



**COMMITTEE ON MDC GOVERNMENT
SPECIAL MEETING
TUESDAY, OCTOBER 3, 2023
4:00 PM**

<u>Location</u>	<u>Commissioners</u>	
Board Room	Anderson	Healy
District Headquarters	Avedisian	Hoffman
555 Main Street, Hartford	Bazzano (C)	Holloway
	Buell (VC)	Magnan
Dial in #: (415)-655-0001	Desai	Steuber
Access Code: 2303 176 4854#	DiBella (Ex-Officio)	Taylor
Meeting Video Link	Gardow	
	Quorum: 7	

1. CALL TO ORDER
2. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS
3. APPROVAL OF MEETING MINUTES OF JULY 10, 2023
4. CONSIDERATION AND POTENTIAL ACTION RE: REVISION TO BYLAW B2K
5. CONSIDERATION AND POTENTIAL ACTION RE: DEVELOPMENT OF ANNUAL TRAINING AND ORIENTATION OF COMMISSIONERS RELATING TO COMMISSIONER AUTHORITY UNDER DISTRICT'S CHARTER, ORDINANCES AND BYLAWS
6. CONSIDERATION AND POTENTIAL ACTION RE: AGENDA ITEM "COMMISSIONER COMMENTS & QUESTIONS" ON DISTRICT AGENDAS
7. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS
8. COMMISSIONER REQUESTS FOR FUTURE AGENDA ITEMS
9. ADJOURNMENT

REVISION TO DISTRICT BYLAWS

To: Committee on MDC Government for consideration October 3, 2023

On May 9, 2023, the Committee on MDC Government referred to District Counsel the revision of MDC Bylaw § B2k based on recommendations contained within Attorney McHale's "Investigation Report Relating to Sandler & Mara, P.C. Invoices" dated April 4, 2023. District Counsel recommends the below revisions, and further recommends that Bylaw § B2k be moved to Chapter 6, Code of Ethics, of the Bylaws.

Therefore, it is **RECOMMENDED** that it be

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

RESOLVED: That the following revision to The Metropolitan District's Bylaws be adopted as follows:

B2k B6j COMMISSIONER INTERACTIONS WITH DISTRICT STAFF, CONSULTANTS AND CONTRACTORS

In order to ensure proper adherence with existing protocols of the District 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 but not limited to Executive Administrative staff (collectively, "District Staff"), or any of its the District's consultants or contractors, regarding District business, they such Commissioner or Citizen Member 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 or Citizen Member and the appropriate employee District Staff or any such, consultant, or contractor, as the case may be, and/or provide the Commissioner or Citizen Member with a response to any such request. The Chief Executive Officer shall inform the District Chairman and District Counsel of any such requests he/she receives as soon as practicable but in no event later than on or before the next regularly scheduled District Board meeting.

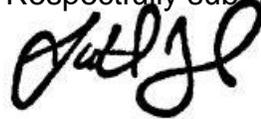
Any request and/or subsequent response that involve matters of District policy or relate to either customers or member towns generally shall be shared with all Commissioners. No Commissioner shall take any action in direct contravention to the proper implementation by District sStaff of the policy decisions and directives formally adopted by the District Board.

Violation of this by-law may result in the subject Commissioner or Citizen Member being referred to the Ethics Advisory Board established under Section B6h of these Bylaws for

consideration of possible recommended sanctions, including but not limited to removed removal from committee assignments, ~~or being 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 interacting in any manner with the District Counsel or, as to matters relating to the Office of the District Clerk, the District Clerk, or 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 District sStaff to take or not take any particular course of action.

Respectfully submitted,



Scott W. Jellison
Chief Executive Officer

**COMMITTEE ON MDC GOVERNMENT
SPECIAL MEETING**

555 Main Street
Hartford, Connecticut 06103
Monday, July 10, 2023

Present: Commissioners John Bazzano, Avery Buell, Peter Gardow, Allen Hoffman, Jean Holloway, David Steuber, Alvin Taylor and District Chairman William DiBella (8)

Remote

Attendance: Kyle Anderson and Maureen Magnan (2)

Absent: Commissioners John Avedisian, Dimple Desai and James Healy (3)

Also

Present: Commissioner Joan Gentile (Remote Attendance)
Commissioner Jackie Mandyck
Commissioner Dominic Pane
Commissioner James Woulfe
Scott Jellison, Chief Executive Officer
Christopher Stone, District Counsel
John S. Mirtle, District Clerk
Christopher Levesque, Chief Operating Officer
Kelly Shane, Chief Administrative Officer
Robert Barron, Chief Financial Officer
Susan Negrelli, Director of Engineering
Tom Tyler, Director of Facilities
Robert Schwarm, Director of Information Technology
Dave Rutty, Director of Operations
Jason Waterbury, Manager of Engineering Services
Victoria Escoriza, Executive Assistant
Dylan Pecego, IT Consultant (Remote Attendance)
Dave Baker, IT Consultant (Remote Attendance)
Joseph Szerejko, Independent Consumer Advocate

CALL TO ORDER

Chairman Bazzano called the meeting to order at 5:29PM

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

Judy Allen of West Hartford spoke regarding the prior meeting minutes which indicate a 5 to 4 vote on the referral from the District Board on chairperson and vice-chairperson

term limits. There were 4 Commissioners absent and not voting and she pointed out the importance of attendance because the vote could have turned out differently.

APPROVAL OF MINUTES

On motion made by Commissioner Buell and duly seconded, the meeting minutes of May 9, 2023 were approved.

SEWER ORDINANCE REVISIONS

To: Committee on MDC Government for consideration July 10, 2023

District staff, through the Office of District Counsel, submits the following ordinance revisions to The Metropolitan District Sewer Ordinances for consideration by the Committee on MDC Government. A public hearing on the proposed ordinance revisions was held on May 30, 2023.

Therefore, it is **RECOMMENDED** that it be

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

RESOLVED: That the following revisions to The Metropolitan District Sewer Ordinances be adopted as follows:

SEWER ORDINANCES:

§ S3c “CONNECTIONS TO SEWERS”

§ S3s “MAINTENANCE OF SEWER CONNECTIONS”

§ S3t “SEWER STOPPAGES”

§ S3u “REPAIR OF HOUSE CONNECTIONS CAUSING STREET CAVITIES”

SEC. S3c CONNECTIONS TO SEWERS

No person shall make any connection to any public sewer of the District or appurtenance thereof, or to any pipe or appurtenance discharging therein, or remove or disconnect any existing connection thereto, except as provided in this ordinance; provided, plumbing work and fixtures within buildings and similar structures may be built and connected as provided by local or state plumbing codes, laws and regulations and by permits issued thereunder. For new house connections to the District’s sewer, the property owner may, at his or her election, request to participate in the District’s Sewer House Connection Program established by the Bureau of Public Works, as may be modified or amended from time to time. The Sewer House Connection Program provides property owners with the option to pay for a new house connection over time as part of their monthly water bill.

The District may, in coordination with or as part of a District or member town's capital improvement project, elect to replace or reline a property's sewer house connection, including the portion on private property, at no cost to the property owner.

SEC. S3s MAINTENANCE OF SEWER CONNECTIONS

~~All Maintenance of the entire length of sewer house connections on private property shall be maintained by, and at the expense of, remains the responsibility of the property owner, subject to Section S3i. When a sewer house connection is in need of replacement or lining, or for a new house connection to the District's sewer, When maintenance on an existing sewer house connection is needed, the property owner may at his or her election, request to participate in the District's sewer Sewer installation House Connection program Program as established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the Sewer House Connection Program are met, the District, or its contractor, will repair, replace or line an existing sewer house connection at no cost to the Property Owner. If the property owner chooses to not participate in the District's program, all maintenance expenses are borne by the property owner. The sewer installation program provides property owners with the ability to pay for house connection replacement, lining or installation over time as part of their monthly water bill.~~

SEC. S3t SEWER STOPPAGES

In the event of complaint regarding a sewer stoppage, the District will ascertain if the main sewer is clear, and if not, any ~~stoppages blockages~~ therein will be relieved as quickly as possible.

If the main (public) sewer is found by the District to be clear, the Owner will be so informed and the Owner ~~shall~~ may then, at his/her own expense, employ a licensed plumber, ~~reputable~~ cleaner or licensed drain layer to clear any stoppage in the sewer house connection.

~~If the licensed plumber, licensed drain layer or reputable sewer cleaner finds that the stoppage is within the sewer house connection located within the public street, and that the stoppage cannot be cleared by power rodding or snaking, the licensed plumber, licensed drain layer or reputable sewer cleaner shall inform the District.~~

~~If upon investigation by the District forces, the stoppage is found in the portion of the sewer house connection located in the public street and the stoppage is of such nature that it could not have been cleared by power rodding or snaking, the condition will be corrected by the District or the District's contractor without additional charge to the Owner.~~

~~If, however, it is found that the stoppage could have been cleared by power rodding or snaking and is not due to faulty condition (disrepair) of the sewer house connection located within the public street, the Owner will be so informed and shall pay to the District the expense incurred by the District. The bill for such expense shall be paid promptly, and failure to do so shall result in the District taking such action as it deems appropriate.~~

Alternatively, the Owner may request to participate in the District's Sewer House Connection Program established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the Sewer House Connection Program are met, the District or its contractor will power rod the house connection to clear a blockage at no cost to the Owner, if applicable. If repair, replacement or relining the sewer house connection is required, the District or its contractor will perform the work at no cost to the Owner. If the Owner elects to participate in the Sewer House Connection Program, the District will make reasonable efforts to clear the blockage in a timely manner and notify the Owner of the anticipated schedule of repair. The Owner shall be the party ultimately responsible for determining whether the anticipated schedule for maintenance/repair under the Sewer House Connection Program will resolve any blockages or other issues in the sewer house connection in a timely manner to avoid potential future damage as a result of the condition of the sewer house connection. Prior to any cleaning or repair being performed under the Sewer House Connection Program, the Owner shall, in writing: (1) authorize the District or its contractor to perform work on and within the sewer house connection including on private property; (2) acknowledge that by performing the work the District does not assume ownership of, or have a continued obligation to maintain, the sewer house connection; and (3) release the District from liability for future potential damages arising from, or related to, the timeliness or scheduling of any planned repair work and damages that may occur as a result of the condition of the sewer house connection prior to performance of the work by the District or its contractor.

Where necessary, the District will repair or renew from the main sewer to the street line (property line) any sewer house connection at no cost to the Owner.

It is to be understood that maintenance of the house connection as defined herein is entirely the Owner's responsibility.

SEC. S3u REPAIR OF HOUSE CONNECTIONS CAUSING STREET CAVITIES

Whenever the District is informed or learns that a cavity, depression or other abnormality in the public street is or may be caused by ~~disrepair in the condition of~~ the public sewer or house connection, the District will ascertain if the public sewer or the sewer house connection within the public ~~street right of way~~ is the cause of the street cavity, depression or other abnormality.

If the District determines that such cavity within the public street is caused or contributed to by ~~disrepair the condition of the~~ in the public sewer or ~~by disrepair in~~ the sewer house connection within the ~~said street~~ the public right of way, the District shall proceed to excavate and make the necessary repairs or have its contractor do so.

If, ~~it should be as~~ determined by the District that: (1) disrepair of a sewer house connection in private lands is the cause of any cavity, depression or other abnormality within the public street right of way; or (2) that any disrepair exists in the condition of the sewer house

connection located in private lands, ~~which disrepair~~ allows or may allow the discharge of excluded or non-permissible wastes to the public sewer; or that any house connection is not being properly maintained; the Owner may request to participate in the District's Sewer House Connection Program established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the Sewer House Connection Program are met, the District or its contractor will power rod the house connection to clear a blockage at no cost to the Owner, if applicable. If repair, replacement or relining the sewer house connection is required, the District or its contractor will perform the work at no cost to the Owner. If the Owner elects to participate in the Sewer House Connection Program, the District will make reasonable efforts to clear the blockage in a timely manner and notify the Owner of the anticipated schedule of repair. The Owner shall be the party ultimately responsible for determining whether the anticipated schedule for maintenance/repair under the Sewer House Connection Program will resolve any blockages or other issues in the sewer house connection in a timely manner to avoid potential future damage as a result of the condition of the sewer house connection. Prior to any cleaning or repair being performed under the Sewer House Connection Program, the Owner shall, in writing: (1) authorize the District or its contractor to perform work on and within the sewer house connection including on private property; (2) acknowledge that by performing the work the District does not assume ownership of, or have a continued obligation to maintain, the sewer house connection; and (3) release the District from liability for future potential damages arising from, or related to, the timeliness or scheduling of any planned repair work and damages that may occur as a result of the condition of the sewer house connection prior to performance of the work by the District or its contractor.

Respectfully submitted,



Scott W. Jellison
Chief Executive Officer

***Commissioner Buell made a motion to amend the resolution as shown below.
The amendment was duly seconded, and adopted by majority vote of those
present. Commissioner Taylor abstained.***

**PROPOSED AMENDMENT
SEWER ORDINANCE REVISIONS**

To: Committee on MDC Government

July 10, 2022

From: District Clerk

On May 30, 2023, the Committee on MDC Government held a public hearing on proposed sewer ordinance revisions. The ordinance revisions posted prior to the public

hearing are shown below in redline. Shown below in blue font are proposed amendments to the ordinance revisions for consideration by the Committee on MDC Government.

SEC. S3c CONNECTIONS TO SEWERS

No person shall make any connection to any public sewer of the District or appurtenance thereof, or to any pipe or appurtenance discharging thereinto, or remove or disconnect any existing connection thereto, except as provided in this ordinance; provided, plumbing work and fixtures within buildings and similar structures may be built and connected as provided by local or state plumbing codes, laws and regulations and by permits issued thereunder. For new house connections to the District's sewer, the property owner may, at his or her election, request to participate in the District's Sewer House Connection Program ("SHCP") established by the Bureau of Public Works, as may be modified or amended from time to time. Subject to certain requirements, including the payment of any applicable assessments, the The SHCP sewer House Connection Program provides property owners with the option to pay for a new house connection over time as part of their monthly water bill.

The District may, in coordination with or as part of a District or member town's capital improvement project, elect to replace or reline a property's sewer house connection, including the portion on private property, at no cost to the property owner.

SEC. S3s MAINTENANCE OF SEWER CONNECTIONS

All Maintenance and repair of the entire length of sewer-house connections on private property shall be maintained by, and at the expense of, shall be the responsibility of the remains the responsibility of the pproperty owner, subject to Section S3i. When a sewer house connection is in need of replacement or lining, or for a new house connection to the District's sewer, When maintenance or repair of an existing sewer-house connection is needed, the property owner may at his or her election, request to participate in the District's sewer Sewer installation House Connection program Program as established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the Sewer House Connection Program are met, the District, or its contractor, will repair, replace or line an existing sewer house connection at no cost to the Property Owner. If the requirements of the SHCP are not or, or iff the property owner chooses to not participate in the District's program, all maintenance and repair expenses are borne by the property owner. The sewer installation program provides property owners with the ability to pay for house connection replacement, lining or installation over time as part of their monthly water bill.

SEC. S3t SEWER STOPPAGES

In the event of complaint regarding a sewer stoppage, the District will ascertain if the main sewer is clear, and if not, any stoppages-blockages therein will be relieved as quickly as possible.

If the main (public) sewer is found by the District to be clear, the Owner will be so informed and the Owner ~~shall~~ may then, at his/her own expense, employ a licensed plumber, ~~reputable~~ cleaner or licensed drain layer to clear any stoppage in the sewer house connection.

~~If the licensed plumber, licensed drain layer or reputable sewer cleaner finds that the stoppage is within the sewer house connection located within the public street, and that the stoppage cannot be cleared by power rodding or snaking, the licensed plumber, licensed drain layer or reputable sewer cleaner shall inform the District.~~

~~If upon investigation by the District forces, the stoppage is found in the portion of the sewer house connection located in the public street and the stoppage is of such nature that it could not have been cleared by power rodding or snaking, the condition will be corrected by the District or the District's contractor without additional charge to the Owner.~~

~~If, however, it is found that the stoppage could have been cleared by power rodding or snaking and is not due to faulty condition (disrepair) of the sewer house connection located within the public street, the Owner will be so informed and shall pay to the District the expense incurred by the District. The bill for such expense shall be paid promptly, and failure to do so shall result in the District taking such action as it deems appropriate.~~

~~Alternatively, the Owner may request to participate in the District's SHCPewer House Connection Program established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the SHCPewer House Connection Program are met, the District or its contractor will power rod the house connection to clear a blockage at no cost to the Owner, if applicable. If repair, replacement or relining the sewer house connection is required, the District or its contractor will perform the work at no cost to the Owner. If the Owner elects to participate in the SHCPewer House Connection Program, the District will make reasonable efforts to clear the blockage in a timely manner and notify the Owner of the anticipated schedule of repair. The Owner shall be the party ultimately responsible for determining whether the anticipated schedule for maintenance/repair under the SHCPewer House Connection Program will resolve any blockages or other issues in the sewer house connection in a timely manner. If the Owner determines that the anticipated schedule for maintenance/repair under the SHCP is not timely, the Owner will not be eligible for the SHCP. to avoid potential future damage as a result of the condition of the sewer house connection.~~

~~–Prior to any cleaning or repair being performed under the SHCPewer House Connection Program, the Owner shall, in writing: (1) authorize the District or its contractor to perform work on and within the sewer house connection, including on private property; (2) acknowledge that by performing the work the District does not assume ownership of, or have a continued obligation to maintain or repair, the sewer house connection; and (3) release the District from liability for future potential damages arising from, or related to, the timeliness or scheduling of any planned maintenance or repair work and damages~~

that may occur as a result of the condition of the sewer-house connection prior to performance of the work by the District or its contractor.

Where necessary, the District will repair or renew from the main sewer to the street line (property line) any sewer house connection at no cost to the Owner.

It is to be understood that maintenance of the house connection as defined herein is entirely the Owner's responsibility.

SEC. S3u REPAIR OF HOUSE CONNECTIONS CAUSING STREET CAVITIES

Whenever the District is informed or learns that a cavity, depression or other abnormality in the public street is or may be caused by ~~disrepair in the condition of~~ the public sewer or house connection, the District will ascertain if the public sewer or the sewer house connection within the public ~~street-right of way~~ is the cause of the street cavity, depression or other abnormality.

If the District determines that such cavity within the public street is caused or contributed to by ~~disrepair the condition of the~~ in the public sewer or by disrepair in the sewer house connection within the said street, the District shall proceed to excavate and make the necessary repairs or have its contractor do so.

If, ~~it should be as~~ determined by the District, that: (1) disrepair of a sewer-house connection in private lands is the cause of any cavity, depression or other abnormality within the public streetright of way; or (2) that any disrepair exists in the condition of the sewer-house connection located in private lands, which disrepair allows or may allow the discharge of excluded or non-permissible wastes to the public sewer; or (3) or that any house connection is not being properly maintained, the Owner will be so informed and the Owner may then, at his/her own expense, employ a licensed plumber, cleaner or licensed drain layer to repair the house connection or take such measures as are necessary address the condition of the house connection.

Alternatively, the Owner may request to participate in the District's SHCP established by the Bureau of Public Works, as may be modified or amended from time to time. If the requirements of the SHCP are met, the District or its contractor will power rod the house connection to clear a blockage at no cost to the Owner, if applicable. If repair, replacement or relining the sewer house connection is required, the District or its contractor will perform the work at no cost to the Owner. If the Owner elects to participate in the SHCP, the District will make reasonable efforts to clear the blockage in a timely manner and notify the Owner of the anticipated schedule of repair. The Owner shall be the party ultimately responsible for determining whether the anticipated schedule for maintenance/repair under the SHCP will resolve any blockages or other issues in the sewer house connection in a timely manner. If the Owner determines that the anticipated schedule for maintenance/repair under the SHCP is not timely, the Owner will not be eligible for the SHCP.

Prior to any cleaning or repair being performed under the SHCP, the Owner shall, in writing: (1) authorize the District or its contractor to perform work on and within the house connection, including on private property; (2) acknowledge that by performing the work the District does not assume ownership of, or have a continued obligation to maintain or repair, the house connection; and (3) release the District from liability for future potential damages arising from, or related to, the timeliness or scheduling of any planned maintenance or repair work and damages that may occur as a result of the condition of the house connection prior to performance of the work by the District or its contractor.

Respectfully Submitted,



John S. Mirtle, Esq.
District Clerk

On motion made by District Chairman DiBella and duly seconded, the resolution, as amended, was adopted by unanimous vote of those present. Commissioner Taylor abstained.

OPPORTUNITY FOR GENERAL PUBLIC COMMENTS

Cynthia Jennings asked whether or not MDC has any liability and at what point can MDC be assessed liability by homeowners for failure to act.

ADJOURNMENT

The meeting was adjourned at 6:10 PM

ATTEST:

John S. Mirtle, Esq.
District Clerk

Date of Approval