

**JOURNAL
OF
THE WATER BUREAU
OF
THE METROPOLITAN DISTRICT
COMMISSION**

**FOR THE YEAR
2010**

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Office of the District Clerk

Membership of the District is made up of the City of Hartford and
The Towns of Bloomfield, Newington, Wethersfield, Windsor,
East Hartford, Rocky Hill and West Hartford

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**MEMBERSHIP
OF
THE WATER BUREAU
2010**

TIMOTHY CURTIS Chairman, Water Bureau
RAYMOND SWEZY Vice Chairman, Water Bureau

DANIEL CAMILLIERE	MARK A. PAPPA
TIMOTHY CURTIS	PASQUALE J. SALEMI
JOHN M. GROTTOLE	MECHAEEL SEDER
JOSEPH KLETT	RAYMOND SWEZY
DANIEL E. LILLY	JOSEPH VERRENGIA
TRUDE H. MERO	MICHAEL CARRIER*

**Special Representative from the Town of New Britain*

MINUTES
OF
MEETINGS OF THE WATER BUREAU
HELD IN 2010

**Meeting
of
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Tuesday, January 12, 2010**

Present: Commissioners Daniel A. Camilliere, Timothy Curtis, John M. Grottole, Daniel E. Lilly, Trude H. Mero, Mark A. Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy (9)

Absent: Commissioners Joseph Klett, Joseph Verrengia and Special Representative Michael Carrier (3)

Also

Present: Charles P. Sheehan, Chief Executive Officer
Scott W. Jellison, Chief Operating Officer
Robert E. Moore, Chief Administrative Officer
Christopher R. Stone, Assistant District Counsel
Kristine C. Shaw, District Clerk
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia Nadolny, Executive Assistant
Richard Goldstein, Attorney, Pepe & Hazard

CALL TO ORDER

The meeting was called to order by Attorney Christopher R. Stone at 5:02 P.M.

ELECTION OF CHAIRMAN

Attorney Stone called for nominations for Chairman.

Commissioner Mero nominated Commissioner Timothy Curtis for Chairman of the Water Bureau. There were no other nominations.

*On motion made by Commissioner Mero and duly seconded,
Commissioner Curtis was elected Chairman of the Water
Bureau by unanimous vote of those present.*

Chairman Curtis assumed the Chair and thanked the members of the Water Bureau.

ELECTION OF VICE CHAIRMAN

Commissioner Curtis called for nominations for Vice Chairman.

Commissioner Salemi nominated Commissioner Raymond Sweezy for Vice Chairman of the Water Bureau. There were no other nominations.

On motion made by Commissioner Salemi and duly seconded, Commissioner Sweezy was elected Vice Chairman of the Water Bureau by unanimous vote of those present.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Lilly and duly seconded the public hearing minutes of November 16, 2009 and the meeting minutes of November 16, 2009 were approved.

PROPOSED LAND ACQUISITION-2897 ALBANY AVENUE, WEST HARTFORD - Report 6.**EXECUTIVE SESSION**

At 5:05 P.M., Chairman Curtis requested an executive session for the purpose of discussing the proposed land acquisition.

On motion made by Commissioner Lilly and duly seconded the Water Bureau entered into executive session for the purpose of discussing the land acquisition.

Those is attendance during the executive session were as follows: Commissioners Daniel Camilliere, Timothy Curtis, John Grottole, Daniel Lilly, Trude Mero, Mark Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy, Mssrs. Sheehan, Jellison, Moore, and Attorney Christopher Stone

RECONVENE

At 5:27 P.M., Commissioner Curtis requested to come out of executive session and on motion made by Commissioner Camilliere and duly seconded the Water Bureau came out of executive session and reconvened.

The following action was taken:

To: The Water Bureau for consideration on January 12, 2010

Over the course of the past several weeks, at the request of the Manager of Water Treatment, Assistant District Counsel has been negotiating the purchase of approximately 29.8 acres of land in West Hartford, as set forth on the attached map, known as 2897 Albany Avenue and located to the north of other property owned by the District. The property is zoned R-80 Residential with 50' of frontage on Route #44 in West Hartford. It consists entirely of Class I and II watershed land. A stream runs across the parcel and there are also wetlands classified as the most highly protected watershed land (Class I). Currently, the District has an access easement through this property to allow access to its property to the south of Rte. #44. Ownership of this land would provide several benefits in terms of permanent access, such as safety, security, fire and watershed protection.

The negotiations have been conducted with the explicit understanding that the District's purchase of the property would be subject to the review and approval of the board(s) and bureau(s) of cognizance within the MDC. The proposed purchase price of this property is \$500,000, which is less than an offer from another interested party, and less than the fair market value as appraised in 2005. The District's appraiser supports the proposed purchase price. Presumably, the seller (Montessori School) chose to sell the land to the MDC to ensure that it remains preserved "as is" into the future. It has been confirmed that CIP funding is currently available for the purchase of this land.

IES Environmental Consultants of Hartford, CT performed a visual inspection and review of the property to complete an "initial screening" for the presence of any hazardous substances or petroleum products on the property. A report was submitted to the current owner, dated October, 2005. The report indicated that IES did not uncover any evidence of an existing release of hazardous substances or petroleum products on the property.

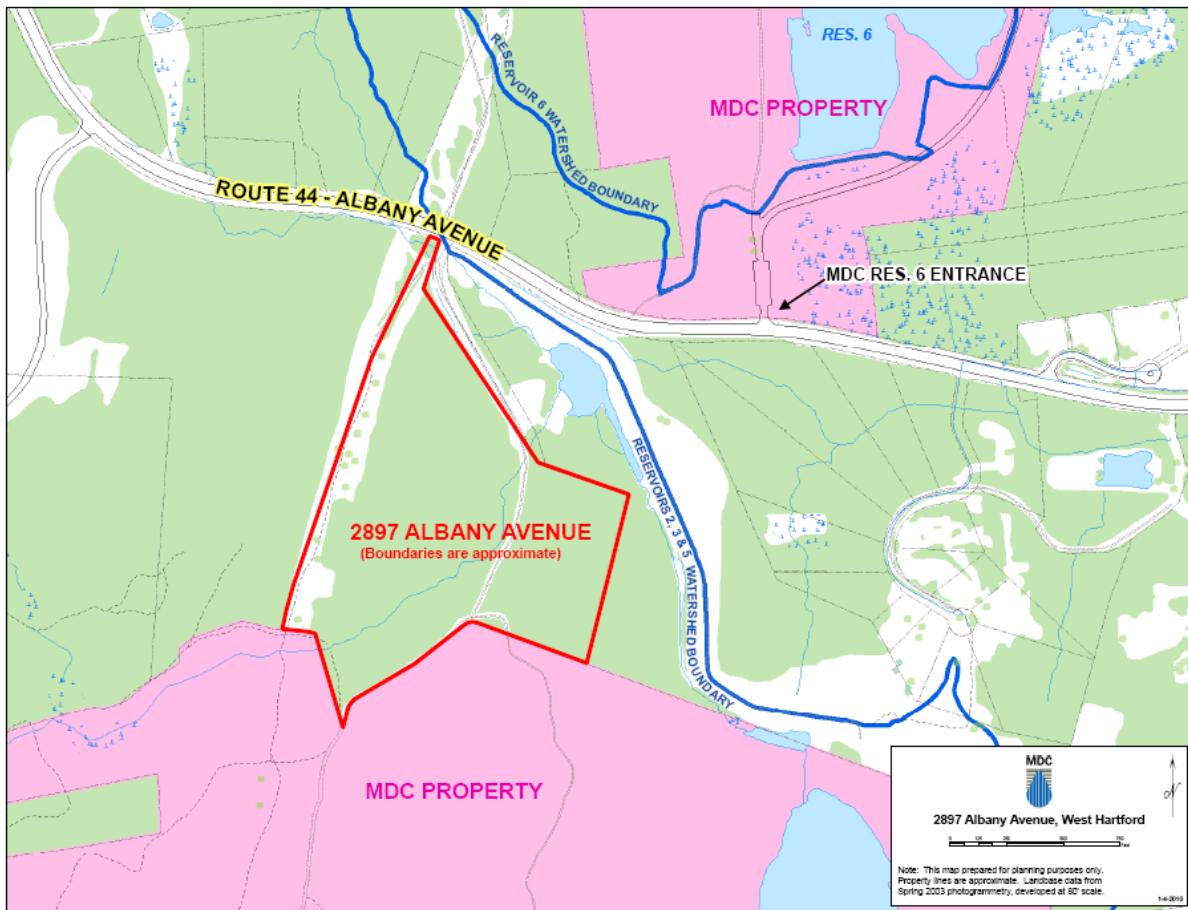
Protecting the parcel from future development is very important to the District. This purchase will clearly enhance the District's control of the West Hartford watershed, and will also have a long lasting impact on the District's water quality.

Based upon the foregoing, District staff recommends the following resolutions:

BE IT RESOLVED that the Board of Commissioners of the Metropolitan District hereby authorizes its Chief Executive Officer, or his designee, to enter into a purchase and sale agreement with Montessori School of Greater Hartford for the purchase of property located at 2897 Albany Avenue, West Hartford, CT, otherwise known as "Brainard Farm" and comprising approximately 29.8 acres of land ("Parcel");

BE IT FURTHER RESOLVED that the purchase price for the Parcel shall be \$500,000.00, exclusive of costs for surveys, title insurance, and other customary costs of closing, said fund to be paid from capital improvement/land acquisition funds previously authorized; and

BE IF FURTHER RESOLVED that the Chief Executive Officer, or his designee, is authorized to execute any and all documents reasonably and customarily necessary to effect the purchase of the Parcel by the District.



Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

On motion made by Commissioner Camilliere and duly seconded, the report was received and the resolution was recommended to the District Board.

Commissioner Seder abstained from voting on this matter.

OTHER BUSINESS**EXECUTIVE SESSION**

At 5:28 P.M., Chairman Curtis requested an executive session for the purpose of discussing a land acquisition.

On motion made by Commissioner Lilly and duly seconded the Water Bureau entered into executive session for the purpose of discussing a land acquisition.

Those in attendance during the executive session were as follows: Commissioners Daniel Camilliere, Timothy Curtis, John Grottole, Daniel Lilly, Trude Mero, Mark Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy, MSSRs. Sheehan, Jellison, Moore, and Attorney Christopher Stone

RECONVENE

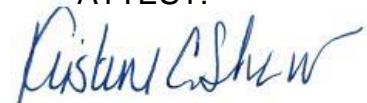
At 5:55 P.M., Commissioner Curtis requested to come out of executive session and on motion made by Commissioner Lilly and duly seconded the Water Bureau came out of executive session and reconvened.

No formal action was taken.

ADJOURNMENT

The meeting was adjourned at 6:01 P.M.

ATTEST:


Kristine C. Shaw
District Clerk

March 9, 2010

Date of Approval

**Meeting
of
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Tuesday, March 9, 2010**

Present: Commissioners Daniel A. Camilliere, Timothy Curtis, John M. Grottole, Daniel E. Lilly, Mark A. Pappa, Pasquale J. Salemi, Michael Seder, and District Chairman William A. DiBella (8)

Absent: Commissioners Joseph Klett, Trude H. Mero, Raymond Sweezy, Joseph Verrengia and Special Representative Michael Carrier (5)

**Also
Present:** Commissioner Alvin E. Taylor
Charles P. Sheehan, Chief Executive Officer
Scott W. Jellison, Chief Operating Officer
Robert E. Moore, Chief Administrative Officer
R. Bartley Halloran, District Counsel
Kristine C. Shaw, District Clerk
Constantin Banciulesscu, Interim Chief of Engineering
Beth Nesteriak, Assistant Manager of Operations
Susan Negrelli, Assistant Manager of Water Treatment
Jennifer M. Ottalagana, Manager of Development Services
James Randazzo, Manager of Water Supply
Frank Morse, Manager of Construction
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia Nadolny, Executive Assistant
Richard Goldstein, Attorney, Pepe & Hazard

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:01 P.M.

ROLL CALL AND QUORUM

The District Clerk informed Chairman Curtis that a quorum of the Water Bureau was present, and the meeting was declared a legal meeting of The Metropolitan District of Hartford County, Connecticut.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Lilly and duly seconded the meeting minutes of January 12, 2010 were approved.

WATER CONSTRUCTION REPORT-Report 4.

Robert Moore, Susan Negrelli, Beth Nesteriak, Jim Randazzo, Constantin Banciulescu and Frank Morse provided a detailed report on the status of Reservoir 6 WTP Filter Upgrade, Dam Safety Improvements, Water Main Construction Projects, American Recovery and Reinvestment Act (ARRA) Funded Projects and the Proposed DEP Streamflow Standards and Regulations.

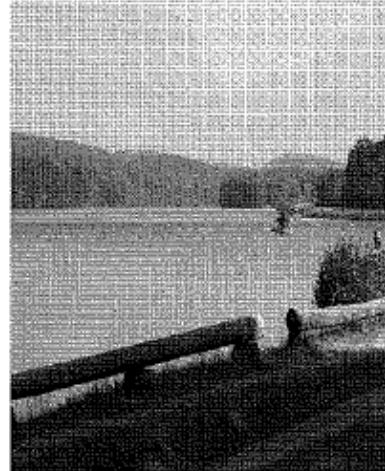
3/12/2010

PROJECT STATUS UPDATE WATER BUREAU

March 9, 2010

1

- Reservoir 6 WTP Filter Upgrade
- Dams ~ Nepaug Reservoir and West Hartford Reservoirs
- Significant Water Main Construction
- ARRA Funded Projects
- Proposed DEP Streamflow Standards and Regulations

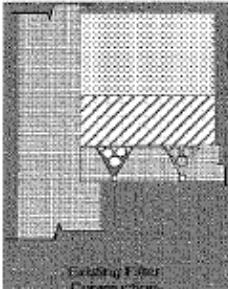


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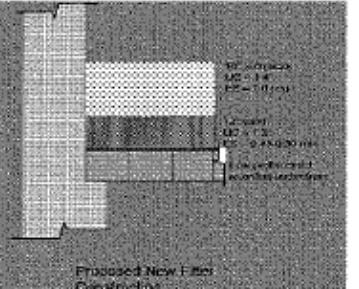
1

Reservoir 6 WTP Filter Upgrade Project

- Increase capacity of WTP through filter underdrain and media replacement.
- Construction contract awarded January 2009 ~ \$4M
- Construction commenced September 2009 – one filter at a time.



Existing Filter
Cross-Section



Proposed New Filter
Cross-Section

3

- New underdrains have been installed in Filter #6.
- Blowers for air scour are installed.
- Currently completing air piping, electrical and instrumentation for testing and start-up of Filter #6 before proceeding to next filter.



New underdrains



Air piping to underdrains



Blowers

Dam Safety Improvements

- Nepaug Reservoir ~ Nepaug Dam
 - Concrete gravity dam (650 feet long and maximum height of 156 feet above bedrock) built 1914-1917.
- Nepaug Reservoir ~ Phelps Brook Dam
 - Earth embankment dam (1,200 feet long and 65 feet high) with concrete corewall constructed 1914-1917.
- Nepaug Reservoir ~ East Dike
 - Earth embankment dam (650 feet long and 27 feet high) with concrete corewall constructed 1915-1917.
- West Hartford Reservoirs ~ 1, 2, 3, 5 & 6
 - Earthen dams constructed between 1864-1895



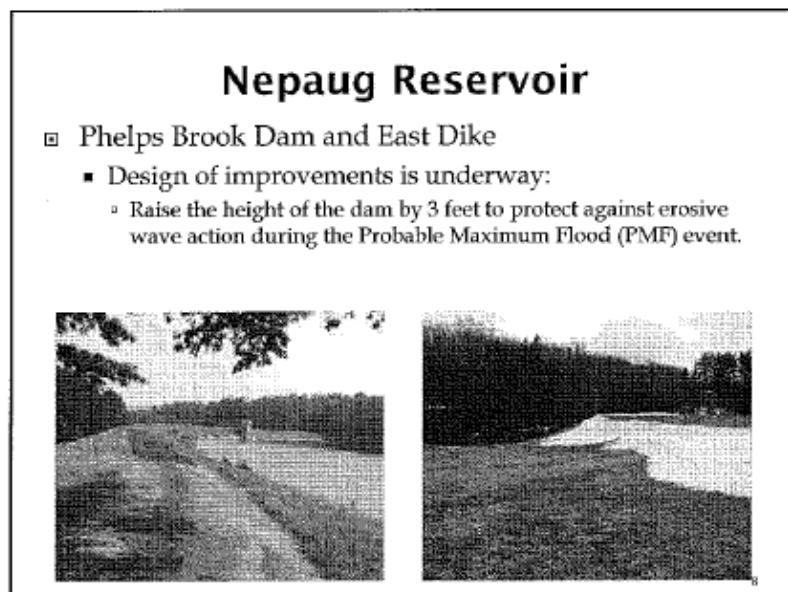
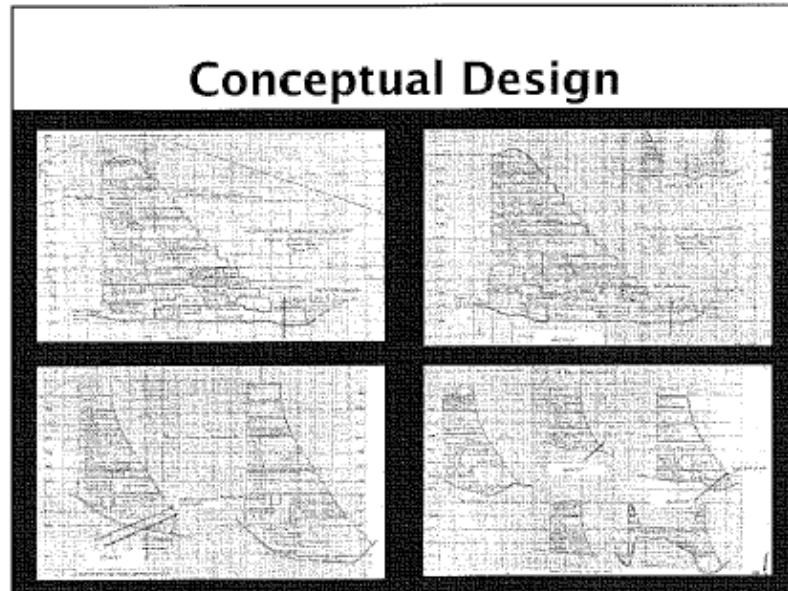
5

Nepaug Reservoir

- Nepaug Dam
 - Design of improvements is underway:
 - Install anchoring systems to improve dam's stability against sliding
 - Repair deteriorated concrete on upstream and downstream surfaces.
 - Repair deteriorated concrete and expansion joints on spillway bridge.



6



3/12/2010

West Hartford Reservoirs

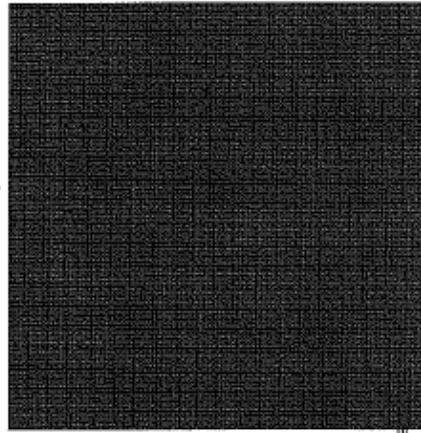
- Inspection reports for Reservoir 1, 2, 3, 5 & 6 Dams completed.
- Reservoir 2 Dam draft stability report submitted; PMF and spillway analysis nearly complete.
- Reservoir 2 improvement design underway.
- Reservoir 1, 3, 5 & 6 Dams stability, PMF and spillway analysis 75% complete.



9

Water Main Construction Projects

- Brookfield St., Hartford ~ 4,800ft of 36-inch replacement water main ~ \$2.6M
- South Rd., Farmington ~ 5,600ft of 8-inch and 1,400ft of 12-inch water main and new pump station ~ \$2M
- Oak St., Hartford ~ 10,000ft of 16-inch replacement water main ~ \$2.2M

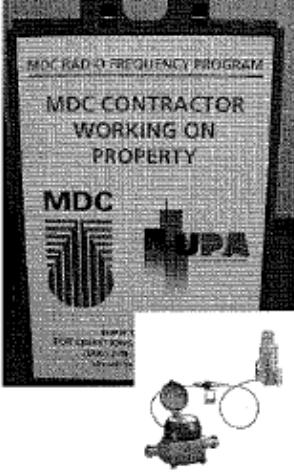


5

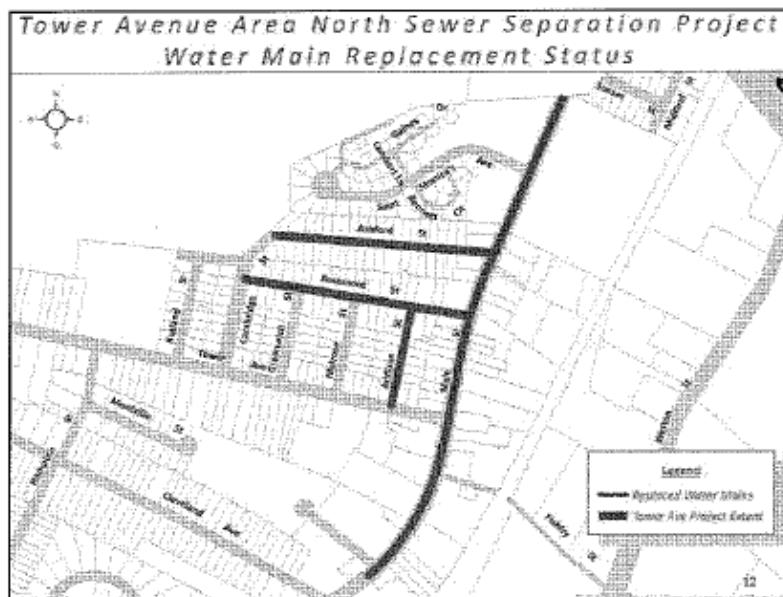
3/12/2010

ARRA Funded Projects

- Radio Frequency Devices
 - Awarded \$5.9M from DPH/ARRA Stimulus Program (\$2.6M loan and \$3.3M project subsidy - grant).
 - Funding includes meter replacement as well as radio frequency device materials and installation.
 - Project is 55% complete ~ East Hartford is complete, currently working in West Hartford, next in Rocky Hill and Farmington.
 - Contract completion date is August 1, 2010.
- Tower Avenue Water Main Replacement
 - Awarded \$2.9M from DPH/ARRA Stimulus Program (\$1.3M loan and \$1.6M project subsidy - grant).
 - Project includes 6,190ft of water main replacement in conjunction with CWP.
 - Project is 50% complete.
 - Contract completion date is September 2, 2010.



11



Proposed DEP Streamflow Standards and Regulations

- ❑ October 2009 DEP publishes proposed Streamflow Standards and Regulations.
- ❑ Proposed regulations would require minimum streamflow releases from MDC's drinking water reservoirs.
- ❑ Public Hearing held January 21, 2010 – Bill Kennedy testifies on behalf of MDC. Written testimony submitted by MDC February 4, 2010.
 - MDC currently manages stream flow releases in the Farmington River under an existing management plan that has been in place for nearly 20 years.
 - If not exempt, the potential impact of these regulations is a decreased Safe Yield by approximately 12 mgd; and drought frequency would increase from once every 15 years to once every 4 years.

13



ADJOURNMENT

The meeting was adjourned at 5:45 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

May 11, 2010

Date of Approval

**Meeting
of
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Tuesday, May 11, 2010**

Present: Commissioners Timothy Curtis, John M. Grottole, Daniel E. Lilly, Trude H. Mero, Mark A. Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy, Joseph Verrengia and Special Representative Michael Carrier (10)

Absent: Commissioners Daniel A. Camilliere and Joseph Klett (2)

Also

Present: Commissioner Alvin E. Taylor
Charles P. Sheehan, Chief Executive Officer
John M. Zinzarella, Chief Financial Officer
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
Kristine C. Shaw, District Clerk
William Kennedy, Manager of Water Treatment
Stan Pokora, Manager of Treasury
Beth Nesteriak, Assistant Manager of Operations
Kerry E. Martin, Assistant to the Chief Executive Officer
Gil Bironi, President, Local 184
Robert Facey Jr., President, Local 3713
Thomas Raffa Sr., President, Local 1026
Cynthia Nadolny, Executive Assistant
Richard Goldstein, Attorney, Pepe & Hazard

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:05 P.M.

ROLL CALL AND QUORUM

The District Clerk informed Chairman Curtis that a quorum of the Water Bureau was present, and the meeting was declared a legal meeting of The Metropolitan District of Hartford County, Connecticut.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

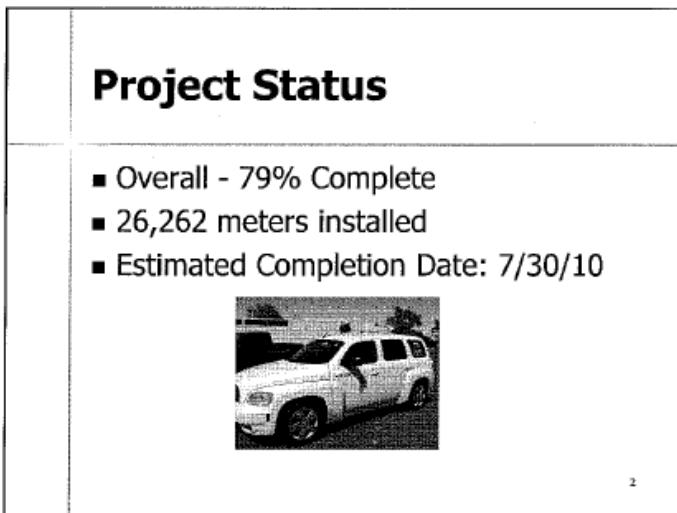
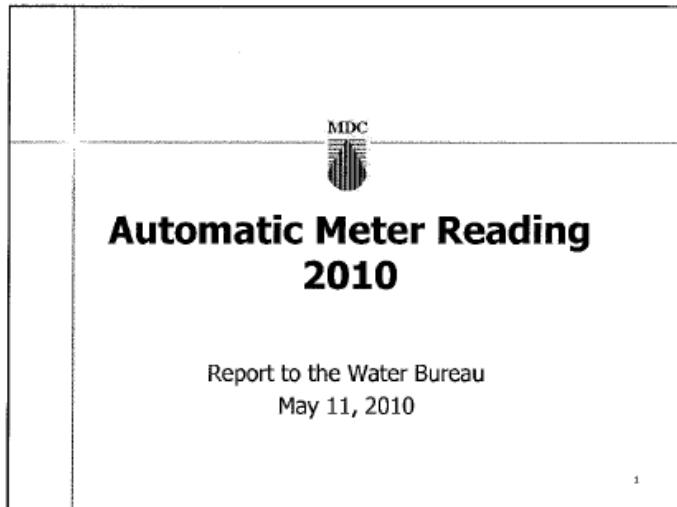
APPROVAL OF MINUTES

On motion made by Commissioner Lilly and duly seconded the meeting minutes of March 9, 2010 were approved.

Commissioner Verrengia abstained from voting on this matter.

STATUS OF RADIO FREQUENCY (RF) PROGRAM- Report 4.

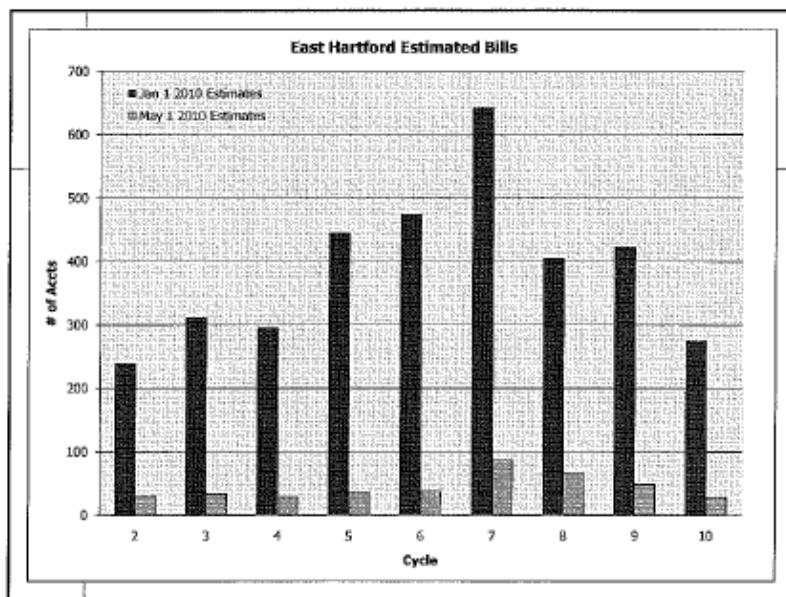
Beth Nesteriak, Assistant Manager of Operations, provided an update on the Automatic Meter Reading program:



East Hartford

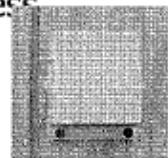
- 95% Complete
- 11,300 accounts completed
- Seen an 88% reduction in estimated bills

3



West Hartford

- 82% Complete
- 14,962 accounts completed
- Contractor actively working
 - Averaging 1,000 installs per week
- Video airing on Public Access



5

Rocky Hill

- Letters sent to residents end of April
- Video has been distributed for use on Public Access
- 3,000 accounts to complete

6

Project Closeout	
	<ul style="list-style-type: none">■ All accounts go through extreme due diligence<ul style="list-style-type: none">– 3 letters, door hangers, phone calls– MDC final notice sent■ 2nd review completed to note any changes on acct & 2nd notice sent

DISCUSSION OF POTENTIAL LAND PURCHASE-Report 5.**EXECUTIVE SESSION**

At 5:30 p.m., Chairman Curtis requested an executive session for the purpose of discussing a potential land acquisition.

On motion made by Commissioner Pappa and duly seconded, the Water Bureau entered into executive session for the purpose of discussing a potential land acquisition.

Those in attendance during the executive session were as follows:

Commissioners Timothy Curtis, John M. Grottole, Daniel Lilly, Trude H. Mero, Mark Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy, Joseph Verrengia, Special Representative Michael Carrier, Attorneys Halloran and Stone, Messrs. Kennedy, Sheehan and Zinzarella

RECONVENE

At 5:42 p.m., Chairman Curtis requested to come out of executive session and on motion made by Commissioner Lilly and duly seconded, the Water Bureau came out of executive session and reconvened. No formal action was taken.

OTHER BUSINESS

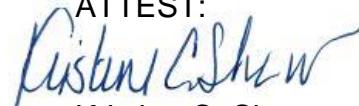
Attorney Halloran briefed the members of Water Bureau on the recent lawsuit, in which, the jury awarded a bicyclist a verdict of \$2.9 million against the District. He said that the jury did find the bicyclist 30% at fault, which reduced the total award to about \$2.1 million and a further deduction should be made for collateral sources, reducing the award to slightly under \$2 million. Attorney Halloran said that the District is insured, but there is a \$250,000.00 deductible and because the award is in excess of the base policy, a \$10,000.00 additional deductible applies. He said that the District insurance company did offer \$150,000.00 to settle the case but, the two sides were to far apart in their settlement amounts to ever agree.

Attorney Halloran said there is a serious legal issue which the District will raise on appeal. He said that the Court refused to dismiss this case based on municipal immunity because if found that the erection of a gate to protect the water system was an entrepreneurial activity which is an exception to municipal liability. He said that the District disagrees with that and if upheld, municipal liability is weakened.

ADJOURNMENT

The meeting was adjourned at 5:45 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

September 8, 2010

Date of Approval

**Public Meeting
of
THE WATER BUREAU
The Metropolitan District
50 South Main Street, West Hartford
Tuesday, July 20, 2010**

Present: Commissioners Daniel Camilliere, Timothy Curtis, John M. Grottole, Daniel E. Lilly, Mark A. Pappa, Pasquale J. Salemi, Michael Seder, Raymond Sweezy, Joseph Verrengia, Special Representative Michael Carrier, and District Chairman William A. DiBella (11)

Absent: Commissioners Joseph Klett and Trude H. Mero (2)

**Also
Present:** Commissioner Ronald Armstrong
Commissioner Jamal R. Gatling
Commissioner Allen Hoffman
Commissioner Maureen Magnan
Commissioner Alphonse Marotta
Commissioner J. Lawrence Price
Commissioner Alvin E. Taylor
Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
Scott W. Jellison, Chief Operating Officer
John M. Zinzarella, Chief Financial Officer
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
James P. Sandler, District Legal Counsel
Kristine C. Shaw, District Clerk
William Kennedy, Manager of Water Treatment
Susan Negrelli, Assistant Manager of Water Treatment
James Randazzo, Manager of Water Supply
Marcey Munoz, Land Use Coordinator
Barbara MacFarland, Manager, GIS Mapping and Records
James Masse, Network Analyst
Kerry E. Martin, Assistant to the Chief Executive Officer
Cynthia Nadolny, Executive Assistant

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:30 P.M.

ROLL CALL AND QUORUM

The District Clerk informed Chairman Curtis that a quorum of the Water Bureau was present, and the meeting was declared a legal meeting of The Metropolitan District of Hartford County, Connecticut.

OPEN REMARKS FROM WATER BUREAU CHAIRMAN

"Good evening. My name is Timothy Curtis, and I serve as the Chair of the MDC Water Bureau. Under the District Charter, the Water Bureau serves as custodian of the MDC water supply property and makes policy recommendations to the District Board in this area. Periodically, the Water Bureau provides an update of the MDC land holdings and the uses permitted, and may recommend changes to its land use policies. For example, in 1998, the Water Bureau proposed certain changes to our recreational activity policies relating to biking, roller blading, roller skating and skateboarding that were ultimately adopted by the District Board.

For decades, the MDC has provided free public access to watershed lands for public recreation. Hundreds of thousands of men, women and children have used the MDC reservoirs for hiking, biking, running and in the case of Lake McDonough, swimming. Recently, a jury awarded several million dollars to a biker against the MDC. This verdict has generated a great deal of public interest, primarily relating to what, if any, actions the MDC might take in response. I assure you that no decisions have been made to change the MDC's current recreational policies. However, as a public agency we have an obligation to fully and publicly review our policies, not solely in response to this case, but primarily, as a function of our ongoing duty to assess our risks and liabilities.

With this backdrop, we have scheduled this meeting to hear from the public on this issue. Any subsequent Water Bureau meetings to discuss and debate this issue will be legally advertised and open to the public. Tonight, we invite your comments for the record. There will be no vote on this issue this evening. So as not to occupy this meeting with lengthy MDC staff responses, and to allow the maximum number of people to speak, we will respond as may be appropriate in writing to any questions at a later date.

Procedurally, we have a public official and citizen sign-up list. We will start with the first public official, and alternate between the two lists thereafter. Given the number of people signed in to speak, each speaker will be limited to three minutes. We do not expect this public meeting to go later than 10:00 pm.

If you are here as a member of a larger group with a shared opinion, you have the option of being heard through a single representative and indicating, by a show of hands, your support for that position. This suggestion is merely an effort to give everyone an opportunity to offer an opinion, not to dissuade anyone from speaking. I trust that everyone will be respectful of others as they speak before the Bureau. And I trust that those speaking will refrain from making any intemperate or offensive statements.

We have many written statements and petitions which, rather than being read into the record, will be incorporated by reference and made an official part of these proceedings. Before we start I have asked MDC District Counsel, Bart Halloran to briefly explain the legal implications of the biker case so that we all are aware of the issues the MDC is facing.

He will be followed by Susan Negrelli, Assistant Manager of Water Treatment who will briefly describe the MDC land holdings and permitted uses."

STATEMENT FROM DISTRICT COUNSEL

"Thank you. My name is Bart Halloran, I am the District Council for the MDC. The issue that has been raised with the District legally, by the recent biker case, involves our liability for injuries that occur on our land. You should know, the MDC does have insurance; we have a \$250,000 deductible. That insurance will either be renewed or not be renewed in October of this year. As anybody who has insurance knows, it can be cancelled by the insurance company.

The problem that we have is set forth in the statute of liability of political subdivisions. The MDC is a municipality; it has been recognized as just that by the Supreme Court. We are a political subdivision. In the instance case, for the first time ever, the MDC was found to be not immune from liability because there was a finding that the MDC engaged in 'negligence in performance of a function for which the subdivision receives a special, corporate profit or pecuniary benefit.' You should know that the MDC, by statute, has to charge the same amount for water as is the cost to produce the water. So there actually is no profit to the MDC. The court has interpreted, so far, the word 'profit' to mean 'any benefit of any kind,' not how all of us would think of the word 'profit.' It is, what we believe, an attenuated definition, but it greatly, greatly expands the liability of the MDC. If, in fact, the MDC is not immune, as a result of the fact that we sell water, we're not immune under any circumstances, and that causes a major problem for many of the MDC activities, not the least of which is recreation.

Under normal circumstances, if we were a private landowner, the General Assembly has passed a statute which would give us immunity for opening up our lands for no cost. Every private landowner in the state who does that is immune from liability. There was a Supreme Court decision about ten years ago which found that municipalities are different than private landowners and refused to extend the liability immunity under 52.57g to municipalities. Bottom line is, the MDC, unlike other places, charges absolutely nothing for the use of its land, and in fact expends its own resources to try to keep up these lands. We have had overall insurance, but there is a concern, quite frankly, as to what the cost of that insurance will be, going forward to the time of renewal, and whether it will be renewed, which implicates certain fiduciary responsibilities the District has to the eight member towns. Having said all that, it is clear from the past conduct, that the MDC Commissioners have had a policy of opening up the lands to recreational use, and it is to date that in every other case, there has been immunity found for the MDC. The thing that can change, just so we're clear, is that because of this special decision by the court, saying that because we sell water we are not immune; that changes everything from a legal standpoint. Thank you very much."

MDC RECREATIONAL USE INVENTORY

Good evening, my name is Susan Negrelli and I'm the Assistant Manager of Water Treatment for the MDC. I've been with the District for over 13 years, the past ten of which for the Water Treatment & Supply departments. I oversee operations at the water treatment facilities and lands in West Hartford and Reservoir 6. When most people think of recreation and the MDC they think of walking, hiking or biking at the West Hartford reservoirs; in reality the MDC owns vast properties of land that offer a multitude of recreational uses. I'm going to take a few minutes to give you a description of some of these areas.

First, farthest out in the northwestern part of the state is our Colebrook River Lake and West Branch Reservoir property. Although this is not an active water supply reservoir, it may serve as a future water supply. We own about 6,100 acres in this area and recreation uses include: hunting, fishing and ice fishing, boating and snowmobiling by permit. This activity is allowed through the Allied Connecticut Towns Agreement which was codified in Special Act No. 444 of the Connecticut legislature in 1949.

Next we have our Barkhamsted Reservoir watershed lands, nearly 15,000 acres; on this slide it is showing the 5,200 acres of land in the Commonwealth of Massachusetts. We have a lease agreement, which dates back several decades, with the Tunxis Club which allows hunting and fishing on 2,200 acres in Tolland, Massachusetts. On our other property in Massachusetts, MDC allows hunting as provided by Massachusetts law. On this watershed in Connecticut, which surrounds our largest drinking water reservoir, recreational activity is limited to hiking along the Tunxis Trail, which is part of the CFPA Blue Trail system.

Immediately south of the Barkhamsted Reservoir is Lake McDonough, a 390 acre lake with four beaches and a boathouse. In total we own approximately 1,600 acres and operate recreation facilities that allow swimming, boating, fishing, picnicking, hiking, cross-country skiing, limited hunting and snowmobiling. Our facilities are staffed from opening day for fishing through Labor Day. In addition to the three MDC beaches, the towns of New Hartford and Barkhamsted have an easement at Stancliff Cove and operate a beach on this lake. This lake is not intended as a water supply.

Along the Farmington River in the southern part of Barkhamsted and northern part of New Hartford we own nearly 400 acres of land known as the Greenwoods property. Permitted uses of the property include only hiking, fishing and hunting. As with the West Branch property, recreation on this land is allowed as part of the Allied Connecticut Towns agreement and Special Act No. 444 of the Connecticut legislature back in 1949.

In the Nepaug Reservoir watershed area, we own approximately 4,600 acres of land. As this is active water supply watershed property, very limited recreation is allowed. Only hiking on the Tunxis Trail is allowed and we do allow walkers access to roads near the Nepaug Dam and along Clearbrook Road through special agreements and arrangements with the towns of Burlington, Canton and New Hartford.

The West Hartford and Reservoir No. 6 area, which totals nearly 2,900 acres of land and is home to our water treatment facilities where we treat over 50 million gallons a day of

drinking water, stretches onto two slides – first I will show the Reservoir No. 6 area. Access to Reservoir 6 is off Albany Avenue on Avon Mountain. Our Reservoir No. 6 Water Treatment Facility is located along the northeastern side of the reservoir. Permitted recreation here includes: walking, hiking, jogging, limited bicycling, rollerblading, skateboarding, picnicking and cross-country skiing. The Metacomet Trail, which is designated as a National Scenic Trail, also traverses MDC property in this area.

Further south at the West Hartford Reservoir property we have three smaller water supply reservoirs. The primary entrance to this facility is off Farmington Avenue. Within this property is the West Hartford Water Treatment Plant, which produces over 40 million gallons a day of drinking water. Permitted recreation at these facilities includes walking, hiking, jogging, bicycling, rollerblading, skateboarding, picnicking, cross-country skiing, and horseback riding by permit. The Metacomet Trail traverses this property also.

The District estimates that thirty to forty thousand people visit our Lake McDonough facility on an annual basis. Special events such as camp outings and fishing tournaments are common during the season. Approximately 1,500 boats are launched per season in addition to MDC boat rentals. Dependent on weather conditions over the Memorial Day and 4th of July holidays, thousands of visitors may use the facility. We have had to turn visitors away on occasion. Over 30 temporary District employees staff this facility during the late spring and summer.

At the West Hartford and Reservoir 6 area it is estimated that over 200,000 people visit on an annual basis. The District employs park rangers to assist the visitors and lend guidance regarding permitted activities. The District also has a nine person Police Dept. to enforce rules regarding our properties. Special events at the West Hartford Reservoir area include 5K walks and runs sponsored by non-profit groups and track clubs and high school cross country meets. Twenty-two of these events were held at the West Hartford facility over the last year. That concludes my presentation and I would like to turn this back over to Chairman Curtis for further discussion."

OPEN FLOOR TO PUBLIC COMMENTS

Scott Slifka, Mayor of West Hartford was the first to speak. He stated:

"Good Evening Commissioners, thank you for holding this hearing tonight, and more importantly, thank you to all the members of the public who are here. My name is Scott Slifka, I am the Mayor of West Hartford, I am joined by Minority Leader of the Town Council, Denise Hall, and Council member Shari Cantor, as well as Council member Joe Verrengia, who is in the audience. Tonight, my Representative duties go well beyond the Board of West Hartford. I'm speaking not only for my constituents, but also for the thousands of neighboring residents, many of whom are standing out on the lawn up front, who visit West Hartford to enjoy our reservoir, which is a public treasure. I'm also not speaking just as the Mayor, but also as a resident of West Hartford and lover of the Reservoir. Lastly, I'm speaking on behalf of members of the Town Council, who are in support of a resolution that Joe Verrengia and I introduced, and that will be passed at our June 27th meeting. The resolution urges you to keep

the reservoir open to recreational activity for the public. It also urges our State Legislators to pursue appropriate legislative action to ensure continued public access to the reservoir. As you already know, and undoubtedly will have reinforced tonight, the reservoir is used and enjoyed by thousands of residents of Greater Hartford. It's a beloved destination for runners, bikers, hikers, walkers, those who commune with nature, and those who just like an occasional breath of fresh air. It's where you can spend time with your family, meet up with friends, or enjoy a moment of quiet solitude. Lest anyone think this is a romanticized description, here's some tangible proof: recently, West Hartford was honored by Kiplinger's Magazine as one of the top ten cities in the United States for the next decade. And in its review, Kiplinger specifically identified the MDC reservoir as one of West Hartford's great strengths, calling it 'an ideal spot for walking trails or a picnic.' Now, Commissioners, I know that you love the reservoir too, and I understand the debate over whether to close the reservoir- a debate that's not yet finished- is the result of your hand being forced by some unfortunate recent developments. That said, should you ultimately choose to close the reservoir to recreational activity, you'll be making a grave mistake. First, closure would result in the loss of enjoyment of a beautiful public asset by members of the public. Moreover, the impact of your decision would go far beyond simple closure. This is the type of decision that causes people to lose faith in government. Please take the long view: years from now, don't let your legacy be that you denied thousands of your friends and neighbors from the most basic form of healthy, natural enjoyment. You don't want your grandchildren to see the reservoir's beauty and ask, 'Why don't you let people use their land anymore?' You don't want to do this because it's a decision that can't be explained, and can't be defended; it's simply wrong. So do the right thing. I, the West Hartford Town Council, and the thousands of people who have signed petitions, and the hundreds that are here tonight, urge you to keep the reservoir open. And if you need our help with the Legislature, we'll be with you every step of the way. To quote Woody Guthry, 'This land is your land, this land is my land', but this land belongs to these people; don't forget that. Thank you very much."

Eric Hammerling, Executive Member of Connecticut Forest and Park Association (CFPA) made the following remarks:

"Good evening. My name is Eric Hammerling, I'm the Executive Director of the Connecticut Forest and Park Association, I'm also a resident of West Hartford, and co-founder of SaveTheMDCTrails.org, with Charlie Beristain. Thank you for holding this hearing tonight, to hear from the public on this critical issue, and thanks to everyone for coming. Tonight you'll hear from many people about the importance of keeping the MDC lands open for recreation. You'll hear from recreational users who highly value the walking, running, biking, dog-walking, cross-country skiing, and many other activities that they enjoy on your lands. You will hear from recreational outfitters, whose businesses and many jobs are supported by having places like the MDC reservoir system in our community. You'll hear from political leaders, who are concerned about your impending decision, and the signal it could send to other municipalities throughout the state. You will hear from outdoor enthusiasts, who believe that obesity, as well as video game and television addiction are much greater public health risks than the potential for an occasional trip, stumble and fall while recreating. You will hear from advocates who are rallying to fix the state's recreation liability statute to include protection from municipalities, similar to that provided to private land owners and corporations. You'll hear from my CFPA colleagues about the Metacomet New England Trail, the newest natural scenic trail in the United States, as well as other blue-blaze hiking trails- maintained by our wonderful

volunteers- and the importance of keeping the many values of these trails uninterrupted. You may hear from realtors and home-owners associations, who appreciate that people move to places like West Hartford and decide to stay here because of quality of life supported by the availability of outstanding local recreational resources, and you may even hear from some trial lawyers tonight, who would like to keep the MDC lands open, but are not interested in strengthening the legal protection for the MDC or other towns against personal injury law suits. I'm not a betting person, but I'd wager that no one is here to recommend that you close the MDC lands to the public. Many of us are frustrated about the current situation, but there is something constructive we can do about it. On behalf of CFPa and SaveTheMDCTrails.org, I am recommending that you join with me and make some lemonade. Lemonade, you ask? Yes, lemonade. We've all heard the saying, 'When life hands you lemons, make lemonade.' Well, the fact that we are all here shows that we are not interested in just accepting lemons. The unfortunate mountain-biker injury and the regrettable lawsuit that followed were lemons. Actions by the MDC insurance provider, potentially, to raise premiums, would be a lemon. A decision by the MDC to close its lands to public recreation would be a lemon. And last but not least, further delay in fixing the recreational liability statute for towns by the General Assembly would be another lemon. It will take us working together to make lemonade. This lemonade would include: a recreational liability statute that affords liability protection for municipalities and municipal entities like the MDC. The MDC would keep open its recreational lands to the public at the very least, for the opening of the legislative session in 2011. On this theme, we have literally offered free cups of lemonade at our table tonight. Now I caution any of you who go outside: you may not be able to get back in. But if you are able to step outside, we do have lemonade there, and I'm going to encourage you to sign up to be a part of Something GREAT. That's 'GREAT: The Grassroots Recreation Email Action Team.' Please sign up for Something GREAT. You can do something about this issue, or you can go to our website at a later time, which is ctwooldlands.org, and sign up through there to be on the GREAT email list. We hope that all of you will work with us to ensure the General Assembly makes the resolution of this issue on behalf of the MDC, 169 other municipalities, and all of us a top priority at its earliest opportunity. Thank you."

Richard Blumenthal, Attorney General, made the following comments:

"Thank you all for being here tonight, and for giving a face and a voice to an extraordinary issue. You know, there's a saying that a picture's worth a thousand words, and your being here is worth many, many thousands of words, and I wish I had this picture to take across the state- to take across the country- to the cynics who say that people don't care about the environment, it isn't an issue, it's something in the past. You are standing strong for environmental stewardship, and the picture I really wish we had here, and where we might better conduct this meeting is on the reservoir lands itself. I'm here to urge the MDC, as clearly and as strongly as possible, to keep these lands open, to make sure they are as accessible as possible. There are legal issues that are resolvable- I pledge to you that as Attorney General, my office will work with you, work with the legislature, work with anyone who has an interest and who shares this passion for making sure this land is your land. And it IS your land. It should be your land, despite the legal difficulties that may be raised, they are resolvable, and I just want to thank the MDC for its environmental stewardship. This issue is not only about the Hartford area; it is about the entire state. Closing this land will send a message, and a very damaging one, to other public owners throughout the state who may face the same perceived

challenges. And we can avoid that message and in fact, send a very positive and reinforcing message about the importance of recognizing a public trust and public access to this very extraordinary, pristine and precious natural resource that has given life to so many dreams and fulfilled so many lives. Thank you for having this hearing and for permitting me to be a part of it; thank you very much."

Charlie Beristain, West Hartford citizen and co-founder of SaveTheMDCTrails.org followed:

"My name is Charlie Beristain; I live at 15 Sulgrave Road in West Hartford. Eric Hammerling and I are the principals behind SaveTheMDCTrails.org. I am a member on the Recreation Committee in the MDC, I am a member of the New England Mountain Biking Association, the International Mountain Biking Association, Bike/Walk Connecticut, and the Governor's Advisory Committee on Bicycle and Pedestrian issues. I visit the reservoir about 200 times a year, and that's been for the past 12 years. I ride, I run, I walk, and I do trail maintenance year-round. The MDC properties are the most unique and valuable asset for the many surrounding communities, providing one of the only very safe places for recreational activities in an urban setting. It would be a great concern and a great loss if the MDC were to close its facilities to recreational activities. We established a website, SaveTheMDCTrails.org, a little over a month ago. Since then, we've had over 7,000 individuals visit our website and over 22,000 visits, and over 675 have signed on to our "Friends of Save the MDC Trails" list. And we have over 4,000 people who have signed our online petition, and that's only been over the past three weeks. Plus we have signature sheets that were collected by various individuals, and our Facebook page- that we just created a couple weeks ago- has over a thousand fans, so that's moving forward. Interest in keeping the MDC properties open is broad, and it touches many communities in Connecticut, not just the towns in close proximity to the reservoir. I hope you see a way clear to keep the properties open to the public, at least through the appeal process, and long enough to give the state Legislature time to address the whole community loss. Thank you."

Dave Baram, Bloomfield State Representative, stated:

"Good afternoon, I'm State Representative David Baram, representing the 15th Assembly District, including the towns of Windsor and Bloomfield. As some of you may know from the articles in the Hartford Courant and the Journal Inquirer, I have spoken very forcefully on this issue. I believe that we should unequivocally support access to the MDC sites. We are talking about over 10,000 acres of sites that are used by thousands and thousands of residents throughout the year. When I think of the West Hartford Reservoir, and Reservoir 6 in Bloomfield, consisting of over 3,000 acres, over 450 acres by Lake McDonough in Barkhamsted, and over 6,500 acres along the west branch of the Farmington River, it would be an utter tragedy to foreclose these properties to public use. I must even share with you a personal story about the fact that when I was dating my wife in high school, the very first date we had was at the West Hartford Reservoir. Of course you question my motives, but it turned out to be a nice event. These sites are indispensable to the State of Connecticut, and as Mayor Slifka indicated, West Hartford has been held up because of its recreational uses, but these uses go far beyond the town of West Hartford; it really is a benefit and an asset to the entire State of Connecticut. I believe that this unfortunate court decision has precipitated a crisis: how

does a municipal corporation, with a very special use and mission like the MDC, a mission to, primarily, dispense water and sewer services, deal with the potential liability of recreational use? And I think that when we weigh the benefits, the benefit of providing public access to these unique sites far outweighs any purpose in having liability in recreational use. So I have proposed, and I will be submitting a bill in the upcoming session of the Legislature, to amend the Land Use Recreational Act, to provide for municipal immunity for the MDC. The Municipal Land Use Act talks about private landowners, and in my opinion, the MDC really is akin to a private landowner, for the reasons I gave earlier. That is, while it's a municipal corporation, its sole function is really water and sewer services. It's ancillary, or secondary, that it is making, through its own good will and discretion, its public lands available for recreational use. And so, it has no obligation to make those lands free for public use, and I believe that the Legislature, when it enacted this Act many years ago, would have intended for the MDC to be included within the context and parameters of that statute. Unfortunately, a judge interpreted it differently, but I think the Legislature has an opportunity to remedy it. I also want the Commission to know today that I have submitted a letter, which probably will be received by Chairman DiBella, and House Speaker Christopher Dodd, indicating my intent to submit legislation to rectify this issue, and I have been notified by the Speaker of the House that he understands and shares the concerns, and he is willing to work with the Legislative colleagues to find a solution to this issue. And so I will submit this letter, and I pledge to do everything I can in a fair and equitable way to find a solution with this, and I'd urge the MDC to keep the lands open until the Legislature has an opportunity to address this issue, and thank all of you for coming tonight and showing support for continued public access to MDC lands. Thank you."

Starr Sayres, East Haddam citizen and member of Connecticut Forest and Park Association said:

"Good evening everyone. My name is Starr Sayres and I live in East Haddam, Connecticut, and I am here on behalf of the Board of Directors of the Connecticut Forest and Park Association. The Board of Directors represent 30 towns in the State of Connecticut; I have a brief letter to read on their behalf. As Board members of CFPA, the first non-profit membership-based conservation organization in the state, we are committed to our mission of connecting people to the land in order to protect forests, parks, walking trails and open spaces for future generations. One of the best ways to connect to the land is through walking the 825 miles of blue-blazed hiking trails maintained by CFPA volunteers. The Blue Trails cross private, town, and state lands, so we rely on multiple landowners to keep the trails connected. Landowners are often willing to provide free recreational access across their properties because they are protected from lawsuits by the state's Recreational Liability Statute. Towns, and the MDC, are not protected in the same way. This is why we have such a strong interest in the jury verdict of 2.9 million against the MDC, which has the same legal status as a town, and is considering the closure of its land to recreation. We are asking the General Assembly to provide towns with the same strong protection against liability that is enjoyed by private landowners, and we encourage the MDC to keep its recreational lands open. Thank you very much."

Mary Glassman, Simsbury First Selectman made the following remarks:

"Thank you so much for the opportunity to speak tonight. My name is Mary Glassman and I am the First Selectman of the town of Simsbury. In fact my town was recently named- the only town in Connecticut to receive- the Bike-Friendly Community Award by the American League of Cyclists in a state that was ranked 44th in bike-friendly states. I arrived here tonight by bicycle and have been traveling the state to promote multi-modal transportation. The potential for MDC to close their lands to recreational use would be a backwards step in a state that should be moving forward in promoting multi-modal transportation. The MDC West Hartford Reservoir has once served as a valuable place for public recreation, providing hikers, bikers and runners a place to go outdoors and promote just the type of activities that we're trying to promote. Getting people out of their cars and onto bikes not only has health benefits, but also reduces the carbon footprint, and fosters community life. The closing of the MDC's reservoirs, those 3,000 acres, would be a detrimental impact for recreational activities not only for Hartford, but for the State of Connecticut as a whole. I also strongly support the changes to the Recreational Liability Statute that were mentioned before by Representative Baram, and I think it would protect municipalities from legal action. My greatest fear as a Chief Elected Official is that if the MDC closes its lands, it will lead to other towns and cities all across Connecticut also closing access to recreational opportunities for fear of personal injury lawsuits. I urge you to help make Connecticut a bike-friendly state, and keep your properties open for recreational use to the people of Connecticut. Thank you."

Shari Cantor, West Hartford Town Council member, on behalf of Dan Malloy and Nancy Wyman, stated:

"I'm honored and privileged to represent the town of West Hartford, to serve a community that is so passionate, caring, smart, and committed to this cause, and I really appreciate all of you coming out tonight. Thank you to the Commissioners for listening to us, and the MDC staff. I am actually addressing the Commission; these are comments submitted jointly by Dan Malloy and Nancy Wyman, the Democratic Party's endorsed candidates for Governor and Lieutenant Governor. Connecticut's natural landscapes are a big part of what makes our state so unique, and they're one of the most precious resources we share. Recreational areas that allow the public to experience and enjoy that resource should be protected at all costs. The reservoir in West Hartford is just one example of such a resource, but it is a big example. Some 200,000 visitors every year enjoy the reservoir and its trails. Unfortunately, a loophole in our state's Recreational Liability Statute has left the MDC unnecessarily vulnerable to potential personal injury lawsuits and the facility may be forced to close unless action is taken. We firmly believe that the MDC property should remain open to recreational activity and that the path towards the result should involve Connecticut State Legislature taking action by amending the statute to include the MDC and other non-profit municipal groups, thereby ensuring that these properties remain open. Given that the MDC currently has the same legal status as any local municipality, the potential for the action to have a ripple-effect is very, very real. It would be a shame if other towns were forced to close facilities for fear of similar lawsuits. In this way, fixing the Recreational Liability Statute won't just be protecting the MDC, but also the 169 local municipalities that should be protected enough from lawsuits that they can afford to keep their public facilities open to its residents."

Fixing the loophole, and keeping the MDC trails open is in the best interest of the state, our towns, and the public. We urge the Legislature to take action. And again, this is Dan Malloy and Nancy Wyman, and I really appreciate their input in this process. Thank you.”

Scott Livingston, member of Connecticut Forest and Park Association said:

“Hey everybody, how’s it going tonight? It’s fun to see a lively crowd here. I’m Scott Livingstone, I’m the president of Horst Engineering, we’re in East Hartford, we have 75 employees at two plants there, East Hartford is a MDC town, I see one of my fellow constituents over here, Chris Stone. You know, this is great because I’m looking out at one of the fittest crowds I’ve seen in some time, that isn’t at a triathlon. And you know, we have to thank the MDC for the places to go and do that type of recreation that results in really healthy folks. So that’s kind of the first thing I wanted to point out. You know, I often joke that I’m an industrial capitalist by day, and an environmentalist by night, but those things don’t need to be separate. This is not a political issue, this is an issue about access, this is an issue about folks coming together as a community and the trails and land-access community should really be proud because of this effort. I haven’t seen an effort like this in quite some time. Now, in addition to leading Horst Engineering, which has taken advantage of our opportunities of our location on the Connecticut River Waterfront: we’re very active in Riverfront Recapture, and MDC and Riverfront Recapture have a very strong partnership that goes back many years, and there are repercussions as a result of these decisions regarding the reservoir that could impact activities on the Hartford waterfront and East Hartford waterfront. Now I’m also a Director for the Connecticut Forest and Park Association, you’ve heard from Starr, you’ve heard from Eric; both of them active with the Organization, and we play a strong role in Connecticut in preserving access to trails. But it’s not just the CFPA that I am involved with; my wife is president of the Shenipsit Striders, her name is Debbie, and we’re very active with the New England Mountain Bike Association, I’m a member of the Board of Advisors to the Appalachian Mountain Club, we’re in the Silk City Striders Running Club, Hartford Track Club... the list goes on. You know, we’ve hosted races on the waterfront, and we train in these beautiful lands. So it would certainly be a serious problem, long-term, if we didn’t maintain access to the lands, and we just wanted to come together as a community, let you folks know, and you should know that we’ve got a lot of energy. So if the issue doesn’t get resolved, you’re not going to be able to get rid of us. Because, you’re not going to outrun us, you’re not going to out-bike us. Lastly, I’m not running for political office, though it may sound like that. If I was, I would have brought my kids up here with me. This clearly is about future generations; CFPA is more than 100 years old, and the one thing we can be certain about with the environment is that it’s going to be here long after we’re gone, providing that we are good stewards. And we’ll promise to take care of the land if you promise to give us access to it. Thank you.”

Clare Cain, Niantic citizen, and member of Connecticut Forest and Park Association made the following comments:

“Hello, my name is Clare Cain, I’m the Trails Stewardship Director of the Connecticut Forest and Park Association. The CFPA maintains over 825 miles of trail in the state, all of which enjoy State Greenway status. There are two blue-blazed trails that cross MDC property: the Tunxis Trail in Barkhamstead and the Metacomet Trail here in West Hartford, and you’ll hear tonight from folks who have a deep and intimate connection to these

trails and your land. The outpouring of support here for these trails has been overwhelming, and as our landscape is developed and parceled apart, these trails are our remaining green corridors. They connect habitat, they invite exercise and exploration, and they encourage our connection to the natural world. The Metacomet Trail specifically is part of the larger New England Trail that stretches from the Massachusetts/New Hampshire border to Guilford on the Long Island Sound; 220 miles. Designated as a National Scenic Trail by Congress and the President in 2009, the New England Trail joins only 11 other trails in the country with this very special designation. This trail is nationally significant, for a whole list of reasons, one of which is how it connects parks, open space, trap rock ridges, and woodlands to the heart of Connecticut. Intersecting 20 Connecticut towns, the New England Trail absolutely depends on a patchwork of landowners who willingly allow the trail on their property at no cost to the user. Without the cooperation of these owners, the continuity that is so important, so fundamental to this trail, could not be achieved. Commissioners, we urge you: do not close the trails. Do not break the delicate thread that allows so many to enjoy such a tapestry of natural, scenic, and historic sites. Do not break the thread that links Talcott Mountain and Penwood State Parks to the town of Farmington. Do not break the trail that links the Tunxis and Nepaug State Forest. Do not be the landowner that allows risk to dictate your land and trail management decisions. Please, do not be the municipal leader who closes their lands because of a lawsuit. Other municipalities are watching this situation very closely, and if they were to follow suit, long-distance hiking trails in the state would be inextricably severed. Do not impoverish our residents by restricting access to the natural wonders your lands harbor and the important trail-connections your land enables. Let us help to rewrite the state's Recreational Liability Law. Do not break the trails that allow us to revive our minds, our spirit and our sense of adventure. Thank you.

Andy Fleischmann, West Hartford State Representative made the following remarks:

"Hi. My name is Andy Fleischmann and I'm the State Representative from West Hartford, I see a colleague from East Hartford, Representative Henry Genga here, and I have a feeling that there were other Representative colleagues who may have been trying to get into this room but were not allowed; there are hundreds of people outside who have not been able to get in. I'm appreciative of that. I'm appreciative of this forum, but regret that we chose a site that is too small to hold the people who want to give voice to this issue. We needed a much larger site because there are that many of us that care about the MDC lands being open. I'm here tonight not just as a State Representative, but as a husband, a father, and an avid hiker. There is hardly a week that goes by that I, myself am not somewhere on your lands. The MDC, as you know, is comprised of public lands that were donated by all of the surrounding towns. So we, the people, donated the land and the waters that are now called 'The MDC.' I'm not a lawyer, but it's my understanding that a 2005 Supreme Court decision said that the MDC is a political subdivision of the state, just like any city or town is a political subdivision of the state. Political subdivisions of the state already enjoy quite a bit of immunity. I'll just share some of the forms of immunity that my town, Bloomfield, every town, and you already enjoy: You shall not be liable for damages to person or property resulting from:

1. Condition of natural land or unimproved property
2. Condition of a reservoir, drain, conduit, canal or similar structure

- 3.Temporary condition of a road or bridge which results from weather
- 4.Condition of an unpaved road, trail or footpath

The list goes on. I'm just trying to say that there's already all sorts of immunity conferred to MDC and our towns. Now, I am totally open to tweaking the statute, if it needs to be tweaked in order to ensure that there aren't overly-broad loopholes to the liability immunity that I just read to you. But I want to be clear: my town is not considering closing down all of its public and recreational lands, and neither are any of the towns around. And according to our laws, they were as affected by this lawsuit as you were. So I think it's rather outrageous, frankly, that tonight you're talking about closing down; my town's not doing it, none of the surrounding towns are. I'll just cut to the bottom line. You, the MDC, exist because we, the people, gave you your lands and your waters. I'm not here to ask you to please stay open. I'm here to say that it is your responsibility to keep these lands open to we, the people. Thank you."

Amy Paterson, member of the Connecticut Land Conservation Alliance said:

"Good evening. My name is Amy Paterson, and I'm the Executive Director of the Connecticut Land Conservation Council (CLCC). On behalf of the CLCC and the community, I'm here to urge the MDC to keep its lands open, and to ask our elected officials to amend the Recreational Liability Statute to better shield towns from liability. By way of introduction, CLCC works with land trusts, municipalities, garden clubs and other conservation organizations to achieve its mission: to ensure the long-time strength and vitality of the land conservation community of Connecticut. We have a steering committee with state-wide representation, and share headquarters with our fiscal sponsor, the Connecticut Forest and Park Association. I've been active in land conservation in Connecticut for over 20 years, and throughout my career, have witnessed, firsthand, how critically important open space is to our communities. We are fortunate to have the State Open Space and Watershed Land Acquisition Grant Program, which has enabled land trusts and towns to protect farmland, forest land and open space that otherwise would have been lost forever to development. The Open Space Grant Program, funded through bonding and the Community Investment Act, or CIA, has become the backbone of land conservation here in our state. I've had the opportunity, as an attorney, as the project manager for the trust for public land and now as the Executive Director of the CLCC, to assist many communities in their efforts to raise the mass funds necessary to take advantage of the State Grant Program and to go on to successfully purchase outdoor recreation areas for all to enjoy. Even now, during these tumultuous economic times, residents have consistently voiced their support for land protection by approving the Open Space Bonding Referenda at the polls. Perhaps even more telling is the recent support provided by the Governor and the General Assembly. Again, despite the unprecedented budget deficit, our elected officials committed \$5 million of CIA funds to the 2010 Open Space Grant Program, which is now in review. And just last week, the Bond Commission authorized an additional \$5 million for that program. For this current grant round, resulting in \$6.25 million for the state's Record National Heritage Program. Simply put, this state is committed to protecting open space because of the obvious benefits that it provides. Land conservation provides us with opportunities to get outside, to connect with our natural environment, to exercise, to recreate and to just stay healthy. Protecting our forests and fields makes for a cleaner and healthier environment and enhances our quality of life. But especially in these tough economic times, we

should also recognize the value that open space conservation contributes to our state's economy. You've heard from elected officials here, you've heard from mayors, you've heard from others; they can tell you what open space does for their towns. Land conservation helps increase the value of neighboring properties, brings patrons to local businesses, enables farmers to earn a living while also producing local food, and helps keep people employed. In short, open space conservation makes our towns more attractive, like West Hartford, for people to live and for businesses to operate. By closing its recreation lands, MDC will be sending a message to its towns that, despite the tremendous investment in land conservation made, at both the local and state level, the risks of liability from owning, operating, and maintaining open space and trails outweigh the benefits that these lands provide to us all. Please don't let that happen. On behalf of the Connecticut Land Conservation Council, I respectfully urge MDC to keep its recreation lands open and urge our elected officials to amend the Recreational Liability Statute to provide towns with the same protection against liability as that enjoyed by private landowners. Thank you very much."

Jeremy Castle, Farmington citizen, and representative of REI stated:

"Good evening, my name is Jeremy Castle, I'm the store manager of REI here in West Hartford. But I'm also here to speak on behalf of the nearly 10 million members of REI world-wide. As an outdoor retailer and consumer cooperative, it is vital that our members and our customers have access to outdoor recreation areas and that these important community assets are kept open for their enjoyment. We all know that recreational areas, such as the MDC reservoirs and their surrounding lands provide both economic and health benefits to both individuals and communities outside the retail industry. It would be an absolute shame to close down these wonderful assets that provide so many of our families year-round recreational opportunities, and so many local business the traffic that's helped drive the economy, especially during these difficult times. At the same time, as it's been noted several times tonight, the reservoirs here in West Hartford attract more than 200,000 visitors a year. How many of these visitors, like ourselves, are exposing their children to the outdoors for the first time? Maybe in an Easter egg hunt, or maybe while their mother or father is recreating at a 5K for a charity event. These recreational lands provide easy access to all our families to expose our children to the outdoors, often for the first time. With the nation-wide childhood obesity epidemic, can we really afford to shut these areas down? With this epidemic in mind, closing down these areas should be our absolute last resort, shouldn't it, instead of the knee-jerk reaction it so far seems to be. In closing, REI would like to ask the Commissioners to think seriously about all the impact outside the MDC, such as the ones I described. These recreational areas make our areas great places to live; in fact attractive and inviting places to live. Please consider all the costs of closing these areas down, and find a suitable solution which does not involve locking the gates permanently. Thank you."

Sydney Shulman, Mayor of Bloomfield, made the following comments:

"Thank you very much. My name is Syd Shulman, and I've been honored to serve as Mayor of Bloomfield, Connecticut. My family and I have always used recreational facilities such as the MDC facility, since I was young. And I don't want to tell anybody how many centuries ago that was. But we've enjoyed it. This is something that you cannot expect total coverage of security and every little bit in the land, involving recreational facilities. I would

urge- Representative David Baram of Windsor and Bloomfield has submitted a bill to exempt the MDC under the Recreational Use Statute- and I would urge everybody here to get out and support that, the MDC to support that, so that everybody here and all my constituents in Bloomfield will be able to continue to improve their quality of life in being able to use the recreational facilities afforded by the MDC properties. I think it's extremely important- and if you go outside, the hotter it is, the more important it gets- for people to be able to avail themselves to the opportunities that exist in all of the facilities. Now all of you here: is there anyone here against that? I don't think so. I think you're all here supporting the recreational use of the facilities. I don't want to discuss the case; that's something for the courts, something to be decided now or later, or sometime in the future. But for all of our futures, for the futures of our children, our grandchildren, for all the people we want to bike and ride and swim, and partake in the activities, I urge you to get out when the proper time comes in the legislature, to support Representative David Baram, and his bill to exempt the MDC and to make the fault within the Recreational Use Statute so that all of us can enjoy the opportunities that are afforded by those properties. Thank you very much."

Bill Brekle, member of Connecticut Forest and Park Association said:

"Hello, my name is Bill Brekle, and I live in Killingworth, drove all the way up here and could not believe the group out there. They told me I was number 9, and I wasn't sure I'd be able to make it in. But I just appreciate, and I know everybody here is committed to make a couple of points to the Commission. And it's very difficult to say things when you're number 9 or 50 or whatever, because so many people have said things that I had intended to say. So I thought maybe I'd just make it a little more personal and share a couple things as to why it's important to me that the MDC keeps the trails open, and that we all work collectively with the Legislature to try to give you the same immunity that public lands- people who have trails on them- have. I think it's something we all really need to commit ourselves to. I'm an avid hiker: I have hiked all the way through the Metacomet, to the Tunxis trails - we have 825 trails for the Connecticut Parks Association to keep. I'm a member of the Connecticut Parks Association, and I know you've heard from some of my colleagues, but you've got to please keep those trails open. To take out this section of the trail that's now a National Scenic Trail, would be a travesty. Just on the second part, I'm a retired educator, I've worked for years, and in the school district I worked in, I know there's an outdoors education program, and there's a real commitment on the part of this country, on the White House level, as well as throughout, many people are saying that our young people need to be active. I know there's also a program called 'No Child Left Inside' which the Connecticut Parks Association works very strongly to support. How are we going to give those young people a chance to get out if we take the reservoir and all of its recreational facilities away? We really need that chance. It's just another option they have to get them outdoors, to appreciate the outdoors, and to get some exercise. So please consider that; I know I haven't added too much more than what other people have said, but please consider that seriously. Thank you."

Bob Fiske, West Hartford citizen Said:

Thank you for letting me speak, my name is Bob Fiske, I'm a resident of West Hartford, I just wanted to say a few words, just to you on a personal basis, but I think I speak for many people that the lands of the MDC in West Hartford in particular, has sort of become a

fabric of our family life. Our family uses the MDC weekly, if not, in many cases, a daily basis: walking the dog, riding the trails, in wintertime: snowshoeing, cross-country skiing. Ever since our children were young, we started out pushing them in strollers, they graduated into Razor scooters, then to bicycles, then to mountain bikes, often times they may have been reluctant to go to the reservoir, but once we got them there, it was difficult to get them to leave. I think that closing the reservoir would be a real tragedy. Many people look at West Hartford and say that the downtown area, Blue Back Square, is really the crown jewel of the town, but our family would disagree, and I think many others would say that the true crown jewel is the MDC reservoir. Thank you.

Paul Kramer, Avon citizen, made the following remarks:

I'm Paul Kramer, from Avon, Connecticut. Thank you for allowing me these 50 seconds here to speak. I've heard the word "recreation" used a lot this evening, I'd like to say a few words on behalf of those of us who have medical issues, and have to address it by the use of the reservoirs. I'd like to impress on the Commission the fact that the reservoir system is not simply a pleasant and enjoyable place for recreational activities, or even for recreational exercise. For a large number of users, the reservoir has become a part of their medical or health motivational fabric. These are individuals who require daily attention to the strict maintenance of an exercise routine for the purpose of either healing or maintaining their health. The aesthetics of the reservoir encourage such individuals to rigidly adhere to their exercise programs, despite the physical rigors, and for them, their daily walks, runs, jogs or bike rides can literally become a life or death activity. I am 14 years and nearly 20,000 miles at the reservoir of daily power walking after a near-death coronary occlusion when I was in my early 50s. Each day, I walk with many others, young and old, who share a similar story. Sometimes it's obesity, sometimes diabetes, sometimes cancer, sometimes cardiovascular issues, but it always attains a gravity far weightier than recreational enjoyment. Please do not take away from these people such a valuable incentive to regaining and maintaining their health. Thank you.

Philip Keyes, Avon citizen, and member of NEMBA stated:

"Hello, my name is Philip Keyes, and I am the Director of the New England Mountain Bike Association. I would like to thank the MDC for many things, not the least of which is for providing such an amazing array of recreational opportunities on your properties. Our Connecticut chapter, which is the second largest chapter, was actually formed because it wanted to partner and help steward the trails at the MDC, specifically the West Hartford Reservoir. Folks like Charlie Beristain and others stepped up to the plate to create a bicycle patrol and begin a whole program of helping you all work and manage your trails. Mountain biking, as one way to get people out onto your trails has also been a conduit to get volunteers and people really connected to the land and giving back to those lands. Great communities build great trails, and great trails build great communities, and we're really very appreciative of what you've done to build this area up as a leader. And ironically, although we don't really see this right now, the MDC has a real opportunity to be an incredible leader, to change the laws of Connecticut, and really stand up for what is right. I think years from now, as we look at what's going on here, we look at the MDC, the MDC has a real obligation to decide, 'Well gee whiz, this is horrible, we should close things down.' You have that responsibility to have that due

diligence to really have that conversation, and I think we all appreciate that. But you also, I hope, will have the courage to say, 'Hey, we can deal with this, we can work with the Legislature, we can get beyond this, we can continue to build and be an active role in our community.' And I'm very grateful that this is taking place, that we have this opportunity. If this tragedy, this mountain bike tragedy that goes well beyond mountain biking, did not occur, we would not even realize that all of our towns have this sort of problem with the law. This law is ridiculous, this law needs to be changed, and this law will be changed, and all of us in this room will have the opportunity to make that much better. And when I look around, I see the CFPA, the hikers, the tri-athletes, the mountain bikers, all these people in this room together, I'm very confident that this verdict will most likely be overturned, and Connecticut will be better in the long-run. Thank you very much."

Ted Goerrer, West Hartford Citizen stated:

Hello, I'm Ted Goerrer, I'm a resident of West Hartford, mountain biker, school teacher, and a father of two boys. I'd first like to express my gratitude to the MDC for years of open, friendly and safe usage of your trails. You've enriched my life, those of my students, and the lives of my family and friends. You've been open to my requests of educational field trips, you've allowed numerous non-profits to use your land, you've invested thousands in a new parking area, complete with speed bumps, police officers and emergency call phones, you've strictly enforced the rule that all bikers must wear helmets, and I thank you for all of those things. Anybody with any common sense and familiarity with the MDC properties knows that they have demonstrated reasonable and safe practices. Unfortunately, you simply cannot eliminate all risk from life, and even if you could, a life with no risk whatsoever is not a life I care to live. I don't go mountain biking with the belief that I'll be magically protected if I crash. You can't put baby-bumpers on every root, rock and fence post. Our culture has some serious problems: childhood and adult obesity are out of control, greed has nearly wrecked our economy, and too many people are looking for quick and easy solutions. Well, life is hard. It takes a lot of hard work to stay in shape, and in the process, life deals us some pretty hard knocks. In the old days, we admired people who overcame adversity. These days, we look for someone to blame. The plaintiff in this case is no mountain biker. She may have been at one time, but we hereby disavow her. The jury, in this case, found that she was 30% at fault, and the MDC was 70% at fault. I'm not sure how that happened. The plaintiff in this case still plays soccer every week. If she had any integrity, she would give back every dollar over and above medical expenses. If her lawyer had any integrity, he would give back every dollar of his legal expenses. But what are the odds of that happening? Pretty slim. All you have to do is go to his website. On that website you will see what he specializes in: catastrophic personal injury, medical malpractice and product liability. You know, the things that cause each of us to pay higher premiums on just about everything. I don't have enough time to go into all the details, but this is no ordinary lawyer; this is a super lawyer. This is the lawyer who believes he can convince 6 jurors that it is not only the owner of the dump truck in Avon Mountain that was at fault. Oh no. The owner was certainly partially to blame, but somehow, so is the state. He is currently attempting to sue the Department of Transportation for that crash. Why not, they built the road after all. And by the way, they have a lot of money; our tax money. This is a lawyer who feels he can convince a jury of 6 people that the owner of a 200 pound chimpanzee is not the only one at fault when it viciously attacks somebody. No, the owner who purchased, raised, fed and housed this extremely large primate is certainly partly to blame, but really, shouldn't

the Department of Environmental Protection have done more to prevent this act? This lawyer is currently suing the State Department of Environmental Protection for \$150 million. I think there are two solutions to the problem: I ask that the MDC keep the trails open for all of us, and we all need to work together with our legislators to fix the problem at a state level and close the liability loophole."

Robert Izard, West Hartford citizen made the following remarks:

"My name is Bob Izard, I live in West Hartford, and I frequent the Farmington Avenue Park. And I call it a park because it's not a Water District, it's not a Reservoir; to me, and I think to most people here, it's a park. And I don't think you close parks lightly, particularly in this urban squall in which we live. And I'm a little nervous about what we have here. We have a unique and urban park here. You won't find anything like the Farmington Avenue Park this close to an urban setting anywhere else in the country, and so picking up what Andy Fleischmann said, this is not just your land, as a District, it's our land and it's a park. And I think you should be very, very careful to think about what are your real risks here, before you take that land away from us. Because we care about it, and if we need to go to the Legislature, then fine. Our Water District is a park, and that should be preserved for all of us."

Leslie Lewis, member of Connecticut Forest and Park Association said:

"Thank you for letting me speak today, my name is Leslie Lewis, I'm the Walk Connecticut Director with the Connecticut Forest and Park Association. The Walk Connecticut Program is designed to connect people with opportunities to walk, bike, ride and otherwise be active as part of a healthy lifestyle. As we all know at this point, lifestyle conditions such as obesity, heart disease, hypertension and type II diabetes are rising dramatically in the US. These conditions cost all of us billions of dollars annually, and they could be mitigated or prevented if those at risk engaged in regular exercise. Walk Connecticut operates on the principle that people utilize facilities that are local, accessible, inexpensive, safe, and easy to use. Judging by the number of users, and certainly the number of people here, the MDC trails obviously meet those conditions. In fact, a recent study that just came out in England found that 'green exercise'- exercise out in nature, has a greater benefit than the same exercise, if done indoors. And the most benefit is gained if exercising near a body of water. I'm sure that many of those that utilize the MDC's facilities could go elsewhere if the trails were closed, but many more would find that driving farther or paying for a membership at the gym would be disincentive to getting the exercise they need. I worry that the ripple effect of the recent lawsuit will result in the closure of more areas around the state, at a time when we need increased recreational access, and not less. In the short-term, I hope that the MDC will keep these trails open, and in the long-term, I hope that this case will ultimately result in legislation that better protects those who provide recreational use of their lands, be they public, private, or non-profit entities. The health of our citizens, our economy, and our state will be affected by these decisions. Thank you."

Ed Adajian, West Hartford citizen said:

"Good evening. My name is Ed Adajian, I live in West Hartford; born and raised here, and I have a few remarks regarding this current debacle about the reservoir. As I look

around the room, I see many faces of folks that I pass routinely- I frequent Reservoir 6, but I've been all over the District land- nearly 50 years of using the reservoir. I'd be there right now, save for my wanting to be at this meeting, and I see one sign in the back which says 'We love the Res,' which for me means 'real enjoyment space.' It's just a place you can get to, out of the sprawl- the air is not polluted with traffic fumes and so forth, and as we've heard others say, for medical reasons, you see people in wheelchairs, in crutches, I've passed all types, really, all walks of life at the Res. I've really watched the evolution of the reservoir, and quite frankly, I think the MDC's hand has been forced here, with this lawsuit, but more importantly, I think the MDC has been a great neighbor. How many neighbors open up their land to the public? The roads are maintained, I pick up litter, but I've seen security folks pick up litter. On the trail: the trails are well-maintained. Just a couple years ago, they had a bulldozer go all the way up to the Talcott mountain property, where the Heublein Tower is, and I think they really keep it in great shape. I think it's a great opportunity to go up there all the time: sunrise to sun set. Probably my complaint is: some folks leave their litter, they leave their dog poop in plastic bags around the trail for others to pick up, but that's an issue for another day. In closing, what I'd like to offer is that it would probably cost more in closing the reservoir, preventing people from entering, than it would be to have folks there. So that few steps to the Commissioners, and whatever the outcome, I would certainly abide by it, but I really think that the issue here is more about the MDC's liability exposure, not that they want to close the reservoir and make a lot of people unhappy. So let's look at the positive, keep the reservoir open, and hopefully, the right decisions will be made. Thank you."

Sandy Blake, West Hartford citizen made the following comments:

My name is Sandy Blake, and I am speaking on behalf of senior citizens who walk the reservoir every Friday morning, and have been doing so for 25 years. We start at 9:00 in the summer, and 9:30 when it's more wintery, and I don't care if it's a blizzard or 100 degrees, we're out there, and we walk that in about an hour and twenty minutes. We can talk the whole time, we're in good health so we can do it. Please leave the reservoir open for us because it's flat, it's paved, we can all get there and we feel safe, so we very much want you to keep that open for us. And anyone who is 55 or over, you're welcome to join us! Thank you.

Garth Adams, West Hartford citizen and Director of Athletics at Kingswood-Oxford School stated:

My name is Garth Adams, I'm the Director of Athletics at Kingswood-Oxford (KO) School here in West Hartford, Connecticut, and I'm here to speak on behalf of our school. As the Commissioners know, and as many of you in this room know, our boys' and girls' cross-country teams use the West Hartford reservoir in terms of their training and for their competitions. I wanted to thank the Commission for this opportunity to speak to you. KO has really enjoyed a long tradition and a beneficial relationship with the MDC over probably the last 30 years. Our teams have been training there at the West Hartford reservoir for a long time and get a great deal of benefit out of that. In fact, the West Hartford reservoir course, in terms of cross-country, was helped and designed by a long-time West Hartford MDC employee. And please know that, from our perspective, the West Hartford reservoir is much more than just a series of trails, it's actually a piece of the fabric of who we are as a school, and it really is part of our cross-country program. Our students and our coaches really feel connected to the West

Hartford reservoir, and really have a sense of pride about it, and really call it home. As such, we have never really considered our use of the West Hartford reservoir as a training facility to be a right, but always we tried to be great stewards of that facility. We always encourage our students to help maintain that facility and always follow all the rules and regulations that you've put in place. From an educator's standpoint, I can tell you that the West Hartford Res offers the very best, in terms of a training facility. From a safety standpoint, it gives our students a place that is safe where they can run without worrying about cars and vehicles, if they were running on a city street. From a training perspective, the West Hartford Reservoir offers the perfect combination of hills, turns and terrain to allow our students to train for competition. From a stewardship standpoint, it gives us a place where we can teach our students how to care about a facility. Finally, I know that you know that KO and the other West Hartford schools that train there provide a certificate of insurance to help mitigate and lessen any kind of liability that may happen for the MDC. I would urge and encourage you to keep those lands open. We love the facility, we want to use the facility, we need the facility. I don't think we could replicate what we have anywhere else in West Hartford or the area. Thank you for your time.

Art Roti, Granby citizen, member of NEMBA

"Good evening, my name is Art Roti, I'm here representing the Connecticut chapter of NEMBA, I'm a board member, former president, and as mentioned earlier, our chapter really started as a result of some challenges at the West Hartford reservoir; it's what's really brought us together. It certainly brought us together again. We certainly support any action that the Legislature can do to close these loopholes. It's very important to us. As mountain bikers, the West Hartford reservoir is one of the most enjoyable places in the state to ride, and it's great to have that this close to the city of Hartford. We have been very active in many programs, such as our Trail Ambassadors Program, which is people that are out riding the trails to assist other riders by providing direction, provide a spare tube. We also have a maintenance program, where we actively maintain trails all over the state of Connecticut, and we realize the far-reaching consequences that this could potentially have, long-term. We certainly support, again, closing these loopholes. Again, it brings the chapter back together, and I took a ride over to the MDC today. Thank you for having the trails open and for keeping the trails open. Thank you."

Chip Geor, Glastonbury citizen said:

"Good evening, my name is Chip Geor, and I live in Glastonbury. 34 years ago, in April 1976, the Commissioners of the MDC, your predecessors, voted to close the reservoir to automobile traffic year-round. Until then, cars were allowed through during the summer months. The decision made eminent sense. For those unfamiliar, car traffic was wholly out of control. I shall take a bit of credit for the MDC's decision. In October 1975, I launched a petition drive to have the MDC shut out traffic. 1,800 signatures later, and some media publicity along the way, common sense prevailed. I am proud of the small part I played to preserve this remarkable piece of land. This evening, you, MDC Commissioners, have another opportunity to do the right thing on behalf of this special place, and I hope you will. But you find yourselves between that proverbial rock and that proverbial hard place, and I don't envy the dilemma you face. But might some reasonable compromise be reached until Connecticut Legislature removes legal doubt on whether the MDC is liable for what happens to visitors on land that you

own and make available to the public? Between now and when the Legislature acts, might visitors be required to sign liability waivers before entering, similar to what visitors do when they take hot-air balloon rides, tube down the Farmington River or eat jalapeno peppers? My fear, shared by many others, is that, should the MDC decide to close its public lands temporarily, during this interim period, it just might not reopen. I've got to think that those here this evening, and outside, and those who were not able to come tonight would be willing to sign such liability waivers if it's the difference between keeping the reservoir open and shutting it down. Indeed, I'm confident there would be sufficient volunteers, who could be recruited from among those here, to man the entrances to these places and obtain the necessary signatures as persons enter. We wish to do what we reasonably can to meet you halfway on this, in this interim period in which the MDC finds itself in legal limbo."

Annette Gavens, West Hartford citizen said:

"I'm not used to public speaking, so if you'll bear with me, I have written my thoughts: As I understand it, a seasoned, experienced bike rider smashed into a closed gate. The gate was painted yellow to be very visible, and the biker was going in the wrong direction. I'm not a rocket scientist, but what common sense is telling me is that the biker should pay for the damage done to the gate. She should write a letter of apology to the MDC for the trouble she may have caused, and the judge who awarded this ridiculous settlement should receive a stern reprimand and should be reassigned to school crossing-guard duty. Because this case was not handled with reason, this biker and others will return to do the exact same thing, except this time, with a cup of hot coffee from McDonald's to get an even sweeter pay-out. We can fix this. We're smarter than that."

Martin Madon, member of Sierra Club, made the following comments:

"Good evening, I'm Martin Mador, I'm the Legislative Political Chair for the Connecticut Sierra club, I'm also a Board Member of River's Alliance, and past president and director of the Quinnipiac River Watershed Association. Sierra is the nation's oldest grassroots environmental organization. We put a high priority on access to the outdoors. The state chapter has an active outdoor hiking program. The Sierra national organization runs highly-respected trips program. We strongly support efforts to get people outdoors. Sierra, along with River's Alliance and several other organizations, sponsored a conference on recreational liability in April. Just before the jury verdict came out, coincidentally. We determined that fear of liability is a significant deterrent to getting people outside. We know towns that do not open their lands for paths of recreation because of these fears, and we resolved in April to seek legislative solutions, in the next legislative session, which is in January. Now, some people say that in crisis is opportunity. The crisis we have is the judgment against the MDC, the opportunity is to use the crisis to see what we can do to fix it. So the next paragraph is some technical legislative speak, which I'm going to direct to the MDC Commissioners. Municipalities and political subdivisions such as the MDC enjoyed immunity from recreational use of their lands, as did other landowners as long as no fee was charged, and the landowner did not act negligently. In 1996, in the case of Conway v. Wilson, the state Supreme Court stripped that immunity from the towns. The court held, among other things, that the legislative history of that bill demonstrated that the intent of the statute was to protect private landowners only. There was no finding by the court that the Legislature did not have

the power to protect towns as well, only that it did not choose to when it ran this bill. Several attempts to pass legislation in succeeding years to restore that immunity failed over the years. But there's no reason that the Legislature cannot do that; there's nothing in the court finding which says the Legislature does not have the power to do that, if they so wish. Now, I've spoken to Senator Ed Meyer, who is the Senate co-chair of the Environment Committee in the Legislature. He has committed to running the bill next year which will restore the liability protections for towns and the MDC, and he has given me permission to say publicly that he is supportive of this, and he will launch this bill in the Environment Committee next year. You've also heard from Representative David Baram, who said he is also interested in running a bill next year. The language of the bill remains to be discussed and fine-tuned, but the concept remains firm: to restore the protections lost in Conway and give MDC the protections to know that this sort of a judgment is never going to happen in the future, because the state will protect it from liability. Sierra, River's Alliance, Forest and Parks Association, Appalachian Mountain Club and other organizations will work in concert with our legislative partners to ensure an appropriate bill is passed in the next Legislative session. As this bill is going to save the towns money, as they will no longer have to pay their insurance premiums for protection for liability, we're sure that this bill is going to pass. Because saving the towns money next year is going to be a very strong issue in the next Legislative session. So we have every reason to believe that this bill is going to pass. So the conclusion here is that we ask you guys to leave the lands open until the next Legislative session, and give us a chance to fix it. We know we can do it; we have a chair of the Environment Committee already pledged to doing this, there is no barrier to doing this, with one exception, and that is the influence of the trial lawyer's lobbyists, which is what's kept the bill from passing all of these years. Now the good news is the public campaign of finance has begun to lessen the influence of the special interest lobbyists. We know this because we've gotten several bills passed in the last two Legislative sessions that would have never passed if it weren't for public campaign finance reform, which has lessened the influence of the lobbyists to go to the Legislature with lots of money in their pockets to get them to protect their special interests. So we really think this bill is going to pass next year, we're well set up to do that. To the members of the public that are here: when you hear from us next year that we're running a bill and we need your help to contact your local State Representatives, and Senator and say to them 'I'm a constituent of yours and I need you to support this bill.' We're going to need you to call their offices and send an email and make sure your State Representative is going to be out there to support this bill, which is going to solve the problem for the MDC, which we feel is really the ultimate fix here. Thank you."

Robert Isakson, West Hartford citizen said:

"Hi, I'm Bob Isakson, and I'm speaking as a resident who, in 8 of the 10 last years, has walked in the reservoir on almost a daily basis. I have a few comments and a question. First, in your presentation earlier, you noted that there were 200,000 visitors at West Hartford last year, 40,000 at one of the lakes, not even speaking to any of the other facilities, this would correspond roughly to nearly quarter of a million people in a year. That means that in a four-year period, you would have the equivalent of the Greater Metropolitan Area, population of nearly 900,000 people, being touched by your wonderful facilities. So the first comment is: I want to thank you for the tremendous resource that you make available to the Greater Metropolitan Area. The second comment is: by virtue of it touching so many people, it seems to me that you have to think about everything you can to allow this wonderful resource

to continue. Which leads me to my question, which is: pending a successful appeal, and/or the legislature that is being referred to by various speakers, coming up in the next session, could you consider putting up a sign near the opening, closing the gate, using Res #6 for example: you have a gate and you have a sidewalk opening, it would be a very small cost to put up a sign and have everyone go through the gate, and read that they enter at their own risk, in the interim period. Perhaps some of the other measures that have been alluded to, in terms of signatures, if that's necessary. But please consider it seriously; it's a fabulous resource, as you all know, and we certainly appreciate your consideration. Thank you."

Richard Zimmerman, West Hartford citizen made the following comments:

"Hi, I'm Richard Zimmerman, I'm a resident of West Hartford, and I'm a retired physician. I use the facility daily, and I think it's very important to a lot of people: physically, mentally and medically, to prevent heart disease, diabetes, obesity, and a lot of other diseases, by exercising on a regular basis. I sincerely hope that the MDC will be protected from liability, and that will be passed by the Legislature. I think, up to now, they've done a marvelous job in keeping the facility in excellent status, and everything has been so perfect. It's one of the areas that makes West Hartford special, and I hope it continues."

Brendan Mahoney, Hartford citizen, Hartford Court of Community said:

"Good evening Commissioners and MDC staff, my name is Brendan Mahoney, and I reside at 160 Fairfield Ave, in Hartford. I'm a rate-payer, cyclist and frequent user of the MDC trails. I urge you to maintain status quo at the various MDC facilities in regards to recreational access. The recent adverse lawsuit is an aberration, and should not result in the policy change. Evidenced by the resolution passed in Hartford, and the submitted resolution in West Hartford, as well as the people here tonight, and the countless letters and emails that the MDC has no doubt received, the will of the people is to keep the trails open to public use. The Commission must listen to the myriad who have spoken up; the MDC was chartered by the general assembly of the quasi-public corporation to provide potable water and sewage services to member towns, and to that end, is the service of vast land-holdings required for their water and sewage activities. Its Commissioners are appointed by member towns, the Legislature, and the Governor to govern this municipality without borders and in representative fashion. We, the constituents, are in solidarity: we want public land to remain public, and open to recreational use. There are many, many personal reasons why people want these public trails kept open; I'm a mountain-biker, and that's my personal connection. To close, there are times when policy makers must make unpopular decisions to do what's right, but this is not one of those times. The obvious wrong decision would be to fence off thousands and thousands of acres of public land to the public. Secondarily, I'm here representing council member Luis Coto of Hartford City Council, and I would like to submit the resolution that the council passed at the July 12th meeting. And thirdly, to the audience members who are still left, while I was waiting to speak, I sent an email from my phone to Representative Hector Roeblas of the Sixth, who agreed to cosponsor Representative Baram's bill, so it's pretty easy to contact your State Representative, and I urge you to do so, so we can pass this in the next session. Thank you."

Brian Becker, West Hartford citizen said:

"Good evening, my name is Brian Becker, I'll be very brief. My family and I live within walking distance of the reservoir, and frequently walk the trails, usually with our dog, Abby. We agree with the West Hartford Town Council's resolution, urging the MDC to keep the reservoir open, and urging the General Assembly to pursue appropriate action to ensure that it stays open. We just want to add our voices to that resolution. Thank you."

Mark Robinson, West Hartford citizen said:

"I love the reservoir. We need to keep the reservoir open. I've been going there since I moved to this town; I was about 14 years old when I did. One of the first outlets I found was the reservoir, I quickly bought a mountain bike: love it. As far as there are things to do for youth in this town, there really aren't too many that didn't involve spending a lot of money or being involved in a varsity sport, or something of the like, and you know, I played some sports and everything, but the reservoir offers so much more than regular high school or afterschool activities do. It's outdoors, in nature, it's something that we need, and it's the most healthy and enjoyable place in this town, and it's great. Thank you."

Kay Page Greaser, Barkhamsted citizen stated:

"Hello everybody, I'm Kay Page Greaser, I'm from Barkhamsted, Connecticut; I live there and I work in Hartford. I thought I'd come on behalf of not only my town and all my people around my town, but representing a couple other organizations and issues. My daughter is a mountain biker, she just graduated from UConn, she was the only woman on the mountain bike club sport team. She has recreated and biked in the reservoir, both around our house and on the ones that are open for biking. She is now pursuing her career in the Cap 3 level mountain bike and road cycling, so I promised her that since she's up in Vermont coaching, I'd come and speak on behalf of those people. I also represent a lot of the churches in the towns of Barkhamsted, New Hartford and Winstead. We do run an Easter sunrise service on the Beachwalk Road property, and it's probably one of the most beautiful places to be in the world on Easter, and I would like to make sure that that property is open to everybody in our community to be able to afford and see and witness the beauty of the place. I also am representing, and I know because I read in the Register Citizen, that both Witkos, who's my state Senator, and also John Rigby, who's my Representative; he grew up across the street from me, our families always enjoyed swimming at Sandcliff Cove, and canoeing and biking around that area. The trail is beautiful, you can actually ride your bike right onto it and go on to the trails in that area; it's magnificent. It would be a shame for those of us who've lived in Barkhamsted for a long time to lose that opportunity. So I'd like, in closing, to just say please, do what you can, but I have a suggestion, like some of the other people here, because I run an advertising and public marketing firm and I'm supposed to be creative. I like the ideas about the gate and maybe doing something. Maybe we could take the role model of a lift ticket, like a ski area- even though we don't pay to go in- and there are dispensers downtown with meter parking- very simple to use, people are getting used to using them in Hartford. We could punch things, take the ticket, and I know that people in parking in the City of Hartford, and in many other places- the airport parking lots- you take that ticket and on that back there's a liability issue, and you are saying, by taking that ticket, that you are not going to create a lawsuit, or

that you are going to be held liable yourself. So I'd like to offer that suggestion, along with some other things, and we'll do what we can to vote, and we're all active, like someone said earlier, and we'll do anything we can to try to help keep that property open. Thank you."

Art Byram, Glastonbury citizen and member of the Road Runners Club of America made the following comments:

"Hello everyone, my name is Art Byram. I'm here tonight to represent, or to discuss my personal experience with two organizations. I noticed upstairs that there are some Boy Scouts and some of their leaders, so I'd like to recognize them. I'm involved with the Connecticut Rivers Council Boy Scouts of America; we have over 32,000 scouts in the organization. Many of these scouts have used your properties as their trails for scouting. From the Tiger scouts to the Wolf, Bear, Eagles- all the way up from Boy Scouts to Eagle Scouts. So thank you, on behalf of them, to allow them to grow that way, personally, on your properties. I'm also a Connecticut State Representative for the Road Runners Club of America. The MDC properties are very unique in their ability and varied terrain. If you think about Manhattan, and what Central Park means to Manhattan running- that's the Mecca of Manhattan, having Central Park to be able to run in. For the Greater Hartford Area, the MDC properties: that's our running Mecca. That's where we go to get off of the roads to run, that's where we go to enjoy the properties, and that's where we know it's a safe place to run. If you take the thousands of runners off that property, and put them into the streets, no doubt there will be some accidents there. As a runner, I can tell you, sometimes you hit a spot in a race or a long run where things get tough. So what I'd like the MDC to do is to please, dig deep and hang in there while these laws get changed. I think there's a lot of support here tonight, and at the end, we'll all finish strong. So thank you very much."

Meredith Remigino, West Hartford citizen stated:

"Good evening, my name is Meredith Gordon Remigino, I am a resident of West Hartford, and I grew up here. I began running in the MDC properties as a high school cross country track runner at Hall. It's been 27 years now that I've been running throughout both the properties in the immediate area, and members of my family have been doing so for decades more than that. We, and the many, many high school runners that we've coached, have collectively run literally hundreds of thousands of miles on the MDC lands, and we are grateful for that. One of the big reasons we're grateful is not just the wonderful terrain, which, as an athlete and a runner, I agree with the athletic director from KO who spoke to that as well, but also the ability to be free from cars. In this day and age of more and more congestion, and having grown up here, (and I'm not that old) but there's a lot more traffic on the roads now, and to have that space available for walkers, runners, seniors, young children, high schoolers, bikers, people with strollers to be able to get off the roads, away from the cars, and avoid those risks; in this day and age, that's just priceless. The reason my husband and I moved back home to West Hartford was not only for the schools, literally, it was the schools and the reservoir. We searched high and low for a house close to the reservoir properties, but it wouldn't have mattered; we just wanted to be within range, even if we had to run to there or drive to there. Obviously it's great if you're a runner or a biker to be able to get there without even having to get in a car. I guess I would like to finish by saying that I'm not speaking just to the MDC, I'm speaking to the MDC, to ourselves, the users of the properties, and all the local

and state public officials, and saying that we must stand up for preserving the intrinsic value of access to natural, open space and other facilities for public recreational use. In this day and age of more and more commercial development and traffic and more material goods and things that we're all supposed to be buying, surely reasonable, intelligent, and brave minds can work together to preserve this essential, free public good."

Chris Torino, West Hartford citizen made the following comments:

"Good evening everybody. My name is Chris Torino, I live in West Hartford. All of the Commissioners, MDC officials and fellow neighbors here in West Hartford: Not only do I enjoy the MDC properties, ladies and gentlemen, but I'm a customer of the MDC, and I'm sure many of you in this room are customers of the MDC. And you customers of the MDC, like I, will have to pay for this decision. When are we going to stop paying large sums of money to stupid people? When are we going to start taking responsibility for ourselves? This is the big issue here. It's well established that we love the property, it's well established that it's public land. I want to correct one gentleman who said it's a park; it's not a park, it's a watershed. The city of New Britain doesn't let you hike, and do all of the things that we are allowed to do on our watershed on theirs, so that's a special privilege. That's something that we need to realize is very unique for us. But a little bit of smoke's been blowing around here tonight from your politicians. Isn't it funny that all the politicians are here tonight? Let me think of why. Ah, it's an election year. Now these are the same people who doubled your park fees, who doubled your fishing license and your hunting license this year. And then they backed it up- it was an election year, figure that one out. Okay everybody? Our parks are falling apart, take a look at those. We're lucky to have the MDC, but I heard the lady from the hiking club here, it was good to hear her, and everybody using their bikes and stuff: you've been to the state forests, they're not manageable, they don't even cut the trees. The DEP budget is in the toilet. But our Social Services budgets are right up there. Okay, our conservation officers, right, you know what I'm talking about, the 'environmental police;' they're nowhere. People are poaching all the time, and stealing fish and destroying our parks and we have no support there. That's what these people need to hear from you. Not just for the MDC, but for our whole system. As far as the MDC goes, this gentleman here was very learned in the law, much more so than I, and I remember that case in '96, because I'm an officer with the Bristol Fish and Game, and we closed the blue trails on our property because of that 1996 case. People like you came to us and said, 'Why'd you do this' and it's like 'We're not going to be sued.' And he's right: it protected the private clubs and stuff and passageways of the private owners, but what about the public? It's ridiculous that this has been going on since '96. It's the same people you elect every year who are doing this. We need to find people who are going to listen to us. Did one person tonight say, 'You know what? I'm putting through that legislation *now*?' Gee, how can you do it now? Did you know that we were just in special session? They went into Special Session and overturned all the vetoes so they could raise our taxes. They had no problem doing that, so why don't we have some support doing this? Look at all the people here- there's people here from every part of the state, almost. This means something. This is a big deal. So you need to put pressure on these fools and make sure this gets done right away, and not wait, and support this organization. I mean, it was a great idea to put a sign up and stuff, guys, but these lawyers, they're sharks. Signs don't mean anything. It's all to protect the stupid people. You need to exonerate this organization, and who could exonerate it? I don't know enough about the law- maybe this gentleman does- but I'll tell you, why can't Governor Rell

write up something like this: 'We're going to exonerate the MDC from any lawsuits until the Legislature reviews this. And if the Legislature doesn't pass the law to exonerate it, then it will end. But if they do, it'll carry forward'? *That's* showing support for the people. Maybe I should go to the Governor's Mansion and give her a hard time. Thank you, take care."

Jean Trapani, Westport citizen stated:

"I live in Westport CT and I enjoy outdoor recreational opportunities all over the state of CT. I just want to say for the record that the MDC lands are also enjoyed by people in Fairfield County, and this issue adversely impacts people all over the state. It will be increasingly difficult for CT residents to enjoy a 'stay-cation' if access to outdoor activities is curtailed, so I'm asking you to please keep the MDC trials open. Thank you for your time."

Paxton Berardy, Suffield citizen and member of Berkshire Appalachian Mountain Club (AML) made the following comments:

"Hi, I'm Paxton Berardy. I'm an executive member of the Berkshire AML and a member of numerous other organizations online and that hike the trails that paddle the Farmington River and the Reservoir properties of Barkhamsted. I bicycle all of the properties as well. I've been hiking and biking and paddling for years. I've lived in all parts of the state. I used to live in Massachusetts and over the years I would come near and far all the way to Barkhamsted to paddle and to bike on the other properties. It's a regional economic development area. People come from all around, I just wanted to point that out. And for my own perspective it would be a tragedy if we couldn't use the property anymore. Thank you."

Gerry Arel, Manchester citizen, representing Eastern Mountain Sports, said:

"Good Evening. My name is Gerry Arel and I'm District Manager for Eastern Mountain Sports, but I'm here not just to represent my staff and my customers, but my family and friends. A lot of those folks that have been in this room tonight, and I talked to a lot of folks outdoors. I just made a couple of notes here so we'll keep this brief. The people that have been talking here today are the folks that are actually getting up and getting out and enjoying these lands every single day. They're enjoying our open spaces. Here in Connecticut, we've enjoyed readily access to not only climbing, hiking, cycling, but running, walking and just time with family. It's been a really good time, we've had great access. We don't want to lose that. MDC property has been a big part of that, and we can't afford to lose that. The outdoors, the time that we spend in it, whether it's just to be alone, to get out and not be alone, or to get together with our friends. It's important to us. In short, all of our open spaces in Connecticut, including MDC properties; it's a much appreciated, certainly much loved portion of what makes living here in CT so darn special. I urge you to work with us, your community, the folks that were here today, to ensure that we can come to an elected, responsible use of property, not just for ourselves, but for the next generation as well. Thank you."

Schery Valdez, West Hartford citizen, made the following comments:

[Interpreter:] "Schery doesn't have a voice; she speaks with her fingers, so I'll be interpreting for her. I grew up next door to the reservoir and Schery has visited since she was a child."

[Schery:] "I love going to the reservoir, because I am able to use it and not be as scared of automobiles and I like meeting all the different people."

[Interpreter:] "One thing that I've felt is that it's the United Nations in the reservoir, unlike most places in this state, you can run into almost every language spoken, and it's an economically-leveling place because it doesn't cost anything to go there. Kids ride up from Hartford on their bicycles, or take the bus, and it's a beautiful place. And one of the things Schery has told me is, that in a wheelchair, there are very few places that don't have bumps like a sidewalk, and are protected from cars. We would really miss it if it closed. Thank you very much."

Eilsyph Christ, West Hartford citizen said:

"I'm Eilsyph Christ, I live in West Hartford. Thank you for the opportunity to speak. I would like to point out that not only multitudes of people use the reservoir, but it's also been used by generations. Like in my case, my kids learned how to ride their bikes while I was jogging, and now it's a destination for me and my grandkids. Also, on a personal note, I don't think there has been a holiday dinner or a holiday celebration that, in some way, did not involve a walk in the Res. But those are personal observations. The most important thing I would like to say is that we, in Connecticut, tout the quality of life in this state, and quality of life includes accessible, open, public places of respite and beauty and recreation. Let's find a way to keep it open. Thank you."

Dan Wolden, West Hartford citizen stated:

"Hi, my name is Dan Wolden, I've been in town since '64. I joined the Boy Scouts, and I'm glad to see the leaders here tonight. I got my first merit badge at the reservoir, and I hiked home from the reservoir with a bunch of friends. A buddy of mine got married there, back in the early '70s, I drove my Corvette through there, but I'm glad to see it was closed off to cars, I really do. I'm also, right now, still an Assistant Scout Leader of Troop 12 in West Hartford and we use it numerous times for a lot of events for our troop. Hikes in the winter-time as well: I've snowshoed there with my dog, when there was enough snow there to shoe. So I don't think there's anybody in the room here who hasn't been touched by the reservoir, obviously inside and out. I highly urge the MDC to think of the family values of the reservoir as well: my wife and I have three kids and we've hiked in there through the winter and summer, hauling the kids in a toboggan, having hot chocolate and stuff. So it's been a very integral part of our family for decades, and I just hope you do the right thing. Thank you."

Jeff Splozman, West Hartford citizen said:

"Hi my name is Jeff Splozman, I live in West Hartford. I just think this area is so essential in a world that's becoming more and more congested, more and more sprawl."

There's an essential need to have an area that people can get away from the congestion and the sprawl both in terms of physical health and the mental health that so critical. Thank you."

John Roach, West Hartford citizen made the following comments:

"My name is John Roach, I'm a resident of West Hartford, and my comment is not about the beauty of the Reservoir, I think it's a state of fact. But, I grew up in a town that was adjacent to the reservoir, it was a closed reservoir, but guess what: mountain biking took place back then, we skated, people rode motorcycles, there were bonfires, there were beer parties, there were... I mean, you name it, and it went on up in that reservoir. But there wasn't traffic in there, so it was up to the Commission to police that and chase those people out of there. The same stuff that goes on in the West Hartford reservoir went on in that reservoir, except there was a little more sordid aspect to it, and the water commission there was forced to police that, so I want you to consider that in your process as well."

An anonymous citizen stated:

"I don't have anything planned but I just want to say there are plenty of us who really appreciate this for the last- I don't know how many- decades, this access. There are plenty of us who are responsible, which I did witness today. But I'm not dressed for the occasion, but I do dress for the occasion, and I take responsibility and I want to be more than just a voice here, I would like to help out, and I'm going to be talking to Representatives, and trying to get the right people to do the right thing on the litigation side, or the anti-litigation side. Thank you very much for allowing us to use it for so many years."

Chuck Bannon, Farmington citizen said:

"Good Evening, my name is Chuck Bannon. I live in Farmington but at one time I lived in West Hartford. I'm a member of the Appalachian Mountain Club, and Yankee Peddles, which is a bicycle club. Both of those clubs use the West Hartford Reservoir for hiking, biking, snowshoeing, cross country skiing; it's a great facility. It would be a shame if it was closed. Now, when my children were growing up in West Hartford, I survived the teenage years because my kids found something to do during the summer. They would go to the West Hartford reservoir, and they learned how to ride mountain bikes without crashing into any gates. It was a great facility. They went there, they'd ride their bike there from over by Corbins Corner, they'd spend the day there and they'd have a great time. Plus, they were involved with Girl Scouts and Boy Scouts. When you're a parent trying to raise children, you're looking for these types of facilities and sporting events that your kids can take part in. With the loss of the West Hartford Reservoir, the parents would be terrible. In Farmington, I live near the rail trail, and I think that's great for parents. They take their kids on the weekend, they teach them how to ride the bike, scooter, whatever, and they can walk on it. It's just a great facility and I found it when you go up to the West Hartford reservoir it's very peaceful. You feel very relaxed and you can get away from all the hustle and bustle. Thank you for having this meeting tonight."

The following citizens submitted written testimony to the Office of the District Clerk:

Ben Davidson, Chelsea Vendetti, Professor Paul A. Kramer, Stacey Archambault, Martha and Karl Fransson, Joseph Wasserman, Ruth Hofstatter, Paul Selwyn, Carmen Nguyen, Tom Murray, Adela Martinez Bernard, Matt Goslee, Lit Gorman, Chris Duffy, Jack Toner, Rhett True, Alana Ledford, Drew Gallagher, Mary Anne Tillona, Cynthia Love, Bill O'Connor, Donna Haghight, Mari Lee Wall Tyler, Charles Beristain, Stephen Stewart, Andy Zyrek, Sue Farrell, Linda Hoza, Mary Collins, Bob Warseck, Stacey Tierney, Steven Meis, Tom Magro, Claire G. Katz, Louise Kowitch, Amanda Freitas, Kate Steven, Maureen DePierro, George Logemann, Justin DeMaris, Jane Lefante, Christine DePierro, Gary Hoehne, Jesse D. Roth, Don Heckler, Jr., John Dyckman, Dawn Simonsen, Rohanie Day, Eileen Fielding, Deane Olson, Paul Epstein, Glen Fisher, Holly Mathews, Bill Connors, Asa Briggs, Kathryn Litwin, Karen Wheat, Brett Fleisher, Mike Lacy, Sergio Squatrito, Barry Curcio, Sue Andrews, John E. Hibbard, Robert Butterworth, Christine A. Apruzese, James Little, Liz Lacy, Margaret Miner, Liz Dolphin, Anne M. Farnum, Amy Frey, Gayle Gagliardo, Judith Hopkins, Richard Blumenthal and Don Stein.

CLOSING REMARKS

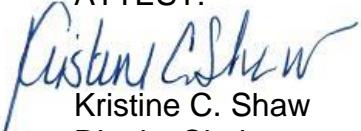
Commissioner Curtis made the following closing remarks:

"I really appreciate the comments that were made here this evening. I thank those of you who stayed for the entire proceedings, and also those of you who spoke, and those also who have watched the whole thing on television. I would like to just reiterate what I said at the beginning, with my comments that no decisions have been made to change the MDC's recreational policies. This discussion will continue; there will be some upcoming Water Bureau committee meetings, and these committee meetings are also open to the public and will be publicized legally. Again, I appreciate your patience and your comments, and thank you very much for coming out this evening. At this point, I'll make a motion to adjourn."

ADJOURNMENT

The meeting was adjourned at 7:46 P.M.

ATTEST:


Kristine C. Shaw
District Clerk

September 8, 2010
Date of Approval

**Hearing
of
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Wednesday, August 11, 2010**

Present: Commissioner Timothy Curtis
Christopher R. Stone, Assistant District Counsel
Kristine C. Shaw, District Clerk
Jennifer M. Ottalagana, Manager of Development Services
Bill Krukowski, Project Engineer 1
Cheryl A. Eubanks, Assessment Technician I
Carlos Cruz, Interim Manager of Maintenance and Solid Waste
Linda R. Foster, Executive Assistant

**PUBLIC HEARING ON LAYOUT FOR PROPOSED WATER MAIN EXTENSION
IN PORTIONS OF BURNHAM ACRES, SOUTH WINDSOR**

Commissioner Curtis, acting as Hearing Officer, called the public hearing to order at 5:30 P.M.

Commissioner Curtis asked the staff to introduce themselves and instructed the District Clerk to read the hearing notice for the record.

Kristine Shaw, District Clerk, read the following:

**NOTICE OF PUBLIC HEARING ON PROPOSED WATER MAIN EXTENSION FOR
BURNHAM ACRES, SOUTH WINDSOR THE METROPOLITAN DISTRICT**
555 Main Street, P.O. Box 800
Hartford, Connecticut

July 27, 2010

The Metropolitan District will hold a public hearing at the Metropolitan District Headquarters located at 555 Main Street, Hartford, on Wednesday, August 11, 2010, at 5:30 P.M., for the purpose of considering the construction of a public water main extension in portions of BURNHAM ACRES, SOUTH WINDSOR.

All interested parties, either in favor or against said water main extension, may appear to be heard.

Kristine C. Shaw
District Clerk

Commissioner Curtis read the following general statement concerning the public hearing:

"This is a public hearing to consider the proposal to install a water main extension in portions of Burnham Acres, in South Windsor. This Public Hearing is part of the legal procedure that The Metropolitan District is required to follow regarding the installation of water or sanitary service, as mandated by Special Act 511 of the Connecticut General Assembly of 1929."

"The plan for this project has been undertaken in response to a petition for sanitary sewers received from one property owner."

"A final decision on this project has not been made. That decision will take into account what is said at this hearing, along with other information, including any information that the Town provides regarding the need for this project from the standpoint of public health."

After Commissioner Curtis briefly outlined the procedure that would be followed during the public hearing, he asked Ms. Ottalagana to discuss the proposed project.

Ms. Ottalagana presented an overview of the proposed project, explaining that the project had been the result of a petition from the Burnham Acres Association, Inc. She noted that after the petition was received the District conducted a canvass of the area to determine further feasibility of the project. She read for the record the following results of that canvass:

In Favor: 18 property owners
Opposed: 4 property owners
Neither Opposed nor in Favor: 0 property owners
No reply: 20 property owners

Total: 42 property owners

She commented for the record that the District received a letter of support for this project by Robert Deptula, Environmental Health Officer of the Town of South Windsor, dated August 11, 2010. She noted that in the letter, Mr. Deptula states that the Health Department supports the MDC acquisition of the Burnham Acres Water Company and that the action will alleviate any issues including intermittent low supply experienced by the utility.

Ms. Ottalagana explained the estimated costs for the project:

Estimated Project Costs: \$760,000.00

Estimated Assessment: \$148,146.12

Estimated Deficit: \$611,853.88

Ms. Ottalagana discussed, in detail, the proposed project. She explained that water services from the new main to the property lines will be provided as part of the project and that existing homes will have the option to reconnect their existing water service pipes from the street line to the house.

Ms. Ottalagana explained that if the project passes, the construction will start in Spring 2011 and end in Fall 2011, and then explained the history of how the project started.

Commissioner Curtis opened the hearing to comments, questions and opinions from the public.

The following property owners submitted documents in favor of the proposed project:

<u>Name</u>	<u>Address</u>
John M. Usko	646 Pleasant Valley Road
Anthony Cecere	24 Ravine Road
Marcia Banach	7 Ravine Road
Dianna M. Roy	51 Hollis Road
Margaret A. Geary	10 Ravine Road
Deborah and Peter Russo	46 Hollis Road
Mae K. Lemieux	45 Hollis Road
Carla J. Blair	618 Pleasant Valley Road
Rejean Dobson	15 Hollis Road
Cynthia Healey	16 Ravine Road
Howard Dorman	57 Hollis Road
Robert Burns	64 Davewell Road
Michael Lyver	630 Pleasant Valley Road
John and Debra Syverud	24 Davewell Road

The following owners appeared and spoke in favor of the project:

Jim Senatro made the following statement:

“Good evening, my name is Jim Senatro, I’m the President of the association, so I would like to just give a brief summary of the condition of our system and what we have, and then speak as far as questions. So, our existing system was put in in the 1940s. It consists of two wells in well pits, with an underground piping system. It’s been working pretty well for all this time. All the piping is original, that’s under the street, and we haven’t had any issues with pipe breaks that I know of, but we know that the piping, being 60 plus years old is getting on in age and nearing the end of its useful life. We’re hoping that nothing happens to it, but we know that we’re just kind of waiting for that to happen. The pumps and the tanks in the well system have been replaced every 15 to 20 years since the system was put in, and they are at the 15 to 20 year mark, so they’re nearing the end of their useful lives. In fact, one of our pumps went down, so we’re running on one 18 year old pump right now, and we’re actually looking at replacing that one pump to get us through this period of time for the connection.

The Health Department is our biggest issue with continuing that operation; they require very rigorous monthly testing that's very costly: we have to hire a certified operator to do that, at a high cost, and the testing itself is costly, so for us to continue to meet the Health Department's requirements is hard for a small association to do. And we know that every year, the requirements are getting more and more stringent, so our costs are going up. In addition to the sanitary inspections, which we had the violation in 2007, our system that was put in in the '40s was code-compliant back then, it no longer is. So for us to do the upgrades that we need to do, just for repairs, we wouldn't be able to get a permit to replace things and bring them back to the way it currently is, we'd be forced to do upgrades to meet the current health requirements, which is again, costly. So, back in 2007, our association voted in favor to connect to MDC, so that's why we're here now. So that's kind of the history. As far as questions, one thing that Jennifer and I have been talking about was the possibility, for this project, for the MDC contractor to actually do the connection, after the main was installed from our existing lateral pipes to the new curb-stop. The reason being is, in order to dissolve our association cleanly, it would be very difficult to do that if individual houses are connecting as they please, or as they're able to. And when four or five houses are left and they haven't connected yet, we're going to be in a situation where we can't keep our system running for those people if they can or can't or won't or for whatever reason haven't connected yet. So if MDC could take on the responsibility of doing that connection, it'll all happen at one time, it'll be quick, and we can dissolve our association cleanly. That's one request that we all have. And the second question is regarding timeline. When we were talking with the engineer department earlier, over the past couple months, we were talking about a construction start more like December or November/December, and now it sounds like in the Spring and going on into the Fall, and that's a long time to wait. We've already been waiting three years so we would like to see a little faster progress with that because we are band-aid-ing our existing system, trying to keep it running, trying not to put any money into it. We're going to have to put a pump in, but we'd really like that to be our last big expense. If we have more failures, we're continuing to put money into a system that we're eventually going to abandon. So, with all that said, I am in favor of the connection, thank you."

David Wright made the following statement:

"Hi, David Wright, 30 Ravine Road, I'm the Vice President of the association. I just wanted to reiterate everything Jim said, and to say that even if we had the option of bringing our system back into compliance with the Department of Health, I think I would still be in favor of connecting to MDC, for the superior service and just to get rid of all the headaches we've had operation our own system. In addition, eleven residents who couldn't attend the meeting gave me written statements. So I just wanted to reiterate everything Jim said; we're in favor of connecting and we'd like the MDC to consider making the final connection for us so that we can cleanly separate from the old system. Thank you."

Ken Tersavich made the following statement:

"Ken Tersavich, 27 Hollis Road. In favor of the project, but my concerns about the project are; why there's a need for a new main to go down the road, if there's an existing ductile-iron pipe going down the road, why does that need to be replaced? What type of inspection has MDC done on that pipe to come up with their assessment of that needing to be

replaced, and why couldn't the connection be made on the corner of Pleasant Valley and Hollis, or Pleasant Valley and Davewell, with a pressure-reducing valve at that point be made and use the existing main? There's obviously water main breaks all the time with MDC piping; I just basically want to know why a new main needs to be run and does anybody have an answer right now of what type of pipe we have in the road?"

Jennifer Ottalagana explained:

"I can answer that for you. We don't have any records because Burnham Acres is a private water association, and we don't normally take over existing water association infrastructure, meaning the pipes, because we don't have any jurisdiction over how it was put in or what the materials are, and we don't know if they meet MDC specifications. Right now, the existing pipe, if it was installed in the 1940s, is about 70 years old, which is approaching its useful life, therefore all things said, normally our process is to, when we take on a new system, to install a new ductile-iron water pipe, so that we have records on it, we can keep up-to-date with its service and the maintenance of that pipe, and it is now part of our infrastructure. So we will own it, at that point."

Mr. Tersavich continued:

"Ok. And another question I have is, because I deal with the gas company quite often, and when a gas company is going to run a new main down a road, or try to obtain a new subdivision or whatever it may be, they usually do that at their own cost. Why would we be—I mean I know you guys are obviously a whole different entity—why would a cost be coming to us as you guys selling us your product? Do you understand what I'm saying?"

Jennifer Ottalagana explained:

"I understand what you're saying. MDC's ordinances state that we have a flat-rate assessment system for installing water and sanitary sewer within our service areas. South Windsor, not being a member town, it is still a service area of our water district. As a matter of fact, anything that's installed in the town of South Windsor, minus assessments that are paid by the property owners, would then go to the town for reimbursement. It's just because South Windsor's not a member town. But it is under our ordinances that we assess each property under a flat rate of \$41 per foot to help us recoup the cost of installing the pipe itself. As you can see by the deficit on this project, we are not recouping not even a quarter of what it's going to cost us to put it in, and our rates were originally established for us to recoup 70% of the construction costs, but that's actually gone down to an average of 20-30% right now."

Mr. Tersavich asked:

"So as I understand it, you wouldn't even take into consideration using anything that's existing with the main that's there?"

Ms. Ottalagana said that he was correct.

Marcia Banach made the following statement:

"Hi, Marcia Banach, 7 Ravine Road, I'm in favor of having MDC take over our water system and build a new system. I fully support what the President and Vice President said, and one thing that hasn't been said yet is that the flow rate is so low in our neighborhood that people can't even do ordinary things that single-family homeowners should be able to do, such as washing their cars, washing their houses, watering their gardens, and I'm optimistic that when MDC takes over, we'll have enough water pressure and enough quantity that we'll actually be able to do those ordinary things associated with suburban life. Thank you."

Kathleen Wright made the following statement:

"My name is Kathleen Wright, I'm at 27 Davewell Road, and I just want to say that I'm in favor of the project."

Jerry Smith made the following statement:

"Jerry Smith, 28 Hollis Road. The question I have is: with an all-time low in interest rates, why you're charging 6%? And also, I'm in favor of the project."

Ms. Ottalagana stated:

"Just to respond to your statement about the interest rate: 6% has been a flat interest rate for MDC for as long as I've been here; almost 20 years now."

Attorney Stone responded:

"It's in our charter that the interest rate is set—in our charter of ordinances. There are times where I suppose, over time, that it's been not so good for the homeowners, as it is now, and other times that it's been not so good for the District, in that interest rates have been significantly higher in the market. Certainly, the option would be to pay it off, if not, take advantage of the offer to extend the payment over time- you could borrow money elsewhere with a lower interest rate, and pay it off in one lump sum, if you'd like. But I just can't control—we don't have a variable rate system, and over time, we've found that that 6% is probably a little bit below average, quite frankly, although interest rates are historically low. But that's how it was set, and it's remained that way since I've been here, for probably about 25 years."

John Usko made the following statement:

"John Usko, 646 Pleasant Valley Road. I'm very much in favor of this MDC hook-up. I was Vice President for half a dozen years, and it's a lot of headaches; people don't want to cooperate, work on the pumps, but you people, I really hope you come through; we need you. Thank you. "

Deb Howson made the following statement:

"Hi, Deb Howson, 52 Hollis, I just want to say that I agree with everything that's been said by the Vice President and the President and I am in favor.

The following correspondence was sent from the South Windsor Health District:



Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074
TELEPHONE (860) 644-2511

August 11, 2010

Mr. William Kukowski
The Metropolitan District
555 Main Street
P O Box 800
Hartford, CT 06142-0800

Dear Mr. Kukowski,

This correspondence is to state that the South Windsor Health Department supports the MDC acquisition of the Burnham Acres Water Company.

This action will alleviate any issues including intermittent low supply experienced by the utility.

Yours truly,

Robert Deptula
Robert Deptula, R.S.
Environmental Health Officer

RD/cm

CC: Matthew B. Galligan, Town Manager

The following written correspondence in favor of the project was submitted prior to the public hearing:

James Richard Moore, Jr.
60 Davewell Road
South Windsor, CT 06074-3405
860 528-5155
seamuso@cox.net

August 11, 2010

The Metropolitan District
555 Main Street Street
Hartford, CT 06142-0800

Dear sir or madam:

Reference is made to the proposed construction of a public water main extension in portions of Burnham Acres, South Windsor.

Please be advised that I am in *strong* favor of that proposal for the following reasons:

- It will increase our property values.
- It will ensure a safe, adequate, and reliable water supply.
- Even though I will be assessed the most (with one other property owner) of all 42 owners, I still think it is affordable, especially considering the option of paying the assessment over a 15-year period.

Because I am unable to attend the public hearing on this date, I respectfully request that my comments be taken into account.

If I can provide any further information, please do not hesitate to contact me.

Yours truly,



Burnham Acres South Windsor Proposed Water Main Extension
From: cjbsci@cox.net
Sent: Wednesday, July 28, 2010 4:52 PM
To: Shaw, Kristine
Subject: Burnham Acres, South Windsor Proposed Water Main Extension

My husband and I live @ 618 Pleasant Valley Rd, South Windsor, Ct. We received your letter informing us about the public hearing on Aug 11, 2010 @ MDC on 555 Main St. Hartford. I don't think either of us will be able to attend ; however, I wish to express our feelings on this matter. This water main extension is a necessity for us for many reasons. We are very restricted in our water use, our water pressure is low, and the pipes are old . The main reason is that the association has no way of enforcing payment for any of the bills, including the regular six mo water usage bills. This was stated at a previous water meeting by a local lawyer that had reviewed our bylaws. Even if they could enforce payment, reworking the existing structure to meet the states requirements would be a big and expensive job. My hope is that this process be started as soon as possible since we have just lost one of our pumps. Thank you for your time.

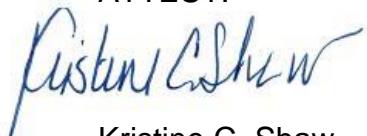
Sincerely,
Carla J Blair

At the conclusion of the public hearing, Commissioner Curtis announced that Staff will report back to the Water Bureau at their next meeting and statements made by property owners at this hearing would be considered when the staff prepares their recommendation.

ADJOURNMENT

The public hearing was adjourned at 5:55 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

Date of Approval

**Special Meeting
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Wednesday, September 8, 2010**

Present: Commissioners Daniel A. Camilliere, Timothy Curtis, John M. Grottole, Daniel E. Lilly, Trude H. Mero, Mark A. Pappa, Raymond Sweezy and Joseph Verrengia (8)

Absent: Commissioners Joseph Klett, Pasquale J. Salemi, Michael Seder and Special Representative Michael Carrier (4)

Also

Present: Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
John M. Zinzarella, Chief Financial Officer
Kristine C. Shaw, District Clerk
Jennifer M. Ottalagana, Manager of Development Services
Frank Dellaripa, Manager of Construction Services
Linda R. Foster, Executive Assistant

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:18 P.M.

ROLL CALL AND QUORUM

The District Clerk informed Chairman Curtis that a quorum of the Water Bureau was present, and the meeting was declared a legal meeting of The Metropolitan District of Hartford County, Connecticut.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Camilliere and duly seconded the meeting minutes of May 11, 2010 and July 20, 2010 were approved.

BURNHAM ACRES, SOUTH WINDSOR – REPORT OF HEARING AND LAYOUT & ASSESSMENT- Report 4.

To: Water Bureau for consideration on September 8, 2010

On October 15, 2007, the District received a petition for water service from the Burnham Acres Association, Inc. (the “Association”) requesting that public water mains be installed in the area serving the Association. The reason for the request was that their pumps and water mains have exceeded their useful life expectancy and the costs are high to service the system as well as have it tested.

The Association is composed of 41 residential homes on separate lots. The Association owns and operates its own water wells, pumps and water distribution system serving the Association’s homes since the 1940’s. Recently, one of the two pumps failed and the system has been running on one well with one 25-year-old pump.

On July 6, 2009, the District received a letter from Matthew Galligan, Town Manager of South Windsor, endorsing the Association’s petition for water service, and stating that “The Town endorses providing public water service to residents in this area to improve the quality of domestic water and provide water at a consistent volume and pressure.”

On July 14, 2009, the District canvassed the Burnham Acres Association members and homeowners on Davewell Road, Hollis Road, Ravine Road and Pleasant Valley Road in the Town of South Windsor. The canvass results were 18 in favor, 4 opposed and 20 did not reply; for a total of 42 homes.

The District received a letter dated August 11, 2010, from Robert Deptula, RS, Environmental Health Officer for the Town of South Windsor expressing support for the water main extension. Also, in a September, 2007 Sanitary Survey Report by Steve Messer of the Drinking Water Section of the Department of Public Health stated “given the nature of the violations, the age of the system and the massive infrastructure improvements required, it is recommended that Burnham Acres Association, Inc. petition the MDC for a connection to their nearby available water system. The MDC would also provide better fire protection and the ability to spread necessary system improvements over a much larger customer rate base.” Upon completion of this project, the Burnham Acres Association will be able to cease operations.

On Wednesday, August 11, 2010, the District held a public hearing at The Metropolitan District Headquarters, 555 Main Street, Hartford at 5:30 PM, chaired by Commissioner Timothy Curtis. A total of 8 residents from the project area attended the hearing and spoke in favor of the project. Also, 13 letters were received as part of the record, and were all in favor of the project as well. In total, both in responses to the canvass and the opinions received as part of the hearing, 26 were in favor, 4 were opposed and 12 did not respond.

District staff and the Commissioner present at the hearing recommend that this project be approved due to the current age and unpredictable status of the existing private

water system in this area, the opinions of the DPH and local Health Department, the request by the Association and the favorable opinions expressed at the hearing.

The estimated cost and benefit summary for this project is as follows:

ESTIMATED CONSTRUCTION COST:

2,135 Feet 8 inch water main (@ \$320.37/ft.)	\$684,000
Contingency @ 10% of construction	<u>\$ 76,000</u>
Total Estimated Construction Cost	\$760,000

ESTIMATED OTHER COSTS:

Legal Advertising	\$ 2,500
Blueprints, Maps and Charts	\$ 1,000
Soil Borings and Investigations	<u>\$ 15,000</u>
Total Estimated Other Costs	<u>\$ 18,500</u>

TOTAL ESTIMATED PROJECT COST: **\$778,500**

The source of funding summary is as follows.

Estimated direct customer assessments to be accrued to the Assessable Water Fund \$ 148,146

Deficit to be collected from the non member capital improvement surcharge or reimbursed by the Town of South Windsor \$ 630,354

TOTAL ESTIMATED CONSTRUCTION COST: **\$ 778,500**

As the Bureau is aware, Ordinance W1f requires that any deficits incurred on capital improvements in non-member towns be added as a surcharge to each user's water bill in that non-member town. Therefore, the estimated deficit of \$630,354 will be incurred by the ratepayers in the Town of South Windsor, or by the Town of South Windsor itself if the Town so chooses, before the end of the District's fiscal year during which construction takes place.

After consideration of the above and any other comments by the Commissioner present at the public hearing, it is RECOMMENDED that it be

VOTED: That the Water Bureau approve the installation of approximately 2,135 linear feet of 8-inch water main in Davewell Road, Hollis Road and Ravine Road, South Windsor, as a Class II water main.

Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

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

ADJOURNMENT

The meeting was adjourned at 5:25 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

November 16, 2010
Date of Approval

**Special Meeting
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Tuesday, October 19, 2010**

Present: Commissioners Timothy Curtis, Daniel E. Lilly, Michael Seder, Raymond Sweezy and Joseph Verrengia (5)

Absent: Commissioners Daniel A. Camilliere, John M. Grottole, Joseph Klett, Trude H. Mero, Mark A. Pappa, Pasquale J. Salemi and Special Representative Michael Carrier (7)

Also

Present: Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
John M. Zinzarella, Chief Financial Officer
Christopher R. Stone, Assistant District Counsel
Kristine C. Shaw, District Clerk
Jennifer M. Ottalagana, Manager of Development Services
James Randazzo, Manager of Water Supply
Carol Youell, Natural Resources Administrator
Cynthia A. Nadolny, Executive Assistant
Richard H. Goldstein, Attorney, McElroy, Deutsch, Mulvaney & Carpenter/PH, LLP

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:08 P.M.

ROLL CALL AND QUORUM

The District Clerk called the roll and informed the Chairman that a quorum of The Water Bureau was not present.

ADJOURNMENT

The meeting was adjourned at 5:09 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

Date of Approval

**Public Hearing
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Monday, November 15, 2010**

Present: District Chairman William A. DiBella
Commissioner John M. Grottole
Commissioner Allen Hoffman
Commissioner Alphonse Marotta
Commissioner J. Lawrence Price
Commissioner Pasquale J. Salemi
Commissioner Joseph Verrengia
Citizen Member William Cibes
Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
Scott Jellison, Chief Operating Officer
John M. Zinzarella, Chief Financial Officer
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
Carol Fitzgerald, Manager of Financial Control
Robert Constable, Manager of Budgeting & Analysis
Stephanie Russo, Project Controls Manager
Patricia Speicher Werbner, Director of Human Resources
Kristine C. Shaw, District Clerk
Kerry E. Martin, Assistant to the Chief Executive Officer
Linda R. Foster, Executive Assistant
Scott Slifka, Mayor, Town of West Hartford
Denise Hall, Minority Leader, West Hartford Town Council
Ron Van Winkle, Town Manager, Town of West Hartford
Richard H. Goldstein, Attorney, McElroy, Deutsch, Mulvaney & Carpenter/PH, LLP

**PUBLIC HEARING ON PROPOSED 2011 METROPOLITAN DISTRICT WATER
SUPPLY ORDINANCES**

Commissioner Salemi, acting as Chairman, called the public hearings to order at 5:17 P.M.

At the direction of the Chairman, the District Clerk read the hearing notice that was published in the Hartford Courant on November 3 and 4, 2010 and November 10 and 11, 2010 and also made available to all Town Clerk's within The Metropolitan District's member municipalities into the record.

**NOTICE OF PUBLIC HEARING
ON PROPOSED REVISIONS TO
METROPOLITAN DISTRICT WATER SUPPLY ORDINANCES**

**The Metropolitan District
555 Main Street
Hartford, Connecticut**

November 3, 2010

Pursuant to Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, and Section 2-14 of the Charter of The Metropolitan District, the Water Bureau of The Metropolitan District will hold a public hearing on proposed revisions to The District's Water Supply Ordinances as they apply to the water rates for the fiscal year 2011. The hearing will be held in the Board Room at Metropolitan District Headquarters, 555 Main Street, Hartford, Connecticut, on **MONDAY, NOVEMBER 15, 2010 at 5:00 P.M.**

Proposed changes to the rates stipulated under the following sections of the Water Supply Ordinances will be considered:

Section W1a Water Used Charge (Treated Water)

Section W1b Customer Service Charge

Section W1c Surcharge Outside The Metropolitan District

Section W1d Charges for Untreated Water

Section W6f Charges for Private Fire Protection Service

The proposed ordinances are available for inspection at the Office of the District Clerk of The Metropolitan District, 555 Main Street, Hartford, Connecticut.

All interested parties from The Metropolitan District's member municipalities may appear to be heard.

Kristine C. Shaw
District Clerk

Chairman Salemi then opened the floor to any individuals from the District's member municipalities who wished to speak relative to the proposed Metropolitan District Water Supply Ordinances.

No one from the public appeared to be heard.

The meeting was adjourned at 5:18 P.M.

ATTEST:

A handwritten signature in blue ink, appearing to read "Kristine C. Shaw".

Kristine C. Shaw
District Clerk

May 11, 2011

Date Approved

**Public Hearing
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Monday, November 15, 2010**

Present: District Chairman William A. DiBella
Commissioner John M. Grottole
Commissioner Allen Hoffman
Commissioner Alphonse Marotta
Commissioner J. Lawrence Price
Commissioner Pasquale J. Salemi
Commissioner Joseph Verrengia
Citizen Member William Cibes
Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
Scott Jellison, Chief Operating Officer
John M. Zinzarella, Chief Financial Officer
R. Bartley Halloran, District Counsel
Christopher R. Stone, Assistant District Counsel
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Kerry E. Martin, Assistant to the Chief Executive Officer
Linda R. Foster, Executive Assistant
Scott Slifka, Mayor, Town of West Hartford
Denise Hall, Minority Leader, West Hartford Town Council
Ron Van Winkle, Town Manager, Town of West Hartford
Richard H. Goldstein, Attorney, McElroy, Deutsch, Mulvaney & Carpenter/PH, LLP

PUBLIC HEARING ON PROPOSED 2011 METROPOLITAN DISTRICT WATER RATES

Commissioner Salemi, acting as Chairman, called the public hearing to order at 5:19 P.M.

At the direction of the Chairman, the District Clerk read the hearing notice that was published in the Hartford Courant on November 3 and 4, 2010 and November 10 and 11, 2010 and also made available to all Town Clerk's within The Metropolitan District's member municipalities into the record.

**NOTICE OF PUBLIC HEARING
ON PROPOSED YEAR 2011
METROPOLITAN DISTRICT WATER RATES**

**The Metropolitan District
555 Main Street
Hartford, Connecticut**

November 3, 2010

A public hearing on The Metropolitan District's proposed Year 2011 Water Rates will be held by the District's Water Bureau in the Board Room at Metropolitan District Headquarters, 555 Main Street, Hartford, Connecticut, on **MONDAY, NOVEMBER 15, 2010 at 5:00 P.M.**

All interested parties from The Metropolitan District's member municipalities may appear to be heard.

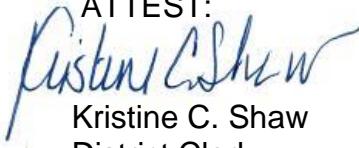
Kristine C. Shaw
District Clerk

Chairman Salemi then opened the floor to any individuals from the District's member municipalities who wished to speak relative to the proposed Metropolitan District Water Rates for the fiscal year 2011.

No one from the public appeared to be heard.

The meeting was adjourned at 5:20 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

May 11, 2011

Date Approved

**Special Meeting
THE WATER BUREAU
The Metropolitan District
555 Main Street, Hartford
Tuesday, November 16, 2010**

Present: Commissioners Timothy Curtis, John M. Grottole, Daniel E. Lilly, Mark A. Pappa, Pasquale J. Salemi, Raymond Sweezy and District Chairman William A. DiBella (7)

Absent: Commissioners Daniel A. Camilliere, Joseph Klett, Trude H. Mero, Michael Seder, Joseph Verrengia and Special Representative Michael Carrier (6)

Also

Present: Charles P. Sheehan, Chief Executive Officer
Robert E. Moore, Chief Administrative Officer
John M. Zinzarella, Chief Financial Officer
Christopher R. Stone, Assistant District Counsel
Kristine C. Shaw, District Clerk
Jennifer M. Ottalagana, Manager of Development Services
James Randazzo, Manager of Water Supply
Carol Youell, Natural Resources Administrator
Cynthia A. Nadolny, Executive Assistant
Richard H. Goldstein, Attorney, McElroy, Deutsch, Mulvaney & Carpenter/PH, LLP

CALL TO ORDER

The meeting was called to order by Chairman Curtis at 5:05 P.M.

PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS

No one from the public appeared to be heard.

APPROVAL OF MINUTES

On motion made by Commissioner Lilly and duly seconded the meeting minutes of September 8, 2010 were approved.

REVISIONS TO DISTRICT WATER SUPPLY ORDINANCES– Report 4.

To: Water Bureau for consideration November 16, 2010

The 2011 budget in support of Water Operations calls for a 10.85% water use rate increase from \$2.12 to \$2.35 per hundred cubic feet (CCF) and a 10.85% increase to the

peripheral charges associated with the delivery and sale of water. The water rate increases are attributable to 6.69% expenditure increase in the 2011 Budget which increases the revenue required from the water rates to support the budget. The increases will become effective January 1, 2011.

A discussion of the several rates that comprise the proposed schedule for 2011 and the recommendations pertaining to each follows:

Water Used Charge – Treated Water

Staff recommends that the rate charged for the use of treated water based on actual metered consumption be increased by approximately 10.85%. The proposed increase for fiscal year 2011 would increase the current water rate by 23 cents per hundred cubic feet (CCF).

The recommended rate for treated water, based on actual metered consumption, is:

<u>WATER USAGE</u>	<u>CURRENT RATE</u>	<u>PROPOSED RATE</u>
All Customers	\$2.12/100 Cu. ft.	\$2.35/100 Cu ft.

Customer Service Charge

The customer service charge allocates costs for issuing bills, handling collections and providing meter services to individual customer accounts. In keeping with the recommended 10.85% increase, the customer service charge in the residential category (5/8", 3/4", and 1" meters) will increase by \$1.50, from \$13.80 to \$15.30, per quarter. Recommended increases for larger size meters range from \$2.10 to \$12.21 per month based on the cost of maintaining those meters.

Surcharge Outside The Metropolitan District

A fixed "surcharge" rate is added to all accounts for service outside the boundaries of the District. The surcharge is based on the size of the meter that serves each delivery point. Revenues from this charge, in support of operating and maintenance expenses, are derived from approximately 7,200 accounts outside the District's eight member municipalities. Consistent with the overall adjustment in rates, a 10.85% increase is recommended for this surcharge. This proposed adjustment will result in increases ranging from \$0.43 per month on the smallest residential account to \$26.50 per month on the largest industrial metered service.

Water Used Charge – Untreated Water

The District provides untreated water to other agencies and water companies for a fixed rate based on actual consumption. The current rate for this untreated or “raw” water is \$0.99 per hundred cubic feet of consumption. It is recommended that the charge for untreated water remain at the rate of 99 cents per hundred cubic feet.

Private Fire Protection Charge

Rates for private fire protection are charged to all fire service accounts based on the size of the service connection. Staff recommends a 10.85% increase to all rates for private fire protection, consistent with the proposed rates for most other water use and service fees. This proposed 10.85% increase in fire protection charges will result in increases ranging from \$1.31 per month for a 2" fire service connection to \$15.17 per month for a 12" connection.

Conclusion

Staff believes that the foregoing rate change recommendations are justified, reflect the sound financial administration that has earned the District support among credit rating agencies and financial advisors, and are consistent with the policy direction of the Commission.

After reviewing the information contained herein

It is **RECOMMENDED** that it be

Voted: That the Water Bureau, acting under Section 5-4 of the District Charter, establishes revised water rates effective with the meter readings rendered on and after January 1, 2011, as set forth in the following “**REVISIONS TO WATER SUPPLY ORDINANCES**.”

Further

Voted: That following the public hearing held on November 15, 2010, as required by Special Act 01-3, as adopted by the General Assembly of the State of Connecticut, and Section 2-14 of the Charter of The Metropolitan District, the Water Bureau recommends to the District Board, through the Committee on MDC Government, approval of the following “**REVISIONS TO WATER SUPPLY ORDINANCES**” by the enactment of said proposed ordinances. (Additions are indicated by underscoring and deletions are crossed out).

REVISIONS TO WATER SUPPLY ORDINANCES**W-1 WATER RATES****SEC. W1a WATER USED CHARGE (TREATED WATER)**

The WATER USED CHARGE is the quantity of water used as read at the meter, as follows:

<u>BILLS RENDERED</u>	<u>RATE</u>
MONTHLY AND QUARTERLY	\$2.12 per 100 Cubic Feet
<u>BILLS RENDERED</u>	<u>RATE</u>
MONTHLY AND QUARTERLY	\$2.35 per 100 Cubic Feet

SEC. W1b CUSTOMER SERVICE CHARGE

The CUSTOMER SERVICE CHARGE is a service charge applicable to all metered services and services to be metered. The charge shall be determined from the size of each meter installed or to be installed on the premises, as follows:

<u>Size of Meter</u>	<u>Monthly Billing</u>	<u>Quarterly Billing</u>
5/8"	11.73	13.80
3/4"	11.73	13.80
1"	11.73	13.80
1 1/2"	19.38	36.90
2"	19.38	36.90
3"	112.51	315.98
4"	112.51	315.98
6"	112.51	315.98
8"	112.51	315.98
12"	112.51	315.98

<u>Size of Meter</u>	<u>MONTHLY BILLING</u>	<u>QUARTERLY BILLING</u>
5/8"	<u>13.00</u>	<u>15.30</u>
3/4"	<u>13.00</u>	<u>15.30</u>
1"	<u>13.00</u>	<u>15.30</u>
1 1/2"	<u>21.48</u>	<u>40.90</u>
2"	<u>21.48</u>	<u>40.90</u>
3"	<u>124.72</u>	<u>350.26</u>
4"	<u>124.72</u>	<u>350.26</u>
6"	<u>124.72</u>	<u>350.26</u>
8"	<u>124.72</u>	<u>350.26</u>
12"	<u>124.72</u>	<u>350.26</u>

SEC. W1c SURCHARGE OUTSIDE THE METROPOLITAN DISTRICT

In towns outside the limits of The Metropolitan District, in addition to charges under SEC. W1a and W1b, there shall be a surcharge determined from the size of the meter installed on the premises, as follows:

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>	<u>QUARTERLY BILLING</u>
5/8"	3.96	11.88
3/4"	5.39	16.17
1"	6.75	20.25
1 1/2"	11.90	35.70
2"	17.24	51.63
3"	31.92	95.76
4"	48.11	144.33
6"	90.64	271.83
8"	147.88	443.64
12"	244.20	732.65

<u>SIZE OF METER</u>	<u>MONTHLY BILLING</u>	<u>QUARTERLY BILLING</u>
5/8"	<u>4.39</u>	<u>13.17</u>
3/4"	<u>5.97</u>	<u>17.91</u>
1"	<u>7.48</u>	<u>22.44</u>
1 1/2"	<u>13.19</u>	<u>39.57</u>
2"	<u>19.08</u>	<u>57.24</u>
3"	<u>35.38</u>	<u>106.14</u>
4"	<u>53.33</u>	<u>159.99</u>
6"	<u>100.44</u>	<u>301.32</u>
8"	<u>163.93</u>	<u>491.79</u>
12"	<u>270.70</u>	<u>812.10</u>

SEC. W1d CHARGES FOR UNTREATED WATER

Charges for untreated water sold to water companies and agencies under agreement between The Metropolitan District and such companies or agencies, or by other arrangement, shall remain at the rate of 99 cents per hundred cubic feet.

SEC. W6f CHARGES FOR PRIVATE FIRE PROTECTION SERVICE

Charges for connections to water mains supplying water for fire protection, metered, or unmetered, shall be in accord with the following table:

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>
2"	12.05
3"	15.69
4"	23.56
6"	39.49
8"	59.37
10"	99.44
12"	139.82

<u>SIZE OF CONNECTION</u>	<u>MONTHLY CHARGE</u>
2"	13.36
3"	17.39
4"	26.12
6"	43.77
8"	65.81
10"	110.23
12"	154.99

Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

John Zinzarella, Chief Financial Officer, provided the following report relating to the proposed water rates for the 2011 budget:

The 2011 water utility budget of \$62.9 million is an increase of \$3.9 million or 6.7% over the 2010 adopted water utility budget. The water utility expense increase over the 2010 adopted budget are primarily due to increased debt service (increase of \$3.2 million) and

increases in employee medical expenses (increase of \$2.8 million) offset by reductions in other operating expenses such as payroll, utilities and water treatment chemicals.

In order to support the water utility adopted expenses of \$62.9 million, the MDC has set the following revenue rates/assumptions for Fiscal 2011:

- Base water rate of \$2.35 per 100 cubic feet (ccf), which is an increase of \$0.23 per ccf or 10.8%.
- Overall water consumption assumption has been decreased to 21 million ccfs from prior period assumption of 22 million ccfs.
- Revenues associated with administrative overhead activities on behalf of the MDC Capital Improvement Programs in the amount of \$0.7 million.

Based upon the efforts of the automated meter reading and meter replace program, the MDC has been able to significantly reduce the number of estimated bills which it sends out to our customers and as a result, more accurate consumption trends are able to be determined. With the new insight into customer usage, the MDC is now better able to understand the impact that conservation efforts has had in the aggregate consumption of MDC customers. Accordingly, the water consumption estimate was lowered to 21 million ccfs for Fiscal 2011.

The increase in the base water rate to \$2.35 per 100 cubic feet, from \$2.12 per 100 cubic feet will result in an average family using 12,000 cubic feet of water (or about 90,000 gallons) annually, will pay approximately \$6.90 more per quarter (or \$27.60 per year) than under previous rates. The rates will go into effect for usage on and after January 1, 2011.

After factoring in the 2011 rate increase, MDC customers will continue to pay one of the lowest water rates in the state, with an average annual bill of \$334 for a pristine and abundant water supply. In comparison, the average Connecticut Water Company – Connecticut Water Division customer pays \$774 per year. Averages for other major water providers who surround the MDC service area include: Connecticut Water Company – Unionville Division, \$468; Aquarian Water Company – Northern Division, \$359; Avon Water Company, \$574; Regional Water Authority (New Haven area), \$578.

On motion made by Commissioner Salemi and duly seconded, the report was received and the resolution recommended to the District Board, through the Committee on MDC Government, by unanimous vote of those present.

REVISIONS TO WATER ASSESSMENT RATES AND OTHER RELATED CHARGES AND SPECIAL WATER RULES AND CHARGES – Report 5.

To: Water Bureau for consideration on November 16, 2010

In support of the annual water operating budget, staff is submitting these rates in conjunction with the revisions to the proposed Fiscal Year 2011 water rates and other

peripheral charges associated with the delivery and sale of water as part of the annual budget adoption process.

Staff has reviewed these rates in light of the costs associated with them on a 'typical' model basis and makes the following recommendations:

Water Assessment Rates and Other Related Charges:

	<u>Current</u>	<u>Proposed</u>
Main Pipe Assessment	\$41.00/ft	\$41.00/ft
Service Pipe Taps <i>(Does not include materials)</i>		
1" Service Tap	\$220.00	\$400.00
1-1/2" & 2" Service Taps	\$265.00	\$400.00
4", 6", & 8" Service Taps	\$400.00	\$621.00
Hydrants		
Installed after the main	\$5,100.00	\$8,800.00
Hydrant Maintenance	\$80.00	\$80.00

Special Meter Charges and Deposits:

	<u>Current</u>	<u>Proposed</u>
Hydrant Meters		
Non-refundable administrative and meter reading fee - includes \$100 minimum water use	\$250.00	\$250.00
Hydrant Meter Fee	n/a	actual cost
Connection / Inspection Fee	n/a	\$750.00
Subsequent re-inspection and testing fee, if backflow prevention device required	\$50.00	\$50.00
Frozen, Lost or Damaged Meters		
5/8" meter	\$100.00	\$126.00
3/4" meter	\$115.00	\$142.00
1" meter	\$135.00	\$164.00
Radio transmitter unit	\$100.00	\$100.00
Repair meter larger than 1"	actual cost + overhead	actual cost + overhead

	Replace meter larger than 1"	Replacement cost + handling	Replacement cost + handling
Spacer Charges			
5/8", 3/4", 1"	\$20.00	\$59.00	
1-1/2"	\$50.00	\$98.00	
2" & larger	\$65.00	\$115.00	
Damaged Hydrant Charge			
Replacement	actual cost + overhead	actual cost + overhead	
Repair	actual cost + overhead	actual cost + overhead	
Release of Water Use Lien	\$13.00	\$13.00	
Checks Returned for Insufficient Funds	\$40.00	\$40.00	
Shut-Off for Non-Payment	\$75.00	\$75.00	
Emergency Inspection	no charge	no charge	
Scheduled Overtime Inspections	\$145.00	\$190.00	
Off and On Within 12 Months	\$30.00	\$81.00	
Install Permanent Meter	\$42.00	\$81.00	
Backflow Prevention Device Testing	\$50.00	\$50.00	
Check reading & leaks (no problem found)	\$30.00	\$81.00	

The Hydrant Meter Fee and Connection/Inspection Fee for hydrants are new fees being implemented by the District.

It is **RECOMMENDED** that it be:

Voted: That the Water Bureau hereby adopts the following schedule of fees effective January 1, 2011:

Main Pipe Assessment, per foot	\$41.00
1" Service Tap	400.00
1-1/2" & 2" Service Taps	400.00
4", 6" & 8" Service Taps	621.00
Per hydrant after a main installation	8,800.00
Public and private hydrant maintenance charges	80.00
Hydrant meter administrative fee	250.00
Hydrant Meter Fee	actual cost
Connection/Inspection Fee	750.00
Re-inspection and testing of backflow prevention device for hydrant meter	50.00

Frozen, Lost or Damaged Meters:	
5/8" meter	126.00
3/4" meter	142.00
1" meter	164.00
Radio transmitter	100.00
Repair of meters larger than 1"	actual cost + overhead
Replacement of meters larger than 1"	replacement cost + handling
Meter Spacers	
5/8", 3/4", 1"	59.00
1-1/2"	98.00
2" & larger	115.00
Damaged Hydrants	
Repair/replacement	actual cost + overhead
Release of Water Use Lien	13.00
Checks Returned for Insufficient Funds	40.00
Shut-Off for Non-Payment	75.00
Emergency Inspection	no charge
Scheduled Overtime Inspections	190.00 per inspection
Off and On within 12 months	81.00
Install Permanent Meter	81.00
Backflow Prevention Device Testing	50.00
Check reading & leaks (no problem found)	81.00

Respectfully submitted,

Charles P. Sheehan
Chief Executive Officer

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

POTENTIAL LAND ACQUISITION-Report 6.

EXECUTIVE SESSION

At 5:49 p.m., Chairman Curtis requested an executive session for the purpose of discussing potential land acquisitions.

On motion made by Commissioner Sweezy and duly seconded, the Water Bureau entered into executive session for the purpose of discussing potential land acquisitions.

Those in attendance during the executive session were as follows:

Commissioners Timothy Curtis, John M. Grottole, Daniel Lilly, Mark Pappa, Pasquale J. Salemi, Raymond Sweezy, District Chairman William DiBella, Attorney R. Bartley Halloran, Messrs. Charles P. Sheehan, John Zinzarella, Robert Moore, Scott Jellison, James Randazzo and Carol Youell

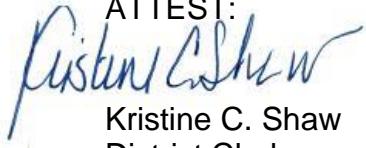
RECONVENE

At 5:52 p.m., Chairman Curtis requested to come out of executive session and on motion made by Commissioner Lilly and duly seconded, the Water Bureau came out of executive session and reconvened. No formal action was taken.

ADJOURNMENT

The meeting was adjourned at 5:52 P.M.

ATTEST:



Kristine C. Shaw
District Clerk

May 11, 2011

Date of Approval

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