complete age appropriate exams/activities within the coverage year (i.e. 2023), they are deemed non-compliant for the

following plan year and are subject to a 5% increase to existing premiums (noted below). Non-Compliance means either the Employee and/or Spouse did not receive the age appropriate medical exams/screenings.

Existing premiums per Union Contracts:

- PPO- 18% Premium Share (non-smokers)
- HSA- 16% Premium Share (non-smokers)
- Smokers- pay an additional 3% to the above premiums

Example of age appropriate exams/activities.

Service	Age: 21-29	Age: 30-39	Age: 40-49	Age: 50-64	Age: 65+
Preventive Visit (physical)	Once every 3 years	Once every 3 years	Once every 2 years	Once every year	Once every year
Cholesterol Screening	N/A	Once every 5 years	Once every 5 years	Once every 2 years	Once every 2 years
Diabetes Screening	N/A	Once every 5 years	Once every 3 years	Once every 3 years	Once every 3 years
Mammogram	N/A	N/A	N/A	One baseline screening at age 50, then once every 2 years	Once every 2 years
Cervical Cancer Screening	Once every 3 years	Pap smear every 3 years or Pap and HPV combo screening every 5 years	Pap smear every 3 years or Pap and HPV combo screening every 5 years	Pap smear every 3 years or Pap and HPV combo screening every 5 years	N/A
Colorectal Cancer Screening <i>Must complete 1 of 3</i>	N/A	N/A	- Colonoscopy every 10 years - Cologuard every 3 years - Annual FIT/FOB starting at age 45	- Colonoscopy every 10 years - Cologuard every 3 years - Annual FIT/FOB	- Colonoscopy every 10 years - Cologuard every 3 years - Annual FIT/FOB to age 75

The HEP is managed by a third party administrators that works with the District insurance carrier. Notifications are sent to enrolled employees and spouses at various times throughout the year to remind them of required activities (identifies which exams are required) and employees/spouses have access to individual portal to track their progress.

- 1% OPEB Premium Share Participation will be eliminated for all employees.
- Elimination of \$6,000 Life Insurance buy-out at retirement
- General Wage Adjustments
  - For year 2023, effective December 31, 2022 - 5%
  - For year 2024, effective December 29, 2023 – 4%
  - For year 2025, effective December 28, 2024 – 3.5%
  - For year 2026, effective December 27, 2025 – 3%
- Moratorium on negotiable pension matters extended through December 31, 2030.
- Moratorium on reassignments until December 31, 2026
- Longevity- structure will change from hourly (\$0.10-\$0.50) to lump sum as noted below. The Collective Bargaining Agreement will be amended as follows:

- All employees hired on or before December 31, 2022 and who have consistently received satisfactory work performance reports shall receive lump sum longevity payments on the first pay day in July and December of each contract year in accordance with the following schedule:

<u>Years of Service</u>	<u>July</u>	<u>December</u>	<u>TOTAL</u>
10 and over	\$137.50	\$137.50	\$275.00
15 and over	\$187.50	\$187.50	\$375.00
20 and over	\$300.00	\$300.00	\$600.00
25 and over	\$510.00	\$510.00	\$1020.00

- On-Call- amend language to permit weekly (7-days) on-call (\$250 in addition to weekend on-call (\$75). The use of On-Call or Stand-by remains at the discretion of management and may be used as a tool for specific work areas as designated by management.
- Sick leave -amended contract from monthly accrual to 15-days annually to front loaded 15-days. Pro-rated sick time for new hires.  
*(Currently the District provides increments of time on a monthly basis for Union employees and annually for E&E employees)*
- Sick Leave Payout Upon Retirement- formula adjusted to provide a maximum of 100 days paid sick leave (50 days pensionable, 50 days non-pensionable) and section 10.1 amended. *(presently the District pays employees up to 60 day of sick leave at retirement- 50 days are pensionable and 10 days are non-pensionable).*

Employees upon retirement or death (payable to estate) who have completed at least ten (10) years of service with the District except those discharged, shall on the basis of their wage rate as of the time of separation be paid for fifty percent (50%) of their unused accumulated sick leave to a maximum of one-hundred (100) days (max 50 days pensionable and max 50 days non-pensionable). Substitution of vacation time is not permitted. Not payable upon separation or discharge.

- Eliminate Pro Rata Vacation Payments at Termination – advance vacation payments  
*(The District currently pays retiring employees, ½ of the following year vacation allotment for retirements before July 1<sup>st</sup> and the full allotment for retirements July 1<sup>st</sup>-December 1<sup>s</sup>)*

- Work Clothing/Shoes and Meal Allowances- changed allowance to \$900 annual to consolidate allowances into one payment (clothing, shoes, meals, etc). Payable once per year in February.  
*(currently the District pays \$140 annually for show replacement and meal allowances \$10 per meal based on hours worked. Administratively this process is challenging for the employee and supervisor to track and is administratively burdensome on a weekly pay basis)*
- Annual performance appraisals for Local 184 will be due each March for those employees at the top step of their respective labor grade. For employees not at the top step of the labor grade, performance appraisals will be due March and September instead of anniversary date.
- Probationary period for employees changed from 120 days to 90 days and transfer and promotions from 60 days to 90 days.
- Update language regarding use of Plant Operator Trainee (POIT)- Water and/or Wastewater
- Temporary Assignment- Employees, assigned temporarily to work in higher-classified positions by the Department Head with written notice to the Director of Human Resources shall be paid at a rate in the higher classification that provides for at least a one-half step increase not to exceed the maximum step of the higher classification. The pay adjustment shall be effective the first day of performing the higher-classified work.
- Subject to approval of the Personnel, Pension and Insurance Committee and the Board of Commissioners , the District will create a multi-tasking Water Pollution Control Crew Leader (LT-13), requiring Class III certification. Current employees in WPC Crew Leader positions will be provided the opportunity to participate in this one time mass posting subject to certification requirements which will be clarified in the mass posting. The current WPC CL I and WPC CL 2 positions will be eliminated through attrition once there are no longer incumbent employees who either: 1) chose not to avail themselves to the new positions or 2) who fail to successfully attain a Class 3 license.

#### Housekeeping

- Update Discrimination Language of the Collective Bargaining Agreement to be reflective of current regulations.
- Remove Assistant/Spare Language
- Remove reference to “District Driving Permit”
- Update Earned Time language consistent with Local 1026, Local 3713 and E&E.

- Pension- shall be updated to replace 414(h) with 457(b)
- Update contract with current co-payment structure  
*(co-payment correction for inpatient and outpatient services- Outpatient listed as 50- s/b100; Inpatient listed as 125 s/b 250). Update Appendix F.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

**VOTED:** That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

**RESOLVED:** That the Board of Commissioners of The Metropolitan District hereby authorizes the Chief Executive Officer to implement the terms of the Tentative Agreement executed with the affiliated bargaining units on March 3, 2023 and execute an updated collective bargaining agreement with Local 184 incorporating the terms of the Tentative Agreement.

Respectfully submitted,



John S. Mirtle, Esq.  
District Clerk

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

**PERSONNEL, PENSION AND INSURANCE COMMITTEE  
LOCAL 3713 AMENDED RESTRUCTURE AGREEMENT**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

The District reached a Restructure Agreement with A.F.S.C.M.E. Local 3713 on August 31, 2022 to compress Local 3713 into fewer multi-tasking jobs. The agreement was made subject to approval by the District's governing bodies. On February 6, 2023 the District and the Union amended the Restructure Agreement to include several Engineering Technician positions. On February 27, 2023 the Personnel, Pension & Insurance Committee approved the Restructure Agreement with Local 3713, as amended, and the District Board approved it on March 6, 2023. A further amendment to the Restructure Agreement occurred on March 22, 2023 relating to electronics and electrical positions.

Staff and legal counsel recommend that the Restructure Agreement (as amended) be approved with the recommendation of approval to the full Board of Commissioners.

The amended Restructure Agreement includes the following:

<b>Remaining Local 3713 Position Framework (as amended 02/06/2023 and 03/22/2023)</b>				
<b>Current Position Title</b> (shaded individual job specifications will be replaced with multi-tasking job specifications)	<b>Current Pay Level</b>	<b>New Position Title</b>	<b>New Pay Level</b>	<b>Updated Minimum Qualifications</b>
Real Estate Assessment Technician 1	PT09	<b>Engineering Technician 1</b>  <b>Amended 2/6/2023 to expand multi-tasking responsibilities for Engineering Technician Series</b>	<b>PT07</b>	Associates +3 years' experience (or equivalent for current MDC employees only)
Engineering Drafter	PT09			
Utility Services Technician 1	PT10			
Engineering Technician 1	PT05			
Mapping Technician	PT09			
Utility Services Technician	PT10	<b>Engineering Technician 2</b>  <b>Amended 2/6/2023 to expand multi-tasking responsibilities for Engineering Technician Series</b>	<b>PT09</b>	Associates +4 years' experience (or equivalent for current MDC employees only) Cross-Connection Survey Certified Water Distribution (MDC to provide 18-months for existing MDC employees to obtain Class 1)
Engineering Technician 2	PT09			
Real Estate Assessment Technician 2	PT10			
Senior Engineering Drafter	PT10			
Utility Services Engineering Technician	PT11			
Senior Utility Services Technician	PT11			
Senior Engineering Technician	PT12	<b>Senior Engineering Technician</b>  <b>Amended 2/6/2023 to expand multi-tasking responsibilities for</b>	<b>PT11</b>	Associates +8 years' experience (or equivalent for current MDC employees only) +Must be certified as
Cross Connection Technician 2	PT12			
Cross Connection Technician 1	PT11			
Claims Agent	PT11			

Engineering Technician 3	PT11	<b>Engineering Technician Series</b>		a Connecticut Backflow Prevention Tester and a Cross-Connection Survey Inspector Certified Water Distribution Operator Class 2 (MDC to provide 18-months for existing MDC employees to obtain Class 2)
Principal Engineering Technician	PT14			
Electronics Technician 2	PT13	<b>Electronic Technician Electrical Technician (Electrical License req)</b>	<del>PT10</del> <b>PT12</b>	HS +2 5 years SCADA experience +E1 or E2 license and applicable certifications
Electronics Technician 1	PT12			
	NEW	<del>Control System Technician Instrumentation and Control Systems Technician</del>	<del>PT11</del> <b>PT12</b>	Associates (or equivalent) +4-3 years SCADA experience + applicable certifications
Senior Electronics Technician	PT14	<del>Senior Electronic Technician Senior Electrical Technician</del>	<del>PT12</del> <b>PT14</b>	Associates or equivalent +8 years +E2 license +SCADA + applicable certifications
	NEW	<b>Senior Instrumentation and Control Systems Technician</b>	<b>PT14</b>	Associates (or equivalent) +6 years SCADA experience + applicable certifications

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

**VOTED:** That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

**RESOLVED:** That the Board of Commissioners of The Metropolitan District hereby authorizes the Chief Executive Officer to implement the terms of the Restructure Agreement executed with the affiliated bargaining units on August 31, 2022 (as amended February 6, 2023 and March 22, 2023).

Respectfully submitted,



John S. Mirtle, Esq.  
District Clerk

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

***Without objection, agenda items #9Ci through #9Cvii "Approval of Local 3713 Job Specifications" were consolidated and considered together.***

**JOB SPECIFICATION  
ELECTRICAL TECHNICIAN (3713)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Electrical Technician (proposed PT-12) by consolidating similar positions into one multi-tasking job description. A copy of the proposed specification is attached as re-negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Electrical Technician (PT-12). Similar previous positions titled Electronics Technician 1 (PT-12); Electronics Technician 2 (PT-13) and Electrician/Electronic Technician (PT-10) will be eliminated.

The updated Electrical Technician role proposed pay range is PT-12 (range of \$89,648 to \$107,556.80) as re-negotiated with Local 3713.

**Employee Group: Local 3713  
FLSA Status: Non-Exempt  
Labor Grade: PT-12**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: ELECTRICAL TECHNICIAN**

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**JOB SUMMARY**

Performs full performance level work as an electrical and electronic equipment technician; specializes in the installation, repair, and maintenance of electrical systems and equipment and electronic instrumentation systems for District properties, facilities, equipment, and lines or devices in public utilities systems and electrical and electronic equipment used in production treatment and transmission of potable water and wastewater. Operates light to medium equipment within the District's plant operations divisions, often requiring manipulative ability as well as utilizing job-acquired skills in specialized fields. Performs journey-level electrical work in connection with the construction, maintenance, installation, inspection testing, repair and alteration of electrical power equipment and other electrical equipment and systems found in the District facilities. Performs related work as required.

Responsible for maintaining and supporting the automation & process control infrastructure for water and wastewater systems. Assist in monitoring, building commissioning and operation of electrical and electronic systems. Provide primary level support for maintaining and troubleshooting the electrical and automation & process control infrastructure, which includes on call as well as on site when required. Perform quality assurance checks of electrical, automation & process control systems as required. Assist with the maintenance and integration of computerized maintenance management systems.

**ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Performs full range of electrical and electronic technician work including ensuring the proper operation of all vital process equipment pertaining to water and wastewater processes, performing upgrades and installations to all facilities and operations to improve reliability and efficiency, detecting and repairing difficult electrical and electronic system corrective maintenance and performing preventive maintenance.
- Work collaboratively with design engineers, operations personnel and other District staff on the design, review, inspection, commissioning / start-up and operation of projects that include electrical, electronic equipment and systems.
- Work collaboratively with District Engineering staff to support, maintain, and add to the District's Computer Maintenance Management System (CMMS).

- Perform and/or coordinate maintenance activities on electrical, electronic equipment and/or systems.
- Perform upgrades and provide replacement of equipment, hardware and software.
- Troubleshoot and resolve electrical, electronic system issues.
- Investigate and recommend new technological developments and processes to equipment.
- Advise, instruct, and assist District Maintenance and Operations staff on proper operation and maintenance of electrical, electronic and process control equipment and systems. Provide technical instruction as required.
- Work with members of District Staff to enforce compliance with mandatory electrical and process control policies and procedures.
- Make recommendations to change standards and methods to improve processes and efficiencies.
- Provide support for Instrumentation and Control System Technicians as required.
- Ensure compliance with the Change Management process and process control system life cycle practices.
- Maintain relationship with Electrical and Electronic vendors to keep current with changes in electrical and operational control systems. Review vendor specifications, report findings and make recommendations.
- Responds to emergencies as directed. Serves on-call, as assigned.
- Performs other duties as assigned.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Electrical Maintenance Supervisor or Plant Maintenance Supervisors.

### **MINIMUM QUALIFICATIONS**

High School Diploma plus five (5) years electrical related experience. Must be a licensed Electrician in the State of Connecticut (E-1 or E-2 license), and maintain applicable certifications. Minimum of five (5) years of experience in the construction, maintenance, or electrical fields or equivalent combination of education, training, and experience which provides the requisite skills and knowledge for the job.

Must have a valid driver's license.

### **SPECIAL PREFERRED QUALIFICATIONS**

Experience with data communications systems, protocols, wired and wireless network systems, and radio telemetry.

ETA Associate Certified Electronics Technician (CETa) or ISCET Journeyman Level Certified Electronic Technician preferred.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Read and interpret blueprints, schematics and electrical diagrams and documents;
- Install and maintain electrical systems and equipment;
- Assist with directing of activities of electrical vendors, contractors and other staff;
- Make detailed estimates of materials, supplies, and equipment required for jobs;
- Maintain accurate records of time, labor, materials and equipment for work performed and prepare reports (oral and written) as necessary;
- Use communication and interpersonal skills to interact effectively with coworkers, supervisor, the general public, etc. to exchange or convey information;
- Understand, follow and provide oral and written instructions.
- Independently maintain, troubleshoot, and repair electronic equipment and control systems used in utilities operations such as pumps, SCADA, or similar radio/telemetry devices, control panels, generators, transfer equipment, switch gear systems, and similar apparatus;
- Perform a combination of skilled trades tasks which may require knowledge of electrical, plumbing, mechanical, welding, and other trades required to maintain, repair, and improve potable water and wastewater operations;
- Adjust and regulate a variety of automatic or manually controlled auxiliary equipment or systems to ensure safe operations;
- Anticipate and adjust systems due to changing factors, e.g., water quality, weather, and other factors;
- Repair and replace electronics controls, filters, pumps, valves, generators, mixers, filling machines, and equipment used in monitoring and handling potable water and wastewater processes and operations;
- Understand and follow oral and/or written instructions;
- Operate a personal computer and other automated systems to enter and retrieve data;
- Establish and maintain effective working relationships with managers, supervisors, employees, others;
- Use verbal and written communications skills, including presentation capabilities and the ability to communicate complex issues clearly.
- Use or repair small, medium, and heavy equipment and machinery;
- Participate in process improvement projects as required.

- Operate hand and power tools and equipment in a safe manner;
- Operate and maintain electric motors, transformers, generators, controls, and other electrical equipment;
- Troubleshoot electrical problems in an industrial facility;
- Use computers and related software applications. Including but not limited to SAP CMMS and ERP systems for maintenance and time entry data.
- Use organizational and time management skills with attention to detail.
- Use verbal and written communications skills, including presentation capabilities and the ability to communicate complex issues clearly.
- Rapidly assesses options and likely consequences when under time pressure to make decisions or solve problems.

### **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Electrical Technician (PT-12) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
SENIOR ELECTRICAL TECHNICIAN (3713)**

To: District Board April 3, 2023  
From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Senior Electrical Technician (proposed PT-14) by consolidating similar/previous positions into one multi-tasking job description. A copy of the proposed specification is attached as re-negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Senior Electrical Technician (PT-14). Previous positions titled Senior Electronic Technician (PT-12) and Senior Electronics Technician (PT-14) will be eliminated.

The updated Senior Electrical Technician role proposed pay range is PT-14 (range of \$98,904 to \$118,705.60) as re-negotiated with Local 3713.

**Employee Group: Local 3713  
FLSA Status: Non-Exempt  
Labor Grade: PT-14**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: SENIOR ELECTRICAL TECHNICIAN**

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**JOB SUMMARY**

This position provides full performance level work as an electrical and electronic equipment technician; specializes in the installation, repair, and maintenance of electrical systems and equipment and electronic instrumentation for District properties, facilities, equipment, and lines or devices in public utilities systems and electrical and electronic equipment used in production treatment and transmission of potable water and wastewater. Operates light to medium equipment within the District's plant operations divisions, often requiring manipulative ability as well as utilizing job-acquired skills in specialized fields. Performs journey-level electrical work in connection with the construction, maintenance, installation, inspection testing,

repair and alteration of electrical power equipment and other electrical equipment and systems found in the District facilities. Performs related work as required.

Responsible for maintaining and supporting the automation & process control infrastructure for water and wastewater systems. Provides assistance and collaborate in creating and reviewing engineering plans, designs, monitoring, building commissioning and operation of electrical, automation & process control systems. Provide primary level support for maintaining and troubleshooting the electrical, automation & process control infrastructure, which includes on call as well as on site when required. Perform quality assurance checks of electrical, automation & process control systems as required. Lead in the maintenance and integration of computerized maintenance management systems.

### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Performs full range of electrical and electronic technician work including ensuring the proper operation of all vital process equipment pertaining to water and wastewater processes, performing upgrades and installations to all facilities and operations to improve reliability and efficiency, detecting and repairing difficult electrical and electronic system corrective maintenance and performing preventive maintenance.
- Work collaboratively with design engineers, operations personnel and other District staff on the design, review, inspection, commissioning / start-up and operation of projects that include electrical, electronic equipment and systems.
- Participate in factory witness testing, and coordinate electrical issues between District Engineering and District Operations.
- Work collaboratively with District Engineering staff to support, maintain, and add to the District's Computer Maintenance Management System (CMMS).
- Performs work of lower classifications, as necessary.
- Perform and/or coordinate maintenance activities on electrical and electronic equipment and/or systems.
- Perform upgrades and provide replacement of equipment.
- Troubleshoot and resolve electrical, electronic and process control system issues.
- Investigate and recommend new technological developments and processes to equipment.
- Advise, instruct, and assist District Maintenance and Operations staff on proper operation and maintenance of electrical, electronic equipment and systems. Provide technical instruction as required.

- Work with members of District Staff to enforce compliance with mandatory electrical and process control policies and procedures.
- Make recommendations to change standards and methods to improve processes and efficiencies.
- Provide support and oversee the work of Electrical Technicians and Instrumentation and Control System Technicians as required.
- Ensure compliance with the Change Management process.
- Enforce process control system life cycle practices.
- Develop and maintain relationship with Electrical and Electronic vendors to keep current with changes in electrical and operational control systems. Review vendor specifications, report findings and make recommendations.
- Responds to emergencies as directed. Serves on-call, as assigned.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Electrical Maintenance Supervisor.

### **MINIMUM QUALIFICATIONS**

An Associate's degree plus eight (8) years electrical related experience. Minimum of eight (8) years of experience in the construction, maintenance, or electrical fields or equivalent combination of education, training, and experience which provides the requisite skills and knowledge for the job. Must be a licensed Electrician in the State of Connecticut (E-1 or E-2 license), and applicable certifications.

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license.

Must have a ETA Associate Certified Electronics Technician (CETa) or IS CET Journeyman Level Certified Electronic Technician.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Read and interpret blueprints, schematics and electrical diagrams and documents;
- Install and maintain electrical systems and equipment;
- Direct the activities of electrical vendors, contractors and other staff;
- Make detailed estimates of materials, supplies, and equipment required for jobs and review job plans of others;

- Maintain accurate records of time, labor, materials and equipment for work performed and prepare reports (oral and written) as necessary;
- Develop standard operating procedures and train new staff on work procedures;
- Use communication and interpersonal skills to interact effectively with coworkers, supervisor, the general public, etc. to exchange or convey information;
- Understand, follow and provide oral and written instructions.
- Independently maintain, troubleshoot, and repair complex electronic equipment and control systems used in utilities operations such as pumps, SCADA, or similar radio/telemetry devices, control panels, generators, transfer equipment, switch gear systems, and similar apparatus;
- Perform a combination of skilled trades tasks which may require knowledge of electrical, plumbing, mechanical, welding, and other trades required to maintain, repair, and improve potable water and wastewater operations;
- Adjust and regulate a variety of automatic or manually controlled auxiliary equipment or systems to ensure safe operations;
- Anticipate and adjust systems due to changing factors, e.g., water quality, weather, and other factors;
- Repair and replace electronics controls, filters, pumps, valves, generators, mixers, filling machines, and equipment used in monitoring and handling potable water and wastewater processes and operations;
- Understand and follow oral and/or written instructions;
- Operate a personal computer and other automated systems to enter and retrieve data;
- Establish and maintain effective working relationships with managers, supervisors, employees, others;
- Use or repair small, medium, and heavy equipment and machinery;
- Oversee and train staff in the operation and maintenance of electrical and electronic instrumentation equipment including variable frequency drives and remote terminal units
- Prioritize, plan and oversee projects and workload for the assigned unit; coordinate with internal and external customers regarding project requirements and timelines; delegate work to subordinate staff; assess and plan for future needs.
- Participate in process improvement projects.
- Operate hand and power tools and equipment in a safe manner;
- Operate and maintain electric motors, transformers, generators, controls, and other electrical equipment;
- Troubleshoot electrical problems in an industrial facility;

- Use computers and related software applications. Including but not limited to SAP CMMS and ERP systems for maintenance and time entry data.
- Use organizational and time management skills with attention to detail.
- Use verbal and written communications skills, including presentation capabilities and the ability to communicate complex issues clearly.
- Rapidly assesses options and likely consequences when under time pressure to make decisions or solve problems.

## ADA COMPLIANCE

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Senior Electrical Technician (PT-14) attached hereto be adopted and the Senior Electronic Technician (PT-12) and Senior Electronics Technician (PT-14) job specifications will be eliminated.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
INSTRUMENTATION AND CONTROL SYSTEMS TECHNICIAN (3713)**

To: District Board April 3, 2023  
From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include an Instrumentation and Control Systems Technician (proposed PT-12) by consolidating similar positions into one multi-tasking job description. A copy of the proposed specification is attached as re-negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Instrumentation and Control Systems Technician (PT-12). Previous job specification for Control Systems Technician (PT-11) will be eliminated.

The new Instrumentation and Control Systems Technician role proposed pay range is PT-12 (range of \$89,648 to \$107,556.80) as re-negotiated with Local 3713.

**Employee Group: Local 3713  
FLSA Status: Non-Exempt  
Labor Grade: PT-12**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: INSTRUMENTATION AND CONTROL SYSTEMS  
TECHNICIAN**

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**JOB SUMMARY**

Responsible for implementing, maintaining and supporting the automation & process control infrastructure for water and wastewater systems. Assist in creating and reviewing engineering plans, designs, monitoring, building commissioning and operation of automation & process control systems. Understand and apply new technological systems and multiple vendor products to develop and support innovative system solutions that match operational and business requirements. Assist in the development of standards, practices and policies related to the installation, maintenance and operations of automation & process control systems. Develop, deploy and maintain standard and custom programming and configuration code for

the automation & process control systems. Provide first level support for maintaining and troubleshooting the automation & process control infrastructure, which includes on call as well as on site when required. Manage automation & process control system projects as required. Perform quality assurance checks of automation & process control systems as required. Assist with the maintenance and integration of computerized maintenance management systems.

## **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Assist in developing programming and configuration code for process control systems, make changes to existing programs, review work performed by contractors, participate in factory witness testing, and coordinate control system issues between District Engineering, the contractor, and District Operations.
- Assist in review of control logic strategies and implement programming changes to optimize control strategies for water/wastewater supply, distribution, treatment and collection processes and automate as appropriate.
- Maintain security protocols, firewalls and access for field and operator Supervisory Control and Data Acquisition (SCADA) access for field devices in conjunction with the District's Information Technology department. Provide virus and malicious software protection, and intrusion alert systems with the support of the District's Information Technology department.
- Work collaboratively with District Engineering and Information Technology staff to support, maintain, and add to the District's Computer Maintenance Management System (CMMS) and SCADA system.
- Responds to emergencies as directed. Serves on-call, as assigned.
- Perform and/or coordinate maintenance activities on process control equipment and/or systems.
- Perform upgrades and provide replacement of hardware and software.
- Troubleshoot and resolve process control system issues.
- Investigate and recommend new technological developments and processes to hardware and software platforms.
- Research, recommend and implement systems to enhance control systems functionality and reliability.
- Assist District Maintenance and Operations staff on proper operation and maintenance of Process Control equipment and systems. Provide technical instruction as required.

- Work with maintenance and operations staff to implement policies, standards, practices and guidelines for all phases of process control implementation, operation and maintenance.
- Work with members of District Staff to enforce compliance with mandatory process control policies and procedures.
- Make recommendations to change standards and methods to improve processes and efficiencies.
- Provide support for Electrical Technicians as required.
- Ensure compliance with the Change Management process.
- Enforce process control system life cycle practices.
- Maintain relationship with Process Control vendors to keep current with changes in operational control systems.
- Review vendor specifications, report findings and make recommendations.
- Performs other duties as assigned.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Manager of Maintenance.

### **MINIMUM QUALIFICATIONS**

Associates degree in related field plus three (5) years related experience. Minimum of three (3) years of experience in in the maintenance, troubleshooting, calibration, repair and installation of Process Control Systems (SCADA and DCS), configuration and programming of PLCs / RTUs (Allen – Bradley, Modicon, Rockwell Automation, Siemens, Emerson) and HMIs (Iconics, Intellution (iFix), Wonderware), control and instrumentation loops.or other related experience that provides the requisite skills and knowledge. Significant additional experience and/or certifications or other education and training may be substituted for formal education.

Able to obtain a Control Systems Technician Certificate, Level I (CCST) within 24 months of placement.

Must have a valid driver's license.

### **SPECIAL PREFERRED QUALIFICATIONS**

Experience with data communications systems, protocols, wired and wireless network systems, and radio telemetry.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of Piping and Instrumentation (P&ID) drawings, control system drawings, instrument specifications and feedback loop diagrams.

- Working knowledge of industrial control system platforms including Programmable Logic Controllers (PLC) / Distributed Control System (DCS) / Human Machine Interface (HMI) programming, design, construction, commissioning, configuration and implementation.
- Knowledge of process computers and data collection methods.
- Understanding of computer networking technology, telemetry methods and historical archiving databases.
- Knowledge of project management and application development methodologies and tools.
- Knowledge of business applications, Microsoft Office products and productivity tools (e.g. MS Word, MS Project, Excel, PowerPoint, Visio).
- Demonstrative knowledge of engineering concepts and their application in water/wastewater equipment and systems operations preferred.
- Working knowledge of electrical, electronic, computer, communication, mechanical and instrumentation process control equipment and systems.
- Knowledge of security camera design, installation, programming and maintenance.
- Knowledge of card access design, installation, programming and maintenance.
- Knowledge of building management systems including but not limited to Schneider applications, for control of fire systems, HVAC, mechanical systems, lighting and security systems.
- Demonstrated ability to configure programmable process controllers Programmable Logic Controllers / Remote Terminal Units (Allen Bradley, Modicon, Rockwell Automation, Siemens, Emerson)
- Demonstrated ability to configure HMI with Iconics, Intellution (iFix), or Wonderware.
- Ability to develop Process Control Functional descriptions.
- Demonstrated ability to solve process control problems related to water/wastewater systems.
- Proficient with data communications systems, protocols, wired and wireless network systems, and radio telemetry.
- Strong organizational and time management skills with attention to detail.
- Good verbal and written communications skills, including presentation capabilities and the ability to communicate complex issues clearly.
- Rapidly assesses options and likely consequences when under time pressure to make decisions or solve problems.
- Knowledge of Computer Maintenance Management Systems and applications working in SAP Enterprise Asset Management Suite.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Instrumentation and Control Systems Technician (PT-12) attached hereto be adopted and the Control Systems Technician (PT-11) job specification will be eliminated.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
SENIOR INSTRUMENTATION AND CONTROL SYSTEMS TECHNICIAN**

To: District Board April 3, 2023  
From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include the Senior Instrumentation and Control Systems Technician

(proposed PT-14). A copy of the proposed specification is attached as re-negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Senior Instrumentation and Control Systems Technician (PT-14).

The Senior Instrumentation and Control Systems Technician role proposed pay range is PT-14 (range of \$98,904 to \$118,705.60) as re-negotiated with Local 3713.

**Employee Group: Local 3713**  
**FLSA Status: Non-Exempt**  
**Labor Grade: PT-14**

### **METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: SENIOR INSTRUMENTATION AND CONTROL  
SYSTEMS TECHNICIAN**

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#### **JOB SUMMARY**

Responsible for implementing, maintaining and supporting the automation & process control infrastructure for water and wastewater systems. Provide expert assistance and collaborate in creating and reviewing engineering plans, designs, monitoring, building commissioning and operation of automation & process control systems. Understand and apply new technological systems and multiple vendor products to develop and support innovative system solutions that match operational and business requirements. Lead in the development of standards, practices and policies related to the installation, maintenance and operations of automation & process control systems. Develop, deploy and maintain standard and custom programming and configuration code for the automation & process control systems. Provide first level support for maintaining and troubleshooting the automation & process control infrastructure, which includes on call as well as on site when required. Manage automation & process control system projects as required. Perform quality assurance checks of automation & process control systems as required. Lead in the maintenance and integration of computerized maintenance management systems.

#### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Work collaboratively with design engineers, operations personnel and other District staff on the design, review, inspection, commissioning / start-up and operation of projects that include process control equipment and systems.
- Develop programming and configuration code for process control systems, make changes to existing programs, review work performed by contractors, participate in factory witness testing, and coordinate control system issues between District Engineering, the contractor, and District Operations.
- Review control logic strategies and implement programming changes to optimize control strategies for water/wastewater supply, distribution, treatment and collection processes and automate as appropriate.
- Maintain security protocols, firewalls and access for field and operator Supervisory Control and Data Acquisition (SCADA) access for field devices in conjunction with the District's Information Technology department. Provide virus and malicious software protection, and intrusion alert systems with the support of the District's Information Technology department.
- Work collaboratively with District Engineering and Information Technology staff to support, maintain, and add to the District's Computer Maintenance Management System (CMMS).
- Participate in factory witness testing, and coordination electrical issues between District Engineering and District Operations
- Performs work of lower classifications, as necessary.
- Perform and/or coordinate maintenance activities on process control equipment and/or systems.
- Perform upgrades and provide replacement of hardware and software.
- Troubleshoot and resolve process control system issues.
- Investigate and recommend new technological developments and processes to hardware and software platforms.
- Research, recommend and implement systems to enhance control systems functionality and reliability.
- Advise, instruct, and assist District Maintenance and Operations staff on proper operation and maintenance of Process Control equipment and systems. Provide technical instruction as required.
- Work with maintenance and operations staff to implement policies, standards, practices and guidelines for all phases of process control implementation, operation and maintenance.
- Work with members of District Staff to enforce compliance with mandatory process control policies and procedures.
- Make recommendations to change standards and methods to improve processes and efficiencies.

- Provide support and oversee the work of Instrumentation and Control System Technicians and Electrical Technicians as required.
- Ensure compliance with the Change Management process.
- Enforce process control system life cycle practices.
- Develop and maintain relationship with Process Control vendors to keep current with changes in operational control systems. Review vendor specifications, report findings and make recommendations.
- Responds to emergencies as directed. Serves on-call, as assigned.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Electrical Maintenance Supervisor.

### **MINIMUM QUALIFICATIONS**

An Associate's degree in related field plus six (6) years related experience. Minimum of six (6) years of experience the maintenance, troubleshooting, calibration, repair and installation of Process Control Systems (SCADA and DCS), configuration and programming of PLCs / RTUs (Allen – Bradley, Modicon, Rockwell Automation, Siemens, Emerson) and HMIs (Iconics, Intellution (iFix), Wonderware), control and instrumentation loops or equivalent combination of education, training, and experience which provides the requisite skills and knowledge for the job.

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license.

Must be able to obtain a Control Systems Technician Certificate, Level I (CCST) within in 12 months of placement.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Strong knowledge of Piping and Instrumentation (P&ID) drawings, control system drawings, instrument specifications and feedback loop diagrams.
- Working knowledge of industrial control system platforms including Programmable Logic Controllers (PLC) / Distributed Control System (DCS) / Human Machine Interface (HMI) programming, design, construction, commissioning, configuration and implementation.
- Knowledge of process computers and data collection methods.
- Understanding of computer networking technology, telemetry methods and historical archiving databases.
- Strong knowledge of project management and application development methodologies and tools.

- Knowledge of business applications, Microsoft Office products and productivity tools (e.g. MS Word, MS Project, Excel, PowerPoint, Visio).
- Demonstrative knowledge of engineering concepts and their application in water/wastewater equipment and systems operations preferred.
- Working knowledge of electrical, electronic, computer, communication, mechanical and instrumentation process control equipment and systems.
- Knowledge of security camera design, installation, programming and maintenance.
- Knowledge of card access design, installation, programming and maintenance.
- Knowledge of building management systems including but not limited to Schneider applications, for control of fire systems, HVAC, mechanical systems, lighting and security systems.
- Demonstrated ability to configure programmable process controllers Programmable Logic Controllers / Remote Terminal Units (Allen Bradley, Modicon, Rockwell Automation, Siemens, Emerson)
- Demonstrated ability to configure HMI with Iconics, Intellution (iFix), or Wonderware.
- Ability to develop complex Process Control Functional descriptions.
- Demonstrated ability to solve complex process control problems related to water/wastewater systems.
- Proficient with data communications systems, protocols, wired and wireless network systems, and radio telemetry.
- Knowledge of process improvement and management methodologies including but not limited to Lean.
- Strong organizational and time management skills with attention to detail.
- Good verbal and written communications skills, including presentation capabilities and the ability to communicate complex issues clearly.
- Rapidly assesses options and likely consequences when under time pressure to make decisions or solve problems.
- Knowledge of Computer Maintenance Management Systems and applications working in SAP Enterprise Asset Management Suite.
- Ability to prioritize, plan and oversee projects and workload for the assigned unit; coordinate with internal and external customers regarding project requirements and timelines; delegate work to subordinate staff; assess and plan for future needs.
- Ability to participate in process improvement projects.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Senior Instrumentation and Control Systems Technician (PT-14) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
ENGINEERING TECHNICIAN 1 (3713)**

To: District Board April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Engineering Technician 1 (proposed PT-07) by consolidating similar positions into one multi-tasking job description. A copy of the proposed specification is attached as negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Engineering Technician 1 (proposed PT-07) and will eliminate individual job

specifications such as the Real Estate Assessment Technician 1 (PT-09; Engineering Drafter (PT-09); Utility Services Technician 1 (PT-10) and Mapping Technician (PT-09).

The updated Engineering Technician 1 role proposed pay range is PT-07 (range of \$70,241.60 to \$84,364.80) as negotiated with Local 3713.

**Employee Group: Local 3713**  
**FLSA Status: Non-Exempt**  
**Labor Grade: PT-07**

**METROPOLITAN DISTRICT COMMISSION**  
**CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE:           ENGINEERING TECHNICIAN 1**

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**JOB SUMMARY**

This position provides engineering technical and administrative work.

This position also has the responsibility for making routine technical and engineering technician decisions in accordance with established procedures. This work requires that the employee have some knowledge, skill and ability in surveying, construction inspection, utility services, drafting, mapping and administration of standard water and sewer construction plans and permits.

**ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Serve on a construction inspection team. Assists in inspecting construction and assists in preparing manholes, pits and vaults for entry.
- Maintain records of construction and connections. Compile and prepare reports. Enter, process and retrieve utility services information into a data management system.
- Inspect and monitor the status of pavement and sidewalk restoration.
- Marks out work area for the contractor on the basis of the cut sheet.
- Plans, plots locations, and coordinates the work of contractors.
- Estimates work area and repair costs based on the type of surface to be repaired.

- Maintains records relative to the type, size, and reason for cut, location of street and town, and budget account to be charged on behalf of repairs for District forecasting purposes.
- Enters, processes and retrieves pavement and sidewalk restoration information into a computerized database management system according to established software procedures.
- Communicates with State and Town officials on pavement and sidewalk restoration and other related matters.
- Performs in a safe manner and observes all safety procedures; works in small confined spaces and must be trained in confined space entry procedures.
- Enter, process and retrieve utility services information into a database management system according to established procedures. Issues work orders for Call Before You Dig requests and dispatches staff for emergency repairs.
- Investigates and reports on District claims against transgressors including vehicular and non-vehicular accidents, vandalism, theft, fraud, and debts.
- Investigates and reports on claims against the District including vehicular and non-vehicular accidents, damages and employee misconduct.
- Maintain database of claims
- Assist with inspection of CT DEEP permitted wastewater discharge facilities and equipment and maintain customer/facility information and discharge monitoring reports specific to the FOG, MIU/SIU and groundwater discharge programs.
- Assist Licensed Cross Connection Surveyors
- Maintain property survey and device testing data and create regulatory reports
- Assist with private property surveys
- Coordinate required improvement with contractors
- Communicate with Contractor, Town Officials and Customers
- Draft standard engineering project plans to scale from notes, sketches and scaled drawings.
- Conform drafting to District drafting standards and procedures.
- Research and compile information from a variety of sources to form water and sewer record plans for use within and outside of the organization.
- Interpret project drafting requirements and conduct additional research to produce the needed level of detail in the drawings.
- Inspect project areas or facilities to ascertain field conditions or problems, as directed.
- Prepare and draft as-built plans of water and sewer facilities and related construction.
- Compile and input utility and geographic information, including information from field inspectors, engineering plans, contractor data, and member

town/state projects, into the computerized mapping system according to established procedures.

- Ensure a quality assurance/quality control peer review process has occurred prior to entering record plans and GIS data.
- Conduct source material research, including old geographic information data.
- Serve on a land survey or construction survey team. Cuts brush and clears a line of sight. Assist in locating pipe lines, rights-of-way and property corners and markers. Operate survey transit and other survey instruments, as assigned.
- Review standard sewer and water construction plans for conformance with District and technical utility services standards. Identify problem areas and determine corrective actions to be taken by developers, and contractors and/or engineers. Coordinate plan revisions with developers.
- Issue construction permits. Draft permits for plans receiving review approval. Determine special conditions to be attached to permits and drafts language. Coordinate utility services construction and inspections. Perform or coordinate necessary District clerical and technical services.
- Search land records for titles, descriptions, dimensions, deeds, and encumbrances. Determine property dimensions and other characteristics necessary for assessment of standard and complex properties.
- Determine ownership of a parcel or lot for which a permit has been requested for water and/or sewer service.
- Create detailed assessments and caveat maps for proposed sewer and water main extensions; advise District personnel on assessment charges.
- Review permit agreements for the construction or extension of sewer and water mains for outstanding assessments, connection charges, outlet charges, easements, and encroachments.
- Review requests for encroachments on District property.
- Assist with outreach activities for capital improvement projects
- Calculate District charges and fees for service connections.
- Figure cost estimates, connection charges and assessments, and drafts owner-developer agreements; calculate pipe and meter sizes and initiates billings.
- Perform account maintenance including inputting customer information and creating contracts for services to be provided with accurate billing information.
- Performs in a safe manner and observes all safety procedures; works in small confined spaces and must be trained in confined space entry procedures.
- Uses all tools, equipment and materials responsibly and performs basic inspection and preventive maintenance prior to use. Cleans and maintains any necessary equipment.

- Provides customer service both in-person and over the phone.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Manager of Command Center or Manager of Construction

### **MINIMUM QUALIFICATIONS**

An Associate's degree plus three (3) years construction, utility, drafting, cartography, or related experience.

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of surveying and construction inspection principles and practices as applied to basic engineering technician projects.
- Knowledge of computer technology, as applied to construction inspection.
- Ability to ability to read and interpret plans and blueprints and to inspect utility pipeline construction safely, effectively and efficiently and with firmness and tact.
- Good knowledge, skill and ability in utility construction methods and plan review.
- Knowledge of Connecticut Public Utility Regulatory Authority requirements for Call Before You Dig and the required timeframes to complete the utility mark-out.
- Knowledge of District procedures and processes for documenting claims.
- Knowledge of CT DEEP wastewater discharge programs and requirements along with typical pretreatment equipment and operation and maintenance requirements.
- Knowledge of CT DPH Cross Connection Program and requirements.
- Knowledge of Basic plumbing and electrical work in residential and small commercial buildings.
- Knowledge of Procurement, contracting and work management standard practices.
- Knowledge of State and Local Building Codes.
- Knowledge and understanding of District Ordinances including but not limited to Developer Permit Agreements and Assessments.
- Knowledge of District Engineering standards and manuals and requirements of those standards.

- Knowledge of SAP Customer Account Maintenance and basic SAP Billing and Sales and Distribution Contract Creation.
- Some ability to operate a survey rod, tape, level and survey transit.
- Some ability to follow land and construction survey procedures, to maintain construction records and to prepare inspection reports.
- Some ability in mathematics as applied to surveying and related operations.
- Knowledge of standardized pipe assessment procedures.
- Good knowledge of mapping technology principles and practices as applied to planimetric, thematic and topographic mapping. Some knowledge of computerized mapping digitizing practices.
- Ability in oral and written communications.
- Ability to establish and maintain effective working relationships with coworkers, town officials, vendors, contractors, consultants, and the general public.

### **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Engineering Technician 1 (PT-07) attached hereto be adopted and the Real Estate Assessment Technician 1 (PT-

09), Engineering Drafter (PT-09), Utility Services Technician 1 (PT-10) and Mapping Technician (PT-09) job specifications will be eliminated.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
ENGINEERING TECHNICIAN 2 (3713)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Engineering Technician 2 (proposed PT-09) by consolidating similar positions into one multi-tasking job description. A copy of the proposed specification is attached as negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Engineering Technician 2 (proposed PT-09) and will eliminate individual job specifications such as the Utility Services Technician (PT-10); Real Estate Assessment Technician 2 (PT10); Senior Engineering Drafter (PT10); Utility Services Engineering Technician (PT-11) and Senior Utility Services Technician (PT-11).

The updated Engineering Technician 2 role proposed pay range is PT-09 (range of \$77,438.40 to \$92,872) as negotiated with Local 3713.

**Employee Group: Local 3713  
FLSA Status: Non-Exempt  
Labor Grade: PT-09**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE:           ENGINEERING TECHNICIAN 2**

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**JOB SUMMARY**

This is responsible engineering technical work involving the survey and inspection of utility construction plans and permits, investigation of sanitary sewer, storm drain and water service installations and the operation of applicable instruments/equipment.

Work involves responsibility for safe operation of survey instruments and inspection of construction. Duties include inspecting water and sewer main construction, operating a survey transit and other survey instruments, and maintaining records. This position also has the responsibility for making survey transit operation and construction inspection decisions in accordance with established procedures. This work requires that the employee have good knowledge, skill in surveying, construction inspection, utility services, drafting, mapping and administration of standard water and sewer construction plans and permits.

### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Inspect standard and highly complex utility pipeline and building mechanical systems construction and materials. Instruct contractors in construction practices and in correcting construction errors. Enforce inspection decisions. Oversee contractor pressure tests of water, sewer and force main pipelines.
- Coordinate and track the progress of contracted construction programs. Carry out liaison between District engineers and contractors. Lead construction inspection teams in the largest projects or on-going construction programs, as assigned. Demonstrate construction inspection practices and guides less experienced inspectors.
- Compile outstanding deficiencies for substantially completed construction projects and resolves issues with contractors. Ensure the accuracy and completeness of associated documentation at the completion of a construction project.
- Ensure that work zones comply with MDC and OSHA safety standards.
- Respond to state Call Before You Dig Mark-out Program requests. Interprets existing records using various equipment to accurately identify and mark utilities. Maintain accurate mark-outs and document mark-outs through video/photo and GPS data collection of infrastructure marked out.
- Assist in collection of monies for delinquent water accounts and miscellaneous bills. Confer with customers, attorneys or District personnel regarding collection action. Appear as a court witness representing the District.

Establish payment schedules. Determine abatement of penalties and occupancy/hardship status.

- Respond to inquiries and complaints and assist in the follow-up of claims. Assist in processing and scheduling termination and restoration of service for non-payment. Assist Operations Function with service shut on/off during off-hours. Demonstrate service termination procedures.
- Monitor customer compliance with wastewater discharge limits against Federal/State/Local/District regulations
- Calculate discharge fees related to specific customer discharges.
- Inspect standard cross-connections in all types of structures for backflow conditions. Conducts surveys of industries for possible hazardous waste discharge, determines corrective actions and assures their implementation. Perform surveys at residential and small/medium Industrial and Commercial facilities
- Determine backflow prevention measures for standard problems and assures the implementation of those measures by the owner. Investigate standard water contamination problems, including meter readings, excessive water use, water leaks, and water quality, and determine corrective actions to be taken and assures their implementation.
- -Perform and document private property surveys with regards to the District's sewer backup prevention program and the water and sewer service line inspection and replacement program, including monitoring and tracking of assessments, permitting, execution and completion. Coordinate required improvement with contractors
- -Conduct research and makes recommendations for inclusion of customers' property in the District's inflow, backwater device installation, rain water disconnect, and similar programs. Meet with property owners and others to explain program implications. Assists in development of strategy for effective program presentation, implementation and expansion. Educates customers through home visits and public speaking.
- Review basic plumbing of customer's property to determine applicability to the program. Coordinates activities for inflow and backwater device installation. Receive customer complaints and recommends solutions. Follows up to ensure proper actions.
- Operate all survey equipment, as assigned. Participates in land surveying parties. Survey completed pipeline construction projects for proper line and grade. Prepares not-to-scale as-built drawings and performs calculations. May act as leader of a survey party, as assigned.
- Use survey equipment to provide base map locations involving horizontal and vertical control, topographic, land and boundary surveys; locate existing land

and building features and utilities for records and design purposes (mark-outs); and handle residential inquiries and/or disputes of easements, right-of-ways, and property lines.

- Prepare contracts, including document preparation, revision of existing contract specification, adding new specifications, preparing budgets, preparing requisitions, evaluating bidder qualifications, and determining restoration schedules.
- Administer complex permitting procedures with firmness and tact. Prepare assessment publications, water and sewer liens and District agendas.
- Respond to questions from owners, developers, contractors, attorneys, agencies and the public regarding assessments, water and sewer extensions, liens and other District-related matters. Confer with project engineering staff on real estate considerations of projects.
- Advise District personnel on assessment charges.
- Provide information to customers and others requiring customer financial data. Prepare summaries and analyses financial data according to explicit instructions.
- Coordinate and maintain the document management system files
- Coordinates engineering program activities with other divisions, town officials, vendors, consultants, and the general public.
- Inspects invoices of contractors and others performing program work; coordinates reimbursement to property owners. Arranges follow-up inspections.
- Inspects and analyzes data for power rodding and video camera surveillance. Identifies causes of sewer failures and identifies solutions or corrective actions.
- Performs hydrostatic tests on private force mains, ejector systems and water services to assure adequate pressure. Conducts dye tests to locate defective sewers and drains.
- Drafts, details and letters varied and complex engineering project plans to scale from notes, sketches and scaled drawings. Conforms drafting to District drafting standards and procedures.
- Drafts and letters plans for large and complex utility components and unusual features.
- Interprets project drafting requirements and conducts additional research to produce the needed level of detail in the drawings. Inspects project areas or facilities to ascertain field conditions or problems, as directed.
- Researches and compiles mapping data and creates and updates a variety of map series including topographic, planimetric, regional, town and utility.
- Generates DFX AutoCAD, Shape files, and Drawing files.

- Inspects and tests standard cross-connections in all types of structures for backflow conditions. Conducts surveys of industries for possible hazardous waste discharge, determines corrective actions and assures their implementation. Tests backflow prevention devices.
- Determines backflow prevention measures for standard problems and assures the implementation of those measures by the owner.
- Responds to emergency calls on off hours
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Manager of Command Center or Manager of Construction

### **MINIMUM QUALIFICATIONS**

An Associate's degree plus four (4) years construction, drafting, Utility, or related experience. Must be certified, or be able to be certified within one year, as a CT Backflow Prevention Tester and a Cross-Connection Survey Inspector and a Connecticut Water Distribution System Operator Class I.

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license.

Must be certified as a certified Connecticut Cross-Connection Survey Inspector. Must be certified as a Connecticut Water Distribution System Operator Class I.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of surveying and construction inspection principles and practices as applied to basic engineering technician projects.
- Knowledge of computer technology, as applied to construction inspection.
- Good ability to ability to read and interpret plans and blueprints and to inspect utility pipeline construction safely, effectively and efficiently and with firmness and tact.
- Good knowledge, skill and ability in utility construction methods and plan review.
- Knowledge of cartography, geodesy and photogrammetry principles and practices as applied to topographic, planimetric and thematic mapping.
- Knowledge of automated mapping applications with respect to a geographic information system environment.
- Knowledge of Arc Info, GIS Mapping, and other related software.
- Knowledge of water and sewer system and pipe design.
- Knowledge of claims administration principles and practices

- Knowledge of Public Administration Principles and practices as applied to claims resolution.
- Knowledge of account clerical procedures and techniques in support of claims management
- Knowledge of basic plumbing and electrical work in residential and small commercial buildings
- Knowledge of procurement, contracting and work management
- Knowledge of various ESRI tools, databases and services.
- Knowledge of SAP Sales and Distribution reporting as it relates to department functions
- Knowledge of SAP Project Systems reporting for Developer Permit Agreement Projects and Capital Projects
- Ability in mathematics as applied to surveying and related operations.
- Knowledge of standardized pipe assessment procedures.
- Some knowledge of computerized mapping digitizing practices. Good ability in oral and written communications.
- Ability in oral and written communications.
- Ability to establish and maintain effective working relationships with coworkers, town officials, vendors, contractors, consultants, and the general public.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Engineering Technician 2 (PT-09) attached hereto be adopted and the Utility Services Technician (PT-10), Real Estate Assessment Technician 2 (PT10), Senior Engineering Drafter (PT10), Utility Services Engineering Technician (PT-11) and Senior Utility Services Technician (PT-11) job specifications will be eliminated.

Respectfully submitted,

Scott W. Janison  


**JOB SPECIFICATION  
SENIOR ENGINEERING TECHNICIAN (3713)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Senior Engineering Technician (proposed PT-11) by consolidating similar positions into one multi-tasking job description. A copy of the proposed specification is attached as negotiated with Local 3713.

The proposed job specification continues to enhance the multi-tasking approach to District positions and will result in one multi-tasking job description titled Senior Engineering Technician (proposed PT-11) and will eliminate individual job specifications such as the Cross-Connection Technician 1 (PT-11); Cross-Connection Technician 2 (PT-12); Claims Agent (PT-11); Engineering Technician 2 (PT-11) and Principal Engineering Technician (PT-14).

The updated Senior Engineering Technician role proposed pay range is PT-11 (range of \$85,404.80 to \$102,440) as negotiated with Local 3713.

**Employee Group: Local 3713  
FLSA Status: Non-Exempt  
Labor Grade: PT-11**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: SENIOR ENGINEERING TECHNICIAN**

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**JOB SUMMARY**

This is responsible engineering technical work. Responsible for the survey and inspection of the most complex utility construction plans and operation of all survey equipment, inspection, correction and enforcement of cross-connection back-flow problem maintenance. Duties may include inspecting construction, instructing contractors in making corrections, coordinating construction programs, cross-connection back-flow problem maintenance, and claims administration. This position also has the responsibility for making difficult construction inspection technical field decisions.

Work involves responsibility for assuring that work is carried out according to plans and District and professional standards.

**ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Monitor project construction and financing. Track construction against project schedules. Assure project completion, punch list completion, project viability during acceptance periods, and completion of as-built drawings, as necessary.
- Coordinate project public relations. Resolve public questions and complaints and associated technical and administrative problems. Attend public hearings.
- Assist with the planning, monitoring and coordination of staffing and operational activities for the construction inspection unit, including resolving critical construction project issues in the field.
- Identify and analyze opportunities for improving service delivery methods and procedures; identifies and calculates resource needs; coordinate informational reviews and updates with appropriate management staff; and provide guidance and leadership with the implementation of revised, adjusted and/or new work procedures.
- Direct and coordinate the review of work plans for assigned construction inspection services and activities; assign work activities and projects; monitor and track work flow; review and evaluate work products, methods, and procedures; meet with staff to provide input to identify and resolve problems.
- Assign, review, monitor and track work performed in the field; performs field inspections and approves construction work; reviews and approves inspector diaries, reports, correspondence, memoranda, and recommendations for

change orders and progress payments; confers with construction inspectors, engineers, and contractors regarding contract and plan interpretation and use and provision of construction materials, or methods. This position ensures compliance with the plans, specifications and internal engineering construction standards. Takes appropriate action to correct or remediate construction issues or concerns.

- Coordinate the training, evaluation and motivation of assigned construction inspectors, devising plans and methodologies to work with employees to correct, modify or improve upon production techniques and procedures.
- Administer CBYD program for the District. Report contractor mismarks and hits to regulatory authorities when required. Provide annual summaries of performance. Provide input on improvements to the program and execute improvements as directed.
- Confer and negotiate with claimants or debtors, including individuals, companies, other governmental agencies, attorneys, and insurance companies.
- Determine smaller settlements of claims and recommends settlement levels for larger claims. Collect on bills and arranges for payment schedules with debtors. Handle subrogation matters.
- Oversee the District's wastewater discharge pre-treatment program. Report performance of customers against permitted discharges. Review and address variances with other District departments and communicate non-compliance with enforcement agencies.
- Inspect complex cross-connections in all types of structures for backflow conditions. Conduct surveys of industries for possible hazardous waste discharge, determines corrective actions and assures their implementation. Perform surveys at large Industrial and Commercial facilities
- Determine backflow prevention measures for complex problems and assures the implementation of those measures by the owner. Compile and analyze cross-connection and backflow data in preparation for producing the annual report submitted to CT DPH.
- Coordinate large inspection campaigns for the sewer backup prevention program and the water and sewer service line inspection and replacement program, including monitoring and tracking of assessments, permitting, execution and completion.
- Monitor the use of drafting standards on use of construction plans. Address variances from the standards with appropriate departments.
- Provide improvement opportunities to GIS, Drafting and survey processes, applications and tools and execute improvements as directed.

- Maintain industry best practices for the District in areas of GIS, Drafting and Survey.
- Oversee developer permit projects and non-complex capital improvement projects. Develop work plans for capital improvement projects
- Manage the administration of project development and execution. Schedule project approval and construction activities.
- Prepare reports, applications, forms, contracts, budget transfers, and related project documents. Chair meetings of contractors, developers and other governmental agencies.
- Review water revenue accounts and miscellaneous bills for open receivables. Prepare files to be sent to collections. Provide court testimony as needed.
- Oversee data collection and data accuracy and completeness as it relates to services being provided and billed.
- Monitor customer equipment data accuracy and completeness and provide reports on data cleanliness.
- Responds to emergency calls on off hours.
- Performs in a safe manner and observes all safety procedures; works in small confined spaces and must be trained in confined space entry procedures.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general supervision of the Manager of Command Center or Manager of Construction

### **MINIMUM QUALIFICATIONS**

An Associate's degree plus eight (8) years construction, inspection, utility, or related experience. Must be certified as a Connecticut Backflow Prevention Tester and a Cross-Connection Survey Inspector and a Water Distribution Operator Class II..

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license. Must be certified as a Connecticut Backflow Prevention Tester and a Cross-Connection Survey Inspector.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Thorough knowledge of land and construction survey and inspection principles and practices.
- Good ability to follow land and construction survey procedures, to maintain construction records and to prepare inspection reports.

- Thorough ability to inspect utility pipeline and building mechanical trades construction safely, effectively and efficiently and with firmness and tact.
- Good ability to operate all survey instruments and to survey land and completed construction.
- Considerable ability in mathematics as applied to surveying and related operations.
- Good ability to ability to read and interpret plans and blueprints and to inspect utility pipeline construction safely, effectively and efficiently and with firmness and tact.
- Knowledge of complex insurance claims and legal requirements to support the District in claim response and resolution.
- Knowledge of complex real estate assessment and adjustments
- Knowledge of complex SAP customer contracts including creation and maintenance of SAP Utility and Sales and Distribution Contracts.
- Ability in oral and written communications.
- Ability to establish and maintain effective working relationships with coworkers, town officials, vendors, contractors, consultants, and the general public.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Senior Engineering Technician (PT-11) attached hereto be adopted and the Cross-Connection Technician 1 (PT-11), Cross-Connection Technician 2 (PT-12), Claims Agent (PT-11), Engineering Technician 2 (PT-11) and Principal Engineering Technician (PT-14) job specifications will be eliminated.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

***On motion made by Commissioner Adil and duly seconded, the reports for agenda items #9Ci through #9Cvii "Approval of Local 3713 Job Specifications" were received and the resolutions adopted by unanimous vote of those present.***

***Without objection, agenda items #9Di through #9Dvii "Approval of Exempt & Excluded Job Specifications" were consolidated and considered together.***

**JOB SPECIFICATION  
ASSISTANT MANAGER OF ENGINEERING (E&E)**

To: District Board April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include an Assistant Manager of Engineering (proposed EE-18). A copy of the proposed specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The new Assistant Manager of Engineering role would be labor grade EE-18 pay range from (range of \$ 131,018.61 to \$170,324.17).

**Employee Group: E&E  
FLSA Status: Exempt  
Labor Grade: EE-18**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: ASSISTANT MANAGER OF ENGINEERING**

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**JOB SUMMARY**

The purpose of this classification is to assist with the management of operations, staff and resources of the District's Engineering division. The work includes assisting with the development, design, implementation and management of the District's capital improvement projects for water and wastewater pipelines, pump stations and facilities. . The work includes the development, implementation and maintenance of. asset strategy, analysis programs and development of policies, procedures and standards in support of engineering and construction functions. Additionally, this position is responsible for computer model maintenance to support capital planning decisions; the coordination of petitions and developer permit agreements; and the coordination with utilities, municipalities and state agencies, including paving projects, project related communication/outreach and traffic control for MDC construction projects.

**ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Reviews construction plans for conformance with District design and engineering standards and requirements as necessary.
- Manages the collection of data, assimilation and scheduling of capital improvement projects against a planned schedule for repair, replacement or retrofit or upgrade.
- Coordinates outreach, traffic and operational activities with District goals and projects Assists with state funding applications and follow-up documentation.
- Implements policies, procedures and standards to promote consistency in MDC projects and enhance the efficient delivery of projects.
- Manages design projects to achieve program schedules and budgets, and reviews and recommends project and program modifications to ensure regulatory and program compliance.
- Manages and coordinates petitions and developer permit agreements.
- Oversees the GIS Department; assesses GIS services to ensure responsiveness to user needs; confers with staff, government agencies and other departments on GIS operations; and administers GIS and related vendor contracts.
- Implements best practices for asset management, including maintenance of contemporary valuation and accounting of assets and infrastructure.

- Reviews major initiatives and policy and procedure proposals affecting asset and capital expenditure plans and agreements for service.
- Analyzes, coordinates, and implements special engineering projects. Previews engineering designs and manuals of practice for conformance with professional engineering standards and District requirements.
- Assists in managing assigned resources and budgets for Capital Improvement Project budgets. Manages approved budgets, reviews subordinate unit or sub-activity budgets and monitors and controls activity expenditures. Works to support compliance with fund allocations; and recommends fund transfers as appropriate.
- Participates in the recruitment of applicants for selection. Assist in establishing performance expectations, training and employee development. Evaluates employee performance, counsels employees and provides guidance in addressing employee issues as they arise.
- Maintains effective working relationships with managers and employees from other District work units and with personnel from governmental agencies; coordinates design activities of other District work units to support project objectives and programs; and coordinates activities within the Division and its sub-activity operations, to include the allocation of personnel, materials and equipment.
- Assists in negotiating contracts and provides recommendations and over site on multiple complex contracts, ensuring that policies are consistent, prices are fair, and quality assurance/quality control standards are rigorously enforced.
- Prepares and/or reviews project reports, statistical analyses, project tracking records, correspondence, and other operational and administrative documents.
- Performs other related duties as required.

### **SUPERVISION RECEIVED**

Works under the general direction of the Manager of Engineering.

### **MINIMUM QUALIFICATIONS**

Bachelor's degree in civil engineering, mechanical engineering, environmental engineering, or closely related field; supplemented by minimum eight (8) years previous experience that includes asset management or asset replacement experience, planning and project management work including three (3) years of supervisory and/or managerial experience; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

### **SPECIAL REQUIREMENTS**

Must have a Connecticut Professional Engineer License.

**Must have a valid driver's license.**

## **PERFORMANCE APTITUDES**

**Data Utilization:** Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction:** Requires the ability to function in a managerial capacity for a division or organizational unit. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculation.

**Functional Reasoning:** Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Assistant Manager of Engineering (EE-18) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
MANAGER OF ENGINEERING (E&E)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to update Manager of Engineering (currently EE18). A copy of the proposed updated specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The updated Manager of Engineering role would combine the Manager of Design and Manager of Technical Services into one multi-tasking job description. The proposed pay range will be increased from EE18 (range of \$131,018.61 to \$170,324.17) to EE20 (\$138,569.98 to \$193,997.94). The previous job specifications for Manager of Design and Manager of Technical Services will be eliminated.

**Code:**  
**Employee Group: E&E**

FLSA Status: Exempt  
Labor Grade: EE-20

## METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION

**CLASSIFICATION TITLE:     MANAGER OF ENGINEERING ~~TECHNICAL SERVICES~~**

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### JOB SUMMARY

The purpose of this classification is to oversee the management of operations, staff and resources of the Engineering division. coordinate, supervise, plan and ~~The work includes the development, design, implementation and management of the District's capital improvement projects for water and wastewater pipelines and facilities, pump stations, tanks and facilities~~ asset management programs and technologies. organize the preparation of the District's underground systems repair and replacement schedule and capital project budgets. The work includes the development, implementation and maintenance of asset strategy, analysis programs and development of policies, procedures and standards in support of engineering and construction functions. Additionally, this position is responsible for computer model maintenance to support capital planning decisions; the coordination of petitions and developer permit agreements; and the coordination with utilities, municipalities and state agencies, including paving projects, project related communication/outreach and traffic control for MDC construction projects.

### ESSENTIAL FUNCTIONS

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- ~~Directs~~ Manages and controls the planning and design activities for the District's Capital Improvement Program, Clean Water Program and Integrated Plan.
- ~~Supervises personnel involved in the research, collection, compilation, and publication of the District's capital project budgets.~~ Manages the collection of data, assimilation and scheduling of capital improvement projects against a planned schedule for repair, replacement or retrofit or upgrade.
- ~~Develops and implements plans that coordinate paving, traffic, project related communication/outreach, utility relocation and third party project coordination related to MDC construction projects.~~ consistent with operational activities with District goals and projects. ~~The ability to plan, organize and cooperate with other departments and managers is essential in this position.~~

- Develops and implements policies, procedures and standards to promote consistency in MDC projects and enhance the efficient delivery of projects.
- Manages design projects to achieve program schedules and budgets, and reviews and recommends project and program modifications to ensure regulatory and program compliance.
- Coordinates petitions ~~s~~ and developer availability and capacity requests and permit agreements.
- ~~• Oversees the GIS Department; assesses GIS services to ensure responsiveness to user needs; confers with staff, government agencies and other departments on GIS operations; and administers GIS and related vendor contracts.~~
- Reviews plans, estimates, reports and recommendations prepared by staff and outside contractors for capital projects
- ~~• Coordinates outreach, traffic and operational activities with District goals and projects~~
- Develops and implements best practices for asset management, including maintenance of contemporary valuation and accounting of assets and infrastructure, transitioning of new assets to Operations and Maintenance departments and development and execution of commissioning programs for new assets.
- Reviews major initiatives and policy and procedure proposals affecting asset and capital expenditure plans and agreements for service.
- Analyzes, develops, coordinates, and implements special engineering projects. Previews engineering designs and manuals of practice for conformance with professional engineering standards and District requirements.
- Manages assigned resources for Capital Improvement projects. Develops project and budget plans and timelines.; develops and submits budget requests for Capital Improvement Project budgets Oversees staff activities and ; manages approved budgets; reviews subordinate unit or sub-activity budgets; monitors and controls activity expenditures related to Capital Improvement Projects to; ensures compliance with fund allocations; and recommends fund transfers as appropriate approved budget.
- Manages assigned staff. ; interviews and recommends applicants for selection, and hiring consistent with District rules and union contracts.; appoints job candidates from approved eligibility lists; assigns work; eWorks with staff to establishes performance expectationsexpectations, and ; provides andand supervisesoversees training and employee development. Provides ; provides guidance and advice to supervisors regarding regarding difficult issues that may arise and work to appropriately address issues and bring them to resolution; assures and enforces safe work practices; evaluates employee

~~performance and approves employee performance evaluations; counsels employees; and administers union contract language and discipline and other personnel actions.~~

- ~~Establishess effective working relationships with managers and employees from other District work units and with personnel from governmental agencies. ; eCoordinates design activities of other District work units to support project objectives and programs. ; and eCoordinates activities within the Division and its sub-activity operations, to include the allocation of personnel, materials and equipment. Assists in negotiating contracts and provides recommendations and over siteoversite on multiple complex contracts, ensuring that policies are consistent, prices are fair, and quality assurance/quality control standards are rigorously enforced.~~
- ~~Ensures that all personnel and facilities operate safely at all times and promote and support an environment in which safety is a priority.~~
- Prepares and/or reviews project reports, statistical analyses, project tracking records, correspondence, and other operational and administrative documents. Provides periodic status reports of projects and activities to demonstrate schedule, budget, deliverable/scope and regulatory compliance. Utilizes reports and other methods to identify and address needs of the department.
- Performs other related duties as required.

## **SUPERVISION RECEIVED**

Works under the general direction of the Director of Engineering.

## **MINIMUM QUALIFICATIONS**

Bachelor's degree in civil engineering, mechanical engineering, environmental engineering, or closely related field; supplemented by minimum ten (10) years previous experience that includes asset management or asset replacement experience, planning and project management work including three (3) years of supervisory and/or managerial experience; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

## **SPECIAL REQUIREMENTS**

Must have a Connecticut Professional Engineer License ~~or ability to obtain within sixty (60) days from date of appointment.~~

**Must have a valid driver's license.**

## **PERFORMANCE APTITUDES**

**Data Utilization**: Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction**: Requires the ability to function in a managerial capacity for a division or organizational unit. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization**: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude**: Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

**Mathematical Aptitude**: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculation.

**Functional Reasoning**: Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

**Situational Reasoning**: Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

## **ADA COMPLIANCE**

**Physical Ability**: Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

**Sensory Requirements**: Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors**: Essential functions are regularly performed without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both*

*prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Manager of Engineering (EE-20) attached hereto be adopted and the Manager of Design and Manager of Technical Services job specifications will be eliminated.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
CONTROL SYSTEMS ENGINEER (E&E)**

To: District Board April 3, 2023  
From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include a new Control Systems Engineer (proposed EE16). A copy of the proposed specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The new Control Systems Engineer role would be labor grade EE-16 pay range from (range of \$ 118,962.19 to \$154,650.85).

**Employee Group: E&E  
FLSA Status: Exempt  
Labor Grade: EE-16**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: CONTROL SYSTEMS ENGINEER**

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## **JOB SUMMARY**

Control System Engineers are responsible for managing, designing, implementing and supporting the automation & process control infrastructure for water and wastewater systems and develop and implement the District's Capital Improvement Programs. Provide expert assistance and collaborate in creating and reviewing engineering plans, designs, monitoring, building commissioning and operation of automation & process control systems. Understand and apply new technological systems and multiple vendor products to develop and support innovative system solutions that match operational and business requirements. Lead in the development of standards, practices and policies related to the installation, maintenance and operations of automation & process control systems. Develop, deploy and maintain standard and custom programming and configuration code for the automation & process control systems. Provide second level support for maintaining and troubleshooting the automation & process control infrastructure, which includes on call as well as on site when required. Manage automation & process control system projects as required. Perform quality assurance checks of automation & process control systems as required. Lead the development and the maintenance and integration of computerized maintenance management systems (CMMS). Manage direct reports as required.

## **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Oversee preparation of short and mid-term Capital Improvement Program plan including facility condition assessment reports, maintenance inspection reports and shutdown and plant coordination requirements.
- Work collaboratively with design engineers, operations personnel and other District staff on the design, review, inspection, commissioning / start-up and operation of projects that include process control equipment and systems.
- Ability to administer projects from conception to start-up within scope, budget and schedule using project management methodology.
- Develop programming and configuration code for process control systems, make changes to existing programs, review work performed by contractors, participate in factory witness testing, and coordinate control system issues between District Engineering, the contractor, and District Operations.
- Review control logic strategies and implement programming changes to optimize control strategies for water/wastewater supply, distribution, treatment and collection processes and automate as appropriate.
- Create and maintain security protocols, firewalls and access for field and operator Supervisory Control and Data Acquisition (SCADA) access for field devices in conjunction with the District's Information Technology department.

Provide virus and malicious software protection, and intrusion alert systems with the support of the District's Information Technology department.

- Work collaboratively with District Engineering and Information Technology staff to support, maintain, and add to the District Computer Maintenance Management System (CMMS) and SCADA system.
- Develop schedules project plans and tasks; identify and pro-actively manage critical path tasks; set and meet interim project goals; set and manage project contingency; and perform change control and all other associated project management efforts needed to ensure that project schedule and budget are met.
- Develop and/or coordinate maintenance activities on process control equipment and/or systems.
- Identify upgrades and replacement of hardware and software, develop capital needs assessment and report findings for inclusion in funding requests.
- Troubleshoot and resolve process control system issues as required.
- Investigate and recommend new technological developments and processes to hardware and software platforms.
- Research, recommend and implement systems to enhance control systems functionality and reliability.
- Advise, instruct, and assist District Maintenance and Operations staff on proper operation and maintenance of Process Control equipment and systems. Provide technical instruction as required.
- Work with maintenance and operations staff to develop and implement policies, standards, practices and guidelines for all phases of process control implementation, operation and maintenance including enhancement of maintenance strategies related to condition based maintenance and predictive maintenance.
- Work with members of District Staff to enforce compliance with mandatory process control policies and procedures.
- Make recommendations to change standards and methods to improve processes and efficiencies.
- Provide support for Instrumentation and Controls Systems Technicians or Electrical and Electronic Technicians as required.
- Ensure compliance with the Change Management process.
- Enforce process control system life cycle practices.
- Develop and maintain relationship with Process Control vendors to keep current with changes in operational control systems. Review vendor specifications, report findings and make recommendations.
- Performs other related duties as required.

### **SUPERVISION RECEIVED**

Works under the general direction of the Manager of Maintenance.

### **MINIMUM QUALIFICATIONS**

Bachelor's degree in related field. Minimum of ten (10) years previous experience in the maintenance, troubleshooting, calibration, repair and installation of Process Control Systems (SCADA and DCS), configuration and programming of PLCs / RTUs (Allen – Bradley, Modicon, Rockwell Automation, Siemens, Emerson) and HMIs (Iconics, Intellution (iFix), Wonderware), control and instrumentation loops or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

### **SPECIAL REQUIREMENTS**

Experience with data communications systems, protocols, wired and wireless network systems, and radio telemetry.

Must obtain an Automation Professional Certificate (CAP) or Control Systems Technician Certificate, Level II (CCST) within 18 months of placement.

**Must have a valid driver's license.**

### **KNOWLEDGE, SKILLS AND ABILITIES**

- Strong knowledge of Piping and Instrumentation (P&ID) drawings, control system drawings, instrument specifications and feedback loop diagrams.
- Working knowledge of industrial control system platforms including Programmable Logic Controllers (PLC) / Distributed Control System (DCS) / Human Machine Interface (HMI) programming, design, construction, commissioning, configuration and implementation.
- Knowledge of process computers and data collection methods.
- Understanding of computer networking technology, telemetry methods and historical archiving databases.
- Strong knowledge of project management and application development methodologies and tools.
- Knowledge of business applications, Microsoft Office products and productivity tools (e.g. MS Word, MS Project, Excel, PowerPoint, Visio).
- Demonstrative knowledge of engineering concepts and their application in water/wastewater equipment and systems operations preferred.
- Working knowledge of electrical, electronic, computer, communication, mechanical and instrumentation process control equipment and systems.
- Strong knowledge of Process improvement and management methodologies including but not limited to Lean
- Demonstrated ability to configure programmable process controllers Programmable Logic Controllers / Remote Terminal Units (Allen Bradley, Modicon, Rockwell Automation, Siemens, Emerson)
- Demonstrated ability to configure HMI with Iconics, Intellution (iFix), or Wonderware.
- Ability to develop Process Control Functional descriptions.
- Demonstrated ability to solve complex process control problems related to water/wastewater systems.

- Proficient with identifying, planning, scheduling, conducting, and coordinating detailed phases of Capital Projects.
- Proficient with data communications systems, protocols, wired and wireless network systems, and radio telemetry.
- Strong organizational and time management skills with attention to detail.
- Excellent interpersonal and people management skills (e.g. listening, coaching, facilitating, tact/diplomacy, employee relations, development, motivation, team building)
- Ability to prioritize and manage multiple projects simultaneously and adapt to changes in priorities efficiently.
- Ability to participate heavily in process improvement projects.
- Excellent client relations skills and customer service orientation.
- Excellent planning, time management and organization skills.
- Good verbal and written communications skills, including presentation expertise and the ability to communicate complex issues clearly.
- Rapidly assesses options and likely consequences when under time pressure to make decisions or solve problems.
- Knowledge of Computer Maintenance Management Systems and applications working in SAP Enterprise Asset Management

## **PERFORMANCE APTITUDES**

**Data Utilization:** Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction:** Requires the ability to function in a managerial capacity for a division or organizational unit. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculation.

**Functional Reasoning:** Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

### **ADA COMPLIANCE**

**Physical Ability:** Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Control Systems Engineer (EE-16) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

### **JOB SPECIFICATION MANAGER OF MAINTENANCE (E&E)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to update Manager of Maintenance (currently EE18). A copy of the proposed updated specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The updated Manager of Maintenance role would change the pay range from EE-18 (range of \$ 131,018.61 to \$170,324.17) to EE-20 (\$138,569.98 to \$193,997.94).

**Code:**  
**Employee Group: E&E**  
**FLSA Status: Exempt**  
**Labor Grade: EE-20**

### METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION

**CLASSIFICATION TITLE:                      MANAGER OF MAINTENANCE**

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#### **JOB SUMMARY**

The purpose of this classification is to supervise and manage the maintenance and repair of the District fleet, plants, facilities, pump stations and operations of sewer and water pumping stations, water storage facilities, and a radio control system. Work involves preparing and administering the department budget, directing and coordinating District maintenance activities and providing technical assessment of equipment and facility problems and needs.

#### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Oversees, plans and directs the goals, objectives and operations of the maintenance department. Reviews reports on Department operations and directs corrections. Supervises and reviews performance of subordinate supervisor and staff employees.

- Plans and directs the development of physical plant facilities. Confers on the design of plant upgrading and modification. Reviews the analysis of purchase requests, equipment purchases and upgrades and recommends expenditures.
- Oversees comprehensive inventory control program, working in collaboration with the Finance Department. Responsible for and accountable for the management of inventory control operations including but not limited to: physical inventory planning, cycle counting, and product moves. Very strong emphasis on leading initiatives to maintain the highest levels of stock accuracy, control processes, and reporting standards
- Compiles and analyzes information on department effectiveness and efficiency, determines operating policies and approves operating procedures. Prepares reports. Reviews forms and reports from subordinate activities.
- Develops, maintains, and institutes operating and emergency response procedures.
- Investigates and assesses equipment and system failures. Responds to and directs emergency repairs. Develops and administers preventative maintenance programs.
- Conducts research into alternate technologies, such as conservation strategies.
- Oversees operating and capital budget requests. Controls department expenditures with fund allocations and approves fund transfers for Finance Department consideration.
- Counsels employees and to the extent necessary, participates in disciplinary proceedings as determined by Human Resources or Office of District Counsel. Appoints job candidates for positions reporting directly and from approved eligibility lists. Approves employee performance evaluations and recommends reclassifications.
- Coordinates department operations and goals with other District departments and governmental agencies. Coordinates department operations and the personnel, materials and equipment necessary for projects, objectives and programs.
- Monitors performance of pump stations and storage during critical periods of high demand, system failure, storms and floods. Directs control operations of the pump station/storage system, coordinates overall system operation with other departments.
- Responds appropriately to common inquiries or complaints from customers, regulatory agencies, or members of the business community.
- Ensures that all personnel and facilities operate safely at all times and promotes an environment in which safety is a priority.
- Operates a personal computer, and general office equipment as necessary to complete essential functions, to include the use of word processing, spreadsheet, database, or other system software.

- Performs other related duties as required.

### **SUPERVISION RECEIVED**

Works under the general direction of the ~~Chief Operating Officer.~~ Director of Facilities.

### **MINIMUM QUALIFICATIONS**

Bachelor's degree in ~~engineering,~~ mechanical, or electrical engineering, or closely related field; supplemented by minimum ten (10) years previous experience that includes ~~engineering,~~ mechanical and/or electrical engineering, including three (3) years of supervisory and/or managerial experience; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job.

### **SPECIAL REQUIREMENTS**

Must have a valid driver's license.

Connecticut Professional Engineer License preferred.

### **PERFORMANCE APTITUDES**

**Data Utilization:** Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction:** Requires the ability to function in a supervisory/managerial capacity for a group of workers. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate and control the actions of equipment, machinery, tools and/or materials requiring complex and rapid adjustments.

**Verbal Aptitude:** Requires the ability to utilize consulting and advisory data and information, as well as reference, descriptive and/or design data and information as applicable.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations.

**Functional Reasoning:** Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze

major problems that require complex planning for interrelated activities that can span one or several work units.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed in an office setting without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Manager of Maintenance (EE-20) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

## **JOB SPECIFICATION COMMAND CENTER AND UTILITY SERVICES ADMINISTRATOR (E&E)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include Command Center and Utility Services Administrator (proposed EE-14). A copy of the proposed specification is attached.

The proposed job specification continues to enhance the multi-tasking approach to District positions. The new Command Center and Utility Services Administrator role proposed pay range is EE-14 (range of \$107,905.95 to \$140,277.73).

**Employee Group: E&E**  
**FLSA Status: Exempt**  
**Labor Grade: EE-14**

### **METROPOLITAN DISTRICT COMMISSION CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE:           COMMAND CENTER/UTILITY SERVICES  
ADMINISTRATOR**

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#### **JOB SUMMARY**

The purpose of this classification is to coordinate staff, resources and operations of the Command Center and Utility Services Departments. Duties include coordinating water and sewer inspections, backwater valve assessments, CBYD responses, cross connection/backflow inspection coordination, claims response and review of construction plans, permitting and recordkeeping.

#### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Plans and develops operational policies and procedures; develops work schedules; monitors department services and operations; ensures activities are responsive; ensures compliance with established policies and procedures, and standards; and implements changes to improve performance.
- Supervises staff; assists in employee selection; assigns work; establishes performance expectations; provides training and employee development; provides guidance and advice regarding difficult customer service and billing issues;

evaluates employee performance; counsels employees; and recommends discipline and other personnel actions as appropriate.

- Scheduling, assigning, directing and evaluating employees in their review of construction plans, construction inspection notes and sketches, and fee calculations
- Coordinates operations with other District functions and government agencies. Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives.
- Assists in analyzing technical problems and procedures and in preparing recommendations and reports.
- Assist with the establishment and maintenance of utility services/cross connection files, records, documentation and databases; reviews records and reports prepared by subordinates; compiles information; maintains customer service activity reports; and prepares operational and statistical reports
- Assists in coordinating short and long-term activities to assure personnel, materials and equipment necessary for projects and objectives.
- Receives, analyzes and responds to difficult customer problems and/or complaints.
- Develops and administers department operating budgets; monitors expenditures; ensures compliance with fund allocations; and maintains accurate records of financial transactions and accounting information for department operations.
- Directs the establishment and maintenance of customer service files, records, documentation and databases; reviews records and reports; compiles information; and prepares operational and statistical reports.
- Oversees and supervises all general and elevated communications between federal, state and local agencies.
- Ensures that federal, state, local and MDC regulations, guidelines, policies and procedures are properly followed and executed.
- Performs other related duties as required.

### **SUPERVISION RECEIVED**

Classification typically reports to the Manager of Command Center/Utility Services.

### **MINIMUM QUALIFICATIONS**

Bachelor's degree in business or public administration, or a related field; supplemented by three (3) years of progressively responsible customer service and administrative experience; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this classification .

Must have a valid driver's license.

## PERFORMANCE APTITUDES

**Data Utilization:** Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction:** Requires the ability to apply principles of persuasion and/or influence over others in coordinating activities of a project, program, or designated area of responsibility; and to apply principles of persuasion and/or influence over others in a supervisory capacity.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, and/or advisory data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication, and division; ability to calculate decimals and percentages; may require ability to utilize principles of fractions and/or interpret graphs.

**Functional Reasoning:** Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership. Ability to exercise independent judgment to apply facts and principles for developing approaches and techniques to problem resolution.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

## ADA COMPLIANCE

**Physical Ability:** Tasks involve the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or workstation.

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Command Center and Utility Services Administrator (EE-14) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
MANAGER OF COMMAND CENTER AND UTILITY SERVICES (E&E)**

To: District Board April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to update the Manager of Command Center (currently EE18). A copy of the proposed specification is attached.

The proposed amendments to the job specification continues to enhance the multi-tasking approach to District positions. The updated Manager of Command Center role would change the title to Manager of Command Center and Utility Services and would change the pay range from EE-18 (range of \$ 131,018.61 to \$170,324.17) to EE-20 (\$138,569.98 to \$193,997.94).

**Code:**  
**Employee Group: E&E**  
**FLSA Status: Exempt**  
**Labor Grade: EE-20**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE:                   MANAGER OF THE COMMAND CENTER &  
UTILITY SERVICES**

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**JOB SUMMARY**

This position is responsible for managing the District's command center and utility services functions.

Primary responsibilities include management of all command center and utility services activities, including emergency water and sewer operations, service and trouble call response, Coordinates response of MDC crews and resources, cross connection/backflow inspections and programs, water and sewer inspections and inquiries, construction plan review and permitting, Call Before You Dig responses, insurance claims response and resolution. This work requires the employee have knowledge, skill and ability in utility pipeline maintenance supervision and in meter and systems maintenance administration.

**ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Manages command center operations, including staffing, alarm responses and emergency and non-emergency water and sewer operations.
- Manages the overall activities of the Command Center function by providing direction to supervisors, responding to after-hour emergencies, and alarm system management.
- Manages cross-connection and backwater valve program inspections and compliance.
- Coordinates division operations with other District functions and government agencies. Coordinates unit operations and the personnel, materials and equipment necessary for projects and objectives.
- Manages and develops division budgets and reviews unit budgets. Approves unit expenditures within fund allocations.
- Ensures that federal, state, local and District regulations, guidelines, policies and procedures are properly followed and executed.
- Administers the District's Call Before You Dig Program.
- Coordinates work crews and resources for emergency and non-emergency calls.

- Responds to emergencies at any time of the day or night, as necessary. Serves on-call for emergencies, as assigned.
- Keeps abreast of industry developments and trends in effective and efficient service delivery. Works to continuously improve the District's service delivery performance.
- Counsels employees. Administers union contract language and discipline. Appoints job candidates from approved eligibility lists. Approves employee performance evaluations and recommends reclassifications. Assures safe work practices.
- Performs special assignments, as assigned.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general direction of the Director of Operations~~Chief Operating Officer~~

### **MINIMUM QUALIFICATIONS**

A bachelor's degree from an accredited college or university in, business, public administration or a related field; supplemented by ten (10) years of experience in utility customer service or related activity, including three (3) years in a supervisory capacity or a combination of education, training and experience that provides the requisite knowledge, skills and abilities for this job. Experience in the water, wastewater and/or storm water industries is preferable.

### **SPECIAL REQUIREMENTS**

Must have a CT Class III Operator Water Distribution System Certificate **or ability to obtain within two (2) years**.

Must have a valid driver's license.

### **PERFORMANCE APTITUDES**

**Data Utilization**: Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction**: Requires the ability to function in a supervisory/managerial capacity for a group of workers. Includes the ability to make decisions on procedural and technical levels.

**Equipment, Machinery, Tools, and Materials Utilization:** Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

**Verbal Aptitude:** Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

**Mathematical Aptitude:** Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; and may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations.

**Functional Reasoning:** Requires the ability to apply principles of logical or synthesis functions. Ability to deal with several concrete and abstract variables, and to analyze major problems that require complex planning for interrelated activities that can span one or several work units.

**Situational Reasoning:** Requires the ability to exercise the judgment, decisiveness and creativity required in situations involving the direction, control and planning of an entire program or set of programs.

## **ADA COMPLIANCE**

**Physical Ability:** Tasks require the ability to exert light physical effort in a sedentary to light work environment, which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (under 25 pounds).

**Sensory Requirements:** Some tasks require the ability to perceive and discriminate visual and/or auditory cues or signals. Some tasks require the ability to communicate orally.

**Environmental Factors:** Essential functions are regularly performed without exposure to adverse environmental conditions.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Manager of the Command Center and Utility Services (EE-20) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

**JOB SPECIFICATION  
ASSISTANT CONSERVATION RANGER (E&E)**

To: District Board

April 3, 2023

From: Personnel, Pension and Insurance Committee

Staff is recommending that the job specification and job classification system be amended to include the Assistant Conservation Ranger (proposed EE-06). A copy of the proposed specification is attached.

The proposed job specification continues to enhance the multi-tasking approach to District positions. The new Assistant Conservation Ranger role proposed pay range is EE-06 (range of \$76,350.63 to \$91,620.78).

**Employee Group: E&E  
FLSA Status: Non-Exempt  
Labor Grade: EE-06**

**METROPOLITAN DISTRICT COMMISSION  
CLASSIFICATION DESCRIPTION**

**CLASSIFICATION TITLE: ASSISTANT CONSERVATION RANGER**

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**JOB SUMMARY**

The purpose of this classification is to provide responsible professional land use work involving the execution of land use programs and activities on District properties.

The work for this classification involves responsibility for maintaining and executing activities with recreational facility users, special interest groups, land owners, regulatory agencies, town officials and the general public on matters such as District

land usage, watershed usage and water conservation. Executes activities involving the operation and maintenance of MDC programs and facilities. This work requires that the employee have knowledge, skill and ability in land use, recreation, and watershed conservation administration.

### **ESSENTIAL FUNCTIONS**

The following duties are normal for this position. The omission of specific statements of the duties does not exclude them from the classification if the work is similar, related, or a logical assignment for this classification. Other duties may be required and assigned.

- Serves as District liaison to recreational facility users, special interest groups and the general public on matters such as watershed usage and water conservation.
- Interacts with the public to assist them in the safe and orderly enjoyment of MDC resources and activities; assists with operational, maintenance and protective duties as required. The nature of this work requires involvement with special-interest groups, field construction and operations crews, as well as relevant program staff and managers.
- Ensures news releases and other public information on environmental issues are forwarded to appropriate personnel.
- Produces reports, maintains inspection records and other related data.
- Executes District water conservation plan for regulatory agencies and other needs. Confers with local officials and landowners on issues of land usage.
- Researches and evaluates ordinances on recreational activity and land use. Recommends District actions. Coordinates issuance of permits and verification of insurance coverage for District recreational lands and facilities users.
- Prepares and maintains reports and records on program effectiveness. Recommends changes as warranted.
- Performs related work as required.

### **SUPERVISION RECEIVED**

Works under the general direction of the Conservation Ranger.

### **MINIMUM QUALIFICATIONS**

A bachelor's degree from a recognized college or university in liberal arts, public or business administration, the social sciences or a related field, plus two (2) years of progressively responsible administrative experience; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills and abilities for this classification.

**SPECIAL REQUIREMENTS**

Must have a valid driver's license.

**PERFORMANCE APTITUDES**

**Data Utilization**: Requires the ability to coordinate, manage, strategize, and/or correlate data and/or information. Includes exercise of judgment in determining time, place and/or sequence of operations. Includes referencing data analyses to determine necessity for revision of organizational components.

**Human Interaction**: Requires the ability to perform in a supervisory capacity over subordinate supervisors.

**Equipment, Machinery, Tools, and Materials Utilization**: Requires the ability to operate and control the actions of equipment, machinery, tools and/or materials requiring complex and rapid adjustments.

**Verbal Aptitude**: Requires the ability to utilize a wide variety of reference, descriptive, and/or advisory data and information.

**Mathematical Aptitude**: Requires the ability to perform addition, subtraction, multiplication, and division; the ability to calculate decimals and percentages; the ability to utilize principles of fractions; and the ability to interpret graphs.

**Functional Reasoning**: Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership, and to exercise independent judgment to apply facts and principles for developing approaches and techniques to resolve problems.

**Situational Reasoning**: Requires the ability to exercise judgment, decisiveness and creativity in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

**ADA COMPLIANCE**

**Physical Ability**: Tasks require the ability to exert moderate physical effort that involves lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (under 50 pounds).

**Sensory Requirements**: Some tasks require the ability to perceive and discriminate: (i) visual and/or auditory cues or signals; and/or (ii) odors. Some tasks require the ability to communicate orally and in writing.

**Environmental Factors**: Essential functions are performed primarily outdoors, frequently exposed to any or all of the following: various weather conditions, high or

deep dangerous places, working near moving mechanical parts, risk of electric shock, vibration, fumes, airborne particles, chemicals, etc.

*The Metropolitan District Commission is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Commission will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer*

At a meeting of the Personnel, Pension and Insurance Committee held on April 3, 2023, it was:

VOTED: That the Personnel, Pension and Insurance Committee recommend to the District Board passage of the following resolution:

RESOLVED: That the job specification for Assistant Conservation Ranger (EE-06) attached hereto be adopted.

Respectfully submitted,



Scott W. Jellison  
Chief Executive Officer

***On motion made by Commissioner Magnan and duly seconded, the reports for agenda items #9DCi through #9Dvii "Approval of Exempt & Excluded Job Specifications" were received and the resolutions adopted by unanimous vote of those present.***

### **COMMISSIONER REQUEST FOR FUTURE AGENDA ITEMS**

Commissioner Mandyck asked for an update regarding the Commissioner Disclosure of Interest Forms.

Commissioner Torres asked for a listing of land acquired as part of the Clean Water Project.

Commissioner Bush asked whether the Request for Information (RFI) responses received will be reviewed solely by the Committee on Technology.

Commissioner Gardow asked a follow-up to Commissioner Mandyck's question and inquired if there are any next steps for the Disclosure of Interest Forms or if they are merely on file.

Commissioner Mandyck replied that other boards that she has served on have had discussions regarding potential conflicts by board members.

### **OPPORTUNITY FOR GENERAL PUBLIC COMMENTS**

Bridgette Price of Hartford provided background of how she got involved in advocating for addressing street flooding. She commentated on the March 6<sup>th</sup> District Board meeting, and stated that there was a March 21<sup>st</sup> meeting at the Legislative Office Building with legislators, citizens and MDC in which a project was discussed for work on Albany Avenue. She was surprised to see that the project was not on the agenda for consideration.

Cynthia Jennings of Hartford is concerned about environmental justice in North Hartford regarding street flooding. She supports the fiscal oversight of the MDC due to taxing power under Public Act 17-1. She does not support other towns paying Hartford's ad valorem taxes or state redirection of PILOT payments to pay a member town's ad valorem tax.

Judy Allen of West Hartford asked about projects discussed including the dredging of the Park River.

### **ADJOURNMENT**

The meeting was adjourned at 6:48 PM

ATTEST:

John S. Mirtle, Esq.  
District Clerk

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Date of Approval