

**MINUTES
FIRST TAXING DISTRICT
SEPTEMBER 12, 2018**

COMMISSIONERS: Commissioner Marija Bryant, Commissioner Thomas Cullen and Commissioner Elsa Obuchowski

ALSO PRESENT: Dominick M. DiGangi, General Manager, Michelle Botero, Office Services Supervisor, David Capolete, Senior Accountant, Dana Dessereaux, Water Quality Laboratory Coordinator, Michael Elliott, Manager of Water Treatment and Supply, Lauren Mappa, District Clerk, Eleanor Militana, Assistant to the General Manager and Jalin Sead, Treasurer

OTHERS PRESENT: Peter Torrano from the VFW Post 603
Christopher Schipper, New Canaan Land Trust
Kevin Moynihan, First Selectman, Town of New Canaan
Attorney Frank Murphy, Tierney Zullo, Flaherty and Murphy
Attorney Kara Murphy, Tierney Zullo, Flaherty and Murphy
David Hill, AXA Equitable
Vince McClean, AXA Equitable

1. Roll call

The meeting was called to order at 6:54 p.m. by Commissioner Thomas Cullen. Ms. Michelle Botero called the roll. Commissioners Bryant, Cullen and Obuchowski were present.

2. Public participation relating to agenda items

THERE WAS NO PUBLIC PRESENT

3. Introduction of new Treasurer and Oath of Office

MR. JALIN SEAD, THE NEW DISTRICT TREASURER WAS INTRODUCED AND GIVEN THE OATH OF OFFICE

The following agenda item was taken out of order

4. Approval of VFW Cannon Plaque

*** **COMMISSIONER OBUCHOWSKI MOVED TO APPROVE THE VFW CANNON PLAQUE SUBJECT TO FINAL APPROVAL OF THE WORDING ON THE PLAQUE**
*** **COMMISSIONER BRYANT SECONDED THE MOTION**

***** THE MOTION PASSED UNANIMOUSLY**

5. AXA Equitable presentation of Employees Deferred Compensation 457(b)

Mr. David Hill and Mr. Vince McClean gave a brief presentation of the program offered to employees by AXA Equitable and answered questions from the Board of Commissioners.

6. Report Presentations:

- Water Quality Report by Dana Dessereaux, Water Quality Laboratory Coordinator
- Reservoir Storage Modeling and Drought Management Triggers by Michael Elliott, Manager of Water Treatment and Supply

Ms. Dana Dessereaux gave a brief presentation on the Water Quality Report and answered questions from the Board of Commissioners.

Mr. Michael Elliott gave a brief presentation on the Reservoir Storage Modeling and Drought Management Triggers and answered questions from the Board of Commissioners.

7. Approval of a First Taxing District Planning Committee charged with creating a Memorial for the late Commissioner and Chairman Frank N. Zullo, appointing Patsy Brescia as Chairperson with authorization to appoint remaining members

***** COMMISSIONER BRYANT MOVED THE APPROVAL OF A FIRST TAXING DISTRICT PLANNING COMMITTEE CHARGED WITH CREATING A MEMORIAL FOR FORMER COMMISSIONER FRANK N. ZULLO, APPOINTING PATSY BRESCIA AS CHAIRPERSON WITH AUTHORIZATION TO APPOINT REMAINING MEMBERS**

***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**

***** THE MOTION PASSED UNANIMOUSLY**

8. Approval of Minutes:

- August 8, 2018 Regular Meeting of the Board of Commissioners

***** COMMISSIONER BRYANT MOVED TO APPROVE THE MINUTES OF THE AUGUST 8, 2018 REGULAR MEETING**

***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**

***** THE MOTION PASSED UNANIMOUSLY**

9. Correspondence

THERE WAS NO CORRESPONDENCE

10. Receive Financial Report

***** COMMISSIONER OBUCHOWSKI MOVED TO RECEIVE THE FINANCIAL REPORT
*** COMMISSIONER BRYANT SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

11. Approval of FY 2018 and 2019 Operating Budget Transfers

***** COMMISSIONER BRYANT MOVED TO APPROVE THE FY 2018 AND 2019 OPERATING BUDGET TRANSFERS
*** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

12. Receive Monthly Operations Report

***** COMMISSIONER BRYANT MOVED TO RECEIVE THE MONTHLY OPERATIONS REPORT
*** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

13. Consideration and Approval of the transfer of funds from the General Fund to the Park Fund in the amount of \$154,000.00

***** COMMISSIONER BRYANT MOVED TO CONSIDER AND APPROVE THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE PARK FUND IN THE AMOUNT OF \$154,000.00
*** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSE UNANIMOUSLY**

14. Modification of the Classification Description of the Production Operator, Water Treatment and Supply Department

***** COMMISSIONER OBUCHOWSKI MOVED TO APPROVE THE MODIFICATION OF THE CLASSIFICATION DESCRIPTION OF THE PRODUCTION OPERATOR, WATER TREATMENT AND SUPPLY DEPARTMENT
*** COMMISSIONER BRYANT SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

15. Authorize the Chairman to execute the First Amendment to the Agreement with GZA GeoEnvironmental, Inc. dated May 8, 2017 to provide additional professional engineering services in connection with the Phase II – Investigatory Assessment and Final Design of Concrete Repairs of the John

D. Milne Reservoir Dam for an additional sum of \$ 32,180.00 increasing the total sum not to exceed to \$ 148,380.00. (Account No. 30 2017 3430 00)

*** **COMMISSIONER BRYANT MOVED TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH GZA GEOENVIRONMENTAL, INC. DATED MAY 8, 2017 TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PHASE II – INVESTIGATORY ASSESSMENT AND FINAL DESIGN OF CONCRETE REPAIRS OF THE JOHN D. MILNE RESERVOIR DAM FOR AN ADDITIONAL SUM OF \$ 32,180.00 INCREASING THE TOTAL SUM NOT TO EXCEED TO \$ 148,380.00. (ACCOUNT NO. 30 2017 3430 00).**

*** **COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**
*** **THE MOTION PASSED UNANIMOUSLY**

16. Authorize the Chairman to execute the First Amendment to the Agreement with GZA GeoEnvironmental of New York, Inc. dated February 1, 2017 to provide additional professional engineering services in connection with the Engineering Assessment for Scotts Reservoir Dam for an additional sum of \$ 41,500.00 increasing the total sum not to exceed to \$ 67,850.00 (Account No. 30 2019 3440 00)

*** **COMMISSIONER BRYANT MOVED TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH GZA GEOENVIRONMENTAL OF NEW YORK, INC. DATED FEBRUARY 1, 2017 TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE ENGINEERING ASSESSMENT FOR SCOTTS RESERVOIR DAM FOR AN ADDITIONAL SUM OF \$ 41,500.00 INCREASING THE TOTAL SUM NOT TO EXCEED TO \$ 67,850.00. (ACCOUNT NO. 30 2019 3440 00).**

*** **COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**
*** **THE MOTION PASSED UNANIMOUSLY**

17. Approve Final Acceptance of Various Capital Project Assets by Account Number and Asset Classification

*** **COMMISSIONER BRYANT MOVED TO APPROVE FINAL ACCEPTANCE OF VARIOUS CAPITAL PROJECT ASSETS BY ACCOUNT NUMBER AND ASSET CLASSIFICATION**

*** **COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**
*** **THE MOTION PASSED UNANIMOUSLY**

18. Approve the Additional Appropriation of \$ 100,000.00 from Capital Budget Surplus Funds to the Fiscal Year 2019 Annual Capital Budget (Account No. 30 2019 3630 00) Transmission Valve Replacement

***** COMMISSIONER BRYANT MOVED TO APPROVE THE
ADDITIONAL APPROPRIATION OF \$ 100,000.00 FROM CAPITAL
BUDGET SURPLUS FUNDS TO THE FISCAL YEAR 2019
ANNUAL CAPITAL BUDGET (ACCOUNT NO. 30 2019 3630 00)
TRANSMISSION VALVE REPLACEMENT
*** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

19. Authorize the Chairman to execute the First Amendment to the Contract for Construction Services dated June 25, 2014 for Project ER 2014-06, Water Distribution Emergency Repairs and Non-Emergency Improvements at Various Locations with John J. Brennan Construction Company, Inc. extending the Date of Completion to June 30, 2019

***** COMMISSIONER OBUCHOWSKI MOVED TO AUTHORIZE THE
CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE
CONTRACT FOR CONSTRUCTION SERVICES DATED JUNE 25,
2014 FOR PROJECT ER 2014-06, WATER DISTRIBUTION
EMERGENCY REPAIRS AND NON-EMERGENCY
IMPROVEMENTS AT VARIOUS LOCATIONS WITH JOHN J.
BRENNAN CONSTRUCTION COMPANY, INC. EXTENDING THE
DATE OF COMPLETION TO JUNE 30, 2019
*** COMMISSIONER BRYANT SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

20. Authorize the Chairman to execute the First Amendment to the Contract for Construction Services dated June 25, 2014 for Project ER 2014-06, Water Distribution Emergency Repairs and Non-Emergency Improvements at Various Locations with Butterworth & Scheck, Inc. extending the Date of Completion to June 30, 2019

***** COMMISSIONER OBUCHOWSKI MOVED TO AUTHORIZE THE
CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE
CONTRACT FOR CONSTRUCTION SERVICES DATED JUNE 25,
2014 FOR PROJECT ER 2014-06, WATER DISTRIBUTION
EMERGENCY REPAIRS AND NON-EMERGENCY
IMPROVEMENTS AT VARIOUS LOCATIONS WITH
BUTTERWORTH & SCHECK, INC. EXTENDING THE DATE OF
COMPLETION TO JUNE 30, 2019
*** COMMISSIONER BRYANT SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

21. Authorize the Chairman to execute the First Amendment to the Contract for Construction Services dated June 25, 2014 for Project ER 2014-06, Water Distribution Emergency Repairs and Non-Emergency Improvements at Various Locations with A. J. Penna & Son Construction, Inc. extending the Date of Completion to June 30, 2019

***** COMMISSIONER OBUCHOWSKI MOVED TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE FIRST AMENDMENT TO THE CONTRACT FOR CONSTRUCTION SERVICES DATED JUNE 25, 2014 FOR PROJECT ER 2014-06, WATER DISTRIBUTION EMERGENCY REPAIRS AND NON-EMERGENCY IMPROVEMENTS AT VARIOUS LOCATIONS WITH A.J. PENNA & SON CONSTRUCTION, INC. EXTENDING THE DATE OF COMPLETION TO JUNE 30, 2019**
***** COMMISSIONER BRYANT SECONDED THE MOTION**
***** THE MOTION PASSED UNANIMOUSLY**

22. Review of the FY2019 Event Schedule

NO ACTION NECESSARY

23. Discussion of 1124 Valley Road, New Canaan

This Item was taken out of order after Item 3.

Mr. Kevin Moynihan, First Selectman for the Town of New Canaan, addressed the Commissioners and expressed his interest in the Purchase of the property at 1124 Valley Road, New Canaan. The Commissioners informed Mr. Moynihan that they will meet to discuss the information that they received from him and will contact him with their response.

24. Cancel the Regular Meeting scheduled for Wednesday, November 21, 2018 at 7:00 P.M.

***** COMMISSIONER BRYANT MOVED TO CANCEL THE REGULAR MEETING SCHEDULED FOR WEDNESDAY, NOVEMBER 21, 2018 AT 7:00 P.M.**
***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**
***** THE MOTION PASSED UNANIMOUSLY**

25. Schedule a Special Meeting to be held on Wednesday, November 21, 2018 at 11:30 A.M.

***** COMMISSIONER BRYANT MOVED TO SCHEDULE A SPECIAL MEETING FOR WEDNESDAY, NOVEMBER 21, 2018 AT 11:30 P.M.**
***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION**
***** THE MOTION PASSED UNANIMOUSLY**

26. Cancel the Regular Meeting scheduled for Wednesday, December 12, 2018 at 4:00 P.M.

***** COMMISSIONER BRYANT MOVED TO CANCEL THE REGULAR MEETING SCHEDULED FOR WEDNESDAY, DECEMBER 12, 2018 AT 4:00 P.M.**

***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

27. Schedule a Special Meeting to be held on Wednesday, December 12, 2018 at 7:00 P.M.

***** COMMISSIONER BRYANT MOVED TO SCHEDULE A SPECIAL MEETING FOR WEDNESDAY, DECEMBER 12, 2018 AT 7:00 P.M.**

***** COMMISSIONER OBUCHOWSKI SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY**

28. Discussion of the Term of Board of Commissioner Chairperson

NO ACTION NECESSARY

29. Call to the public

THERE WAS NO PUBLIC PRESENT

***** COMMISSIONER OBUCHOWSKI MOVED THAT THE COMMISSIONERS ENTER INTO EXECUTIVE SESSION, AS PROVIDED BY CONNECTICUT GENERAL STATUTES § 1-200(6)(B) AND (D) TO DISCUSS THE SALE OF 1124 VALLEY ROAD, NEW CANAAN, CONNECTICUT BASED UPON AN OFFER TO PURCHASE BY THE TOWN OF NEW CANAAN BY LETTER DATED SEPTEMBER 6, 2018 FROM KEVIN J. MOYNIHAN, FIRST SELECTMAN AND TO DISCUSS PENDING CLAIMS SET FORTH IN HIS LETTER WITH REGARD TO THIS REAL ESTATE. DOMINICK DI GANGI, P.E., GENERAL MANAGER AND DISTRICT COUNSEL, FRANK W. MURPHY AND KARA A.T. MURPHY ARE INVITED TO ATTEND THE EXECUTIVE SESSION TO PROVIDE OPINION AND LEGAL ADVICE. TREASURER SEAD, LAUREN MAPPA, ELEANOR MILITANA WERE ALSO ASKED TO REMAIN PRESENT.**

COMMISSIONER BRYANT RECUSED HERSELF AND LEFT THE MEETING

***** COMMISSIONER CULLEN SECONDED THE MOTION
*** THE MOTION PASSED UNANIMOUSLY (8:53 P.M.)**

***** COMMISSIONER OBUCHOWSKI MOVED TO COME OUT OF EXECUTIVE SESSION AT 9:29 P.M. NO ACTION WAS TAKEN
*** COMMISSIONER CULLEN SECONDED THE MOTION**

***** THE MOTION PASSED UNANIMOUSLY**

30. Adjournment

***** COMMISSIONER OBUCHOWSKI MOVED TO ADJOURN THE MEETING**

***** COMMISSIONER CULLEN SECONDED THE MOTION**

***** THE MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lauren Mappa
District Clerk