

REPRESENTATIVE POLICY BOARD

EXECUTIVE COMMITTEE

APRIL 20, 2023

MEETING TRANSCRIPTION

Mario:

That's all right. So, the first order of business, because I think this is all that we're going to expect, right, Jennifer?

Jennifer:

Yes, everybody's here.

Mario:

And lo and behold, bicycle safety is the safety moment. So, that's good. Wear your helmet and traffic laws. Yeah. I've started getting out there myself. So, be careful when you're on the bicycle, both inside on a stationary and outside on the roads. Thank you, Jennifer, for reminding me.

Next item is approval of the minutes of February 15th, which was a special meeting. Anyone-

Tim:

So moved.

Mario:

We have a motion. And a second?

Bob:

Second.

Mario:

Bob, thank you. All those in favor say aye.

Group:

Aye.

Mario:

Opposed? Abstaining? All right. So, we're done with that. So, we're up to item three, Nominating Committee for RPB officers. So, Jennifer was kind enough to send the, well, she's kind enough to remind me of, "Okay, you're going to have to do this." So, in May, the Nominating Committee will have to meet for RPB officers and bring a suggested slate to the board. Mine is the only position that is, I'm timed out as chair. So, I have to leave.

I've wanted this on here so that number one, my feeling is if you're on the Nominating Committee currently working on the authority nomination, you may not want to be on the Nominating Committee

also for RPB officers. I think we're limited to just one current board member, officer, I'm sorry, of the board. And Bob, you and I are not eligible for this Nominating Committee.

And then also for everyone to think, "Well, who do they think they want to be or who wants to be chair next?" So, I will tell you, it takes more time than some of the other positions. And it's not just the one monthly meeting, which used to be breakfast before we got into teams with the CEO and the chair of the five member authority. But there are calls. It's always a pleasure working with Jennifer and getting to talk with Jeff. So, think about that. And if anyone's interested from this group to be on the Nominating Committee, please let me know.

Charles:

Why is Bob not eligible?

Mario:

He's vice chair.

Tim:

So that only leaves Jay. So, we should say welcome aboard, Jay. Well, clearly, the rest of us are serving on a Nominating Committee right now.

Mario:

Right. But it's no more than one.

Tim:

So, it doesn't even have to be one.

Mario:

It doesn't have to be anyone from [inaudible 00:04:19]-

Tim:

There we go. So, there's a clarification. Understood.

Mario:

I would suggest that there'd be at least one person from this group, either Jay or I think Peter would be the other eligible.

Tim:

Oh, Peter's not on. Okay. Okay. You're right. Correct.

Stephen:

This is a big turnover for two committees, and the RPB, and all at once here.

Mario:

Yes.

Stephen:

Yeah.

Mario:

And that brings us into the next piece, which is the committee chairs. Both finance and consumer affairs have time out in those two positions. So, Tim and Steve. So, I think there's good leadership available in the current group. And it may be best to have definitely someone from this group to be on the Nominating Committee because I could see where one of you all is nominated as chair.

And then that would create a vacancy on the board. So, you'd have to backfill that. And I would suggest the Nominating Committee work that out. And I know there's some other people who are also interested in if there's an available slot of moving up to the executive committee.

Charles:

So, your question to us this evening is what members of the executive committee want to be on the Nominating Committee? Are you going to reach out to the entire board seeking volunteers?

Mario:

I was planning to bring it up this month at next week's meeting to the entire board.

Charles:

Okay.

Mario:

Let them know. Let them know that we will need people on the Nominating Committee and we will need people for chair, of which I would think, Tim, you, and Steve would-

Charles:

My only point is that... Yeah. My only point is that May to next month.

Mario:

Exactly.

Charles:

Yeah. Okay.

Mario:

Yeah. So hopefully, we can get the group together before then, a Nominating Committee put together.

Stephen:

Mario, do you know that anyone wants to be RPB chairman at this point?

Mario:

I know-

Stephen:

I mean, you don't have to say who, but has anyone expressed an interest?

Mario:

I have had discussions with someone.

Stephen:

Okay.

Mario:

And they were somewhat interested at the time, or they were interested. So, I will leave that up to them to express further interest.

Stephen:

Okay.

Mario:

Depending on what the situation is today. Right? So again, it's something for all of us to think about. If you have ideas of who might be good, then at least there could be some discussion. We also have several people whose terms are expiring. Peters is expiring. Peter's been in a interesting position there.

And I don't know with 100% confidence he would get re-nominated, only because he took on more of a political role. And I think he's in the party opposite his first selectman. I believe it's a first selectman there. Brian's up. Jamie is up. Jamie's been in a political kind of controversy. But I think she may be okay in getting reappointed. She should be. I believe. I had a talk with her last night.

Stephen:

Well, Peter's a chairperson. So, I mean, it's kind of in his favor in terms of the town as a value to the town for reappointment. But as you said, politically, it could go either way.

Tim:

You just don't know.

Mario:

Well, politically, he challenged the current first selectman.

Tim:

Yeah. And he's a selectman.

Mario:

Correct. Yeah. And the first selectman had reached out to me before the last election cycle to find out whether Peter had actually been active or not. And that was just after he had wanted to be chair. He had volunteered to be chair.

And when I told the first selectman that, he was kind of in surprise. And he said, "Well, if Peter's wanting to be involved, that's good. I will re-nominate him then." But I don't know what's happened internally in town since then. All right. Naomi's probably okay. Jay, you are up for re-nomination again.

Jay:

Yes. As far as I know with the first selectman, as long as he's sitting in that chair, he's making me sit in this one.

Mario:

Okay. And I think he's there for a little while still. He's not like Wallingford. Then Marina, we actually got approved letter from the governor to reappoint him after 2.5-

Jeff:

All right.

Jay:

Oh, wow. That's good.

Mario:

Two-thirds terms, I believe it is. So, he's in for a year.

Jay:

That's positive. Yeah. Yeah.

Mario:

It is. It took quite a bit. Michelle, I don't think anyone's going to be appointed to fill Michelle's position. It's not that anyone is against her. The first selectman likes her. But politically in East Haven, it's not good to bring somebody up for reappointment, especially with a position that has a stipend tied to it. So, I think for now, she's just kind of flying under the radar.

Charles:

What do you mean it's not good to bring [inaudible 00:11:03]-

Tim:

That's the funniest thing.

Mario:

Well, I worked in East Haven for about three years. And it is a unique town. It is very political. So, if an opening to an appointment that has a stipend is attached to it, that can be looked upon as well. I worked on your campaign harder than so-and-so worked on your campaign, so therefore, I want to be appointed. That should be my job.

Charles:

But what are you saying for Michelle? Is that she's just not going, she's going to stay put.

Mario:

I think it's going to be, well, you're appointed until your replacement is appointed.

Charles:

Okay.

Mario:

And I think that's where we're going to be.

Charles:

Okay. I'm just trying to understand.

Stephen:

Yeah, Mario, with the WPCA, most of the changes have been the East Haven members.

Mario:

That is correct. And now you know why, Steve.

Stephen:

Yep.

Mario:

And I'm sorry that you're recording this, Jennifer.

Tim:

Well, facts are the facts.

Jeff:

But can I ask a question?

Mario:

Yes.

Jeff:

Do you have an indication from Michelle or from the town that she's not being reappointed? And if so, do you want me to reach out? That's one of the towns I'm one of the town attorneys there. Do you want me to reach out to the mayor, and inquire?

Mario:

So Jeff, I will let you know. I'm going to be sending a letter to each of these individuals.

Jeff:

Okay.

Mario:

Actually, they're first selectmen or mayors that their terms are up and we'd appreciate them being reappointed. And they've done a great job here and there. Whatever their specialty skillsets that they've brought, I try to highlight those.

Jeff:

Sure.

Mario:

So, I will let you know if you're now representing East Haven.

Jeff:

Yeah, we've been representing them since December of '19.

Mario:

Okay.

Jeff:

I know Michelle's-

Mario:

So, you've probably seen-

Jeff:

I've met Michelle's husband, as a matter of fact.

Mario:

Yes.

Jeff:

He works in the town. Yeah.

Mario:

Yeah. He's real nice guy.

Jeff:

Yep.

Mario:

And I think yeah, so I believe she would be reappointed if not for the noise in the background. Okay?

Jeff:

Okay. Yep.

Mario:

So, yeah. I think everybody think of who wants to be chair. I think one of you would be a great asset as the chair, and in running the meetings, and trying to work collaboratively with David and Larry. I think that I've tried to do that, and I hope that will continue. I think it will with David in that position. Okay. Anything else on these two items? Okay.

Protective order and conflict of interest. I just wanted to bring this up. We all got the protective order for the commercial business enterprise. There was a addition at the end. Our enabling legislation has language about conflicts of interest and confidentiality in certain cases. And so, if you have a conflict of interest, you're supposed to abstain from votes essentially and not get involved.

Larry and Rochelle were very concerned about the information within the commercial enterprises application as far as would anyone utilize the info that would get out and the name of the company might get out. And that's something that they're very sensitive with. And people who own a company that's negotiating a potential sale are sensitive to I'm sure.

So, Jeff was very gracious in participating in some of those discussions and providing some language that he had used elsewhere that was adapted for this particular certification. So, this is going to be staying. It's just to remind everyone that if you have a conflict of interest, you should not be voting on the matters. And if it's confidential information, you should be keeping it confidential.

It's part of one of the duties of being on a board. But the other thing that I wanted to just poll people, do you think it's worthwhile to do a session? And we could do it over two, three, have two or three different sessions for whichever one is most convenient, or it could be with the three committees.

On some of the responsibilities, if you will, of being on a board, especially as it relates to being impartial, and not having conflicts of interest, and expressing them if there is some. And what it means to keep things confidential when it's deemed to be a confidential information. Or, do you feel that everyone has gotten enough training in everything else that they've done, that they already understand that?

Charles:

I think a refresher, whether we've had the train or not, I think a refresher would be very appropriate. And we might even want to go expand it, even with freedom of information, and all of that kind of stuff.

So, yeah. You could probably start at the committee level or a written memorandum. But I don't know if we have an existing program that we could institute or we would have to develop something. But a short program I think is very important. Just as a refresher, never mind with new people and that type of thing. Just as a reminder for everybody.

Mario:

Okay.

Tim:

I know in the town of Cheshire, when we have a new council term, which is every two years, our boards, and commissions, and our other town agencies, whether they're four years or six year terms, whatever, they get a refresher. And basically it's a reminder. It does discuss FOI. That's a big deal today. And a lot of people don't understand all the nuances of that. And so, I think it would be a good idea.

And yet, I do think you could also do it very comfortably at the committee level, as long as there's sort of an outline. And usually in a town council meeting, say for example in Cheshire, it would be Jeff Donofrio, who actually sits at that table, as town attorney for the town who gives a presentation. And he may be supported by another staff member who's particularly fluent in the FOI and stuff. So, and then that also gets passed along probably by other town staff to the various board and commissions. So, I think it's a good idea.

Charles:

Jeff, would that be beyond your role as a-

Tim:

Well, I wasn't suggesting Jeff do it. I was explaining how it goes.

Charles:

Oh, okay. Okay. Yeah.

Tim:

I was explaining how it happens in Cheshire since he's our town attorney.

Jeff:

I mean, it would be beyond my role. But the thing about it is I'm at FOIC a couple times a month because of all the towns I represent. And really Cheshire, not for Cheshire, but for my other towns that get in trouble with the Freedom Information Commission. Cheshire's usually pretty well-behaved. But I'm not just saying that because Tim's here. It's just luck of the draw, I guess. And so, yeah. I've done presentations.

I've got PowerPoint presentations on FOIA. And the towns have specific codes of ethics that I've had to go in and do presentations to boards, commissions, and legislative bodies about. So certainly, yeah, I wouldn't want to step on anybody's toes. Murtha can certainly do it for you. But because I've done it in

other towns, probably more than most because of all the municipal work I do, I'd be happy to do it, and it wouldn't be a heavy lift. Yeah, happy.

Charles:

Mario, maybe you can check with Larry and make sure we're not stepping on any toes and that type of thing. But I think Jeff would do a great job.

Mario:

I agree.

Stephen:

Hey, Mario.

Mario:

Yes, Steve.

Stephen:

Yeah. And in addition to that, I mean, when the water company was just the water company, there was not much of a potential for conflict of interest. But now that we're into the non-core business and several different companies that may present a different kind of awareness that the board needs to have.

Mario:

Very true, Steve. No, I agree. And when I did training for boards and commissions in a prior life, I utilized the town attorney, as Tim said, because it just makes the most sense, especially if they're going to be defending. But Jeff and I, we're going to talk about an item, a couple of items that I was going to pick his brain on, and maybe we can talk about this.

Jeff:

Sure.

Mario:

I do have a meeting Monday with both Larry and David. And I'll bring it up. Because I think it probably is worthwhile for the authority to get a refresher, even though we do have people on that board-

Charles:

I think not only [inaudible 00:21:46] to Steve's point about the new directions too, but make it part of our policy that we do it either on an annual or every other year type thing. And just make it that we do it, whether it be onboarding new people, and that type of thing.

Mario:

I'm guessing, Tim, you've been doing the onboarding most recently. And I know we haven't had anyone new in a while.

Tim:

We haven't had anyone new. I think Jennifer's... I can't say for certain that it's ever been part of the presentation I was involved in, to be perfectly honest with you.

Mario:

And Jennifer, I don't think it is part of what we typically do.

Jennifer:

The presentation?

Mario:

No, the talking about conflicts of interest and the roles of being on a board.

Jennifer:

I don't know. I've never been to a training session when a new person is hired. So, I'm not exactly sure what's discussed during.

Mario:

No, I meant a new RPB person.

Jennifer:

Yes. But isn't the RPB and the Authority trained together? I know that Catherine Pete were trained together.

Tim:

Yep, usually you get... right.

Jennifer:

Yes.

Tim:

And generally, there's an introductory tour of the facilities. We end up in a plant just for a little more exposure. And it's generally to inform people better than they were informed when they might have been invited to consider being on board. But I don't think in general we've gotten into anything such as a code of ethics or conduct, beyond what you kind of expect out of them. I think it's basically-

Charles:

Mario, when you talk to Larry and Dave, I mean, maybe part of their HR department has got some presentation available too.

Mario:

Yes. No, we will.

Charles:

I think it's worth pursuing though.

Mario:

Excellent. And Jeff, thank you for stating that you'd consider it.

Jeff:

Sure, whatever you need. I'm happy to help. Happy to help.

Mario:

Very good. That's why we like you.

Charles:

One of the reasons.

Mario:

One of the reasons.

Jay:

Mr. Chairman, Mario?

Mario:

Yes, Jay.

Jay:

I'm participating. But for some reason, I lost the picture. I got information on there. But I don't have the picture being with you.

Mario:

Okay. We can see you and we can hear you.

Jay:

It might be your end.

Mario:

We can see you and we can hear you, Jay.

Jay:

Okay. All right.

Mario:

Can you hear us?

Jay:

Yes, I can. I've been listening right along. Yeah.

Mario:

Okay. All right. I'm sorry that you don't have what's up on the screen. That brings us to the next item, which is the application schedule presiding members. And I figured, let's pick everybody's brain here. Go to the, scroll down a little bit, Jennifer. So, we have... Keep going. We have the current... There you go. Well, the current commercial transaction, which is at the very bottom of the list because it's already an application that we have. That's target one.

And next week, finance has recommended or is recommending that we schedule a public hearing and have a presiding member. Go to the top, please, Jennifer. There's upcoming a Derby Wellfield application that'll be coming. And then another commercial transaction. So, that is I think will be target two. They had been looking at two different plumbing companies, and they split the application so that it would be two separate ones. I think that was after some discussion with Jeff about that.

So, we need to try and figure out who are the people who would be best positioned or understanding for those commercial transactions? They're a little bit different as there will be definitely some executive session discussion. And hopefully, there will be some of the presentation that will not be an executive session. I think that will be important to have because we are supposed to have a public hearing on these.

And if you have a public hearing as entirely an executive session, that's not much of a public hearing. I think anyone who's been involved in local government would probably agree with that. So, and then we have a property disposition that should be following. So, we do have Wellfield, and a property, and a couple of commercial transactions. And Jennifer, if you'd call up the list of hearing officers from the most recent?

Stephen:

I can't believe that list, Mario. I can't believe it's 10 years since the solar panel in Hamden.

Mario:

I know.

Jeff:

It's crazy.

Mario:

I was going through one of the lists and I realized, "Oh, I've been on for 13 years," which surprised me. I thought it was only three. So, is there any suggestions on the application that we have currently? Anybody that you think would be good at managing that as presiding member?

Stephen:

Which one are we talking about, Mario?

Mario:

The target one that we currently have.

Stephen:

Oh, okay.

Mario:

We're going to schedule a public hearing.

Stephen:

Okay.

Mario:

So, I used Vin on the rate application. He would probably be good at it. Rich Smith just did one. He did the rate application a year ago. I'm trying to think-

Tim:

I thought Rick Smith was dropping off. Why did I think that?

Jeff:

He's going to be mayor.

Charles:

Yeah.

Jeff:

He's going to be a mayor of Milford in two months.

Mario:

He's going to be mayor. Yeah.

Jeff:

Yep.

Mario:

His time will be... Good point. I'm sure he'll appoint someone to replace him.

Tim:

Right.

Mario:

Maybe we could target the new person.

Charles:

Yeah, you don't want to do that.

Mario:

And welcome to the RPB. Here's your assignment.

Charles:

Yeah, we don't want to do that. No. All right, who has not been?

Mario:

It's been a while since Tom Clifford has done one.

Charles:

Oh, he'd be very good.

Mario:

Yeah. He was one of the people I was thinking of.

Charles:

How about Joe? Has Joe ever done one?

Mario:

Joe did. The last one he did was Summer Hill Road in '18. So, he might be willing to do another one.

Jennifer:

Joe is having problems with his sciatica though, right? So, I know if he attends, he may only attend virtually. I don't know if that makes a difference to anybody.

Mario:

I don't know. But I'll put him on a list because he may want to or be willing to do the property disposition, which will be more.

Charles:

Did Catherine do one?

Tim:

Yeah, she did.

Mario:

Yeah.

Charles:

Do you remember? Okay.

Bob:

Did she?

Tim:

No, actually I'm confused. Yeah. That was, no.

Charles:

Yeah, I would say Tom would be particularly good for the acquisition with Catherine because she hasn't done one yet. Those would be my choices.

Mario:

Catherine?

Jennifer:

Catherine's-

Jeff:

Who's Catherine?

Tim:

Catherine's on the authority. She's on the authority.

Jennifer:

I'm getting confused.

Tim:

She's on the authority. That's who you mean.

Charles:

Oh, oh, oh. I'm sorry. Sorry.

Mario:

Did you mean Jamie? Because she just did one.

Charles:

No, Jamie just did one.

Mario:

And Naomi just did one.

Charles:

Okay. Yeah, I was thinking of Naomi from New Haven. Okay. Yep. Yep.

Mario:

I was going through my mind, I'm thinking, "Okay, Catherine. Oh, boy. I'm really drawing a blank on our board."

Jeff:

Me too. I was getting nervous.

Jennifer:

Me too.

Charles:

Yeah, yeah.

Stephen:

How about Greg?

Jeff:

There you go.

Bob:

Greg is good.

Mario:

Greg? Yep, I thought about that last night.

Stephen:

Okay.

Bob:

We don't know about Michelle?

Mario:

Michelle is not interested in, she's not comfortable being chair or presiding member.

Bob:

Okay.

Mario:

She wants to continue to participate. Her and I have had some good discussions about this. I kept nudging and prodding. But I haven't gotten the, yeah. She's just not comfortable in that position. She does want to participate, and she's willing to give her two cents, and be on committee assignments.

But this gets a few names anyway. Hopefully, between Tom and Greg, we may be able to get one for this next application for target one. Okay. Good. If you think of anyone else, let me know. I just figured we were going to be meeting, so I would get everyone else's input. So, thank you.

Stephen:

So, looking down the list, Mario, the Skiff Street property's going to be not till the second quarter of '24?

Mario:

That's what they're listing, yes.

Stephen:

I thought that might be coming up fairly soon.

Mario:

First quarter of '24. First to second.

Stephen:

What?

Mario:

Oh, public hearing, yeah.

Stephen:

Yeah.

Mario:

I thought it would be earlier too. But they're trying to just... In the past, we weren't able to get this type of a list. So fortunately, I've-

Stephen:

Maybe that's conservative because of the issues of resolving the property lines.

Mario:

Yes.

Stephen:

So, if that gets done earlier, that could move up, right, possibly?

Mario:

Correct. Okay. So, that's an idea. The application schedule. There are a bunch of items. I think that covers that. Next meeting is July 19th at 5:00. If you recall, we scheduled the EXCOM meetings each quarter so that it would be a regular meeting instead of a special meeting. And new business. I do have a new business item, and it's related to applications.

And if you were paying attention during the budget meetings, there's certain items that were fairly significant in total dollar expenditure, but's relatively small in the current year. And they're not necessarily on the list of public hearings. So, it's a little bit of a philosophical in that. And the authority was first getting some feedback. I'm sorry. When the authority was created, they were going to do computer upgrades. And so, the question was asked of Dayberry and Howard, their counsel at the time, as to whether they needed RPB approval for replacing all the computers over a five-year period.

And the response, and I'm summarizing, I can send you the letters. But basically the response was, "Well, if you're only doing a few computers every year and you don't have to do all the computers in order to keep the system up and running, and each year you're under the million dollars at the time," which was the number, "then you don't have to get RPB approval because you're under a million dollars," which was the number then, "And the replacement of computers next year does not have to happen just because you replace computers this year."

There were a couple of projects that kind of struck me during the presentation of the budget. And one of them is the extension of the service line to the north. And there's so much going in this year and so much went in last year. And I think that's targeted in the 16 million dollar range or so. And I think their feeling is, "Well, we're under 2 million a year," because that's the current number, "And we could stop at any one point." But if the intent is to get all the way to the north to a certain point, to me, it almost seems like you're extending the service area and therefore, it should get an RPB approval, especially if they're going to be borrowing for it.

On a bigger picture, and what my knee-jerk reaction, because I've never been shy about expressing my opinion, is I had a meeting with Larry, and Rochelle, and Sonny, who let me know that they got a recent opinion that the lead service line replacement program is a program. And although it's going to be 190 plus million dollars as a program, which would be about 15 to 16 million dollars a year if they averaged it out over the 12 years, they weren't planning to bring that to the RPB. Because at any given-

Tim:

After the first time?

Mario:

Excuse me?

Tim:

After the first time time they bring it to the RPB? I mean-

Mario:

No, they weren't planning to bring it at all to the RPB.

Tim:

Because we have to do it?

Mario:

No, because you can stop at any given point. And I'm paraphrasing. I just wanted to get a sense of the group.

Tim:

That just seems like a lot. That just seems like a lot we don't have to hear about.

Mario:

Well, so the thought is we don't have to replace 190 million dollars worth because I can replace five service lines and stop. I don't have to replace the sixth in order to make it work. I probably made some enemies in that call because I said, "Well, then the metering program where you converted to the AMI, you could have done the software and five meters to get it started in one year, and then replaced the other meters over the next couple of years, and never come to the RPB."

Because you could run on two separate systems and combine the data to then send out the bills. It wouldn't be efficient. But you could do it, right. So, we had a little bit of back and forth. This isn't over. I have some further discussions coming up. But I wanted to kind of get the sense of the group. And I know I've kind of pushed my opinion because I have one. And of whether you think that this is the way it's been going, and we should just leave it as it is.

Or, if we should say, "Okay, you don't know exactly where you're going to replace the service lines." My response to them was, "Come in with a phase one of 60 million dollars in various locations. You don't know where. But this way you have an authorization to bond for the 60 million dollars and go forward. And when you know more about the program, and you're approaching the end of the 60 million, come back."

Tim:

Well, just a question about our budget process. Number one, we get a rate, we have a budget. We have an operating and a capital budget, which we review, can ask questions about, and we vote upon it.

Mario:

No. Hold on.

Tim:

How is that-

Mario:

We do not vote upon.

Tim:

That's true. We just-

Mario:

We comment.

Tim:

You're correct. You're correct. I stand corrected. So, the approval process being broken into pieces somehow gives us approval, is that what you're reminding me of? In other words, it just seems like we should have something to say about spending 160 million dollars.

Mario:

That was my knee-jerk reaction.

Stephen:

Yeah. I've always felt that with the 2 million dollars threshold being so high, there's an awful lot that we don't see or aren't aware of. I don't know if it comes before the finance committee, Tim.

Tim:

Yeah, but I guess that's what I'm thinking. We just make referrals though. I mean, we're seeing stuff, but not ask for approval.

Mario:

No.

Stephen:

I can tell you with the UPCA, the executive director can spend \$50,000, and they often bring \$10,000 before us just to let us know what's going on. And we have a 55 million dollar a year budget. So, it's not small-time, but there's a very tight control on it.

Mario:

Yeah. The under \$2 million dollar projects, Steve, and those projects like Capital Pipe, which is well above, but that's a piece here and a piece there, mostly repair as opposed to an extension of service area, really the only group that sees it is the RPB as a whole during the budgeting process.

If there is a specific extension that they come to us for like there was a project in Branford where they were doing part of Route 1. And they had to get up over a hill. And they ended up getting over 2 million, which they didn't expect to. Then they brought it to us, if you recall.

Stephen:

But there are a lot of things that we don't see, don't have a feel for. Because like the computers, I mean, how often are we replacing these laptops? Are we bonding them for 30 years, and they're lasting five or whatever? Should this be an operational cost and not a capital cost?

Tim:

Should be. Pay cash for computers. PCs, you're talking laptops, or you're talking mainframes? Computer's a big word.

Mario:

I think I brought that up years ago. And I think they're now, that's what generated the internally generated funds. That is one of the things. And so yes, I believe the PCs are now basically paid for with those operating funds, essentially as part of depreciation and-

Tim:

Right.

Mario:

Yes, Charles.

Charles:

And looking at this from a high level, on the 30,000-foot level, everything. I understand where you're coming from completely, Mario. And it reminds me of the frustration over the budget. I mean, we get to see the budget and we make comments about it. But we've had this discussion repeatedly that we really have limited say over it. And my question, isn't a lot of this dictated by the enabling legislation?

Tim:

Yep.

Mario:

Yes.

Charles:

I mean, that's the frustration that we as the board have. And I don't think there's a way to change it.

Mario:

No, I think I bring this up because it's an interpretation of the enabling legislation.

Charles:

Right. I mean, and I think that management has been very good in hearing our concerns about different things and trying to involve us. But their mechanism for factoring it and keeping it within a certain limits, I mean, that's management is what it comes down to. It's cashflow management is what it is.

I don't know. I understand where you're coming from completely from a philosophical point of view. But I think it's a frustration of where maybe we've outgrown the initial enabling legislation. But my understanding to go back and change it is-

Tim:

My guess, there's a philosophy that we're a supporting board that actually allows for the authority members to be appointed. So, we have that role. And they're sort of the voice that takes the role in the budget. I mean, obviously they play a role in the budget. So, I think it was sort of designed that way probably.

And our beef has to be with the authority potentially. And I don't know if there's any kind of bifurcation that we can't. But it seems to me, if we have a beef or opinions to be shared, I don't know if we have a legal way to talk to the authority about it. But maybe that would be a means to an end. I'm not sure about that. Just a thought.

Mario:

Yeah. I pointed out last night at the meeting that, and I forgot to do it Monday, that a real important time for providing input to both the authority and management is when the 10-year models are presented. And we need to keep that in mind. Because that's when you start to see, "Well, where's the trajectory of the overall budget going?"

Which also gives you an idea of where the rates may be going. And that's when it's best to provide some input and take, well, so that the authority members understand. And they can provide more direction to the management to put together the budget accordingly.

Charles:

But again, it's we get to make comments and give advice. We have no authority.

Mario:

Right. No, we don't. Not in the actual budget process.

Charles:

Well, even in the 10-year model, we don't. I mean-

Tim:

Not really. We're being fed information and just nodding. But I've always felt that we have a revenue problem, not just an expense problem. I mean, if you're watching a penny a gallon and whatever they project every year, why the heck can't we make water more expensive?

I mean, we're always thinking about the rates are too high, or they're this, that, or the other thing. But I do think over time, the rates have to increase. We have a valuable resource. We can't just give it away. I don't know who I can say that to, but I say it all the time.

Charles:

Yeah.

Stephen:

Tim, the enabling legislation says that the organization was created to present, to enable people to have water at a reasonable cost because it is a critical and necessary item.

Tim:

Right.

Stephen:

And what may be affordable to you is not necessarily affordable to other people in the district.

Tim:

No, and I understand that. A penny a gallon though sounds pretty cheap. If it ends up being a penny-and-a-quarter, I'm not sure that breaks anybody's bank. And that's just my opinion. And it's taking us off track, obviously.

Stephen:

And that's the only way this can keep going is to just keep increasing that rate. I mean, the other thing besides people not showing up to complain about it is they may not come here, but as you raise that rate, you're creating the incentive to not use the water and drive down demand as well. And that's happening with large organizations, for sure.

Tim:

That's been happening anyway. That's my point. You've got the potential for Yale to have flushless toilets. They're our biggest private customer. How do you make that up?

Stephen:

Even if you raise the rates, they're say, "No. It's too much already." It's a huge cost to them already.

Tim:

Well, I'm telling you, down the line, when you've got nothing but 150 year old infrastructure, whatever it is, and you just got to keep borrowing for paying for it, your budgets get bigger, your rate has to go up anyway just to pay your budgets.

I just think we have to look at it a little differently. I'm not a guy who likes to see taxes go up, blah, blah, blah. And nobody likes higher electric rates. But what happened boys than girls? You know?

Mario:

Yeah. Bob, you look like you've been wanting to say something, but couldn't get a word in edgewise.

Bob:

Yeah, I agree somewhat with Tim. And water is a valuable resource. And we're doing very good at getting it to people. I really think yeah, if it were to go up to 10% to a penny-and-a-quarter, people still have to have it. And when they realize the alternatives, it's still very cheap.

Tim:

But of course, this is an aside. This really doesn't get us back to what we were talking about. And I apologize for diverting us. But what else do we do? We can't talk to authority members and give them our opinions about where our issues are. And they start asking management what they think about it. Is that how it should work?

Mario:

Well, I think part of the job of the chair in those meetings is to try and work with the chair of the authority, whether it's in that meeting with the CEO or separately.

Tim:

And junk coming out of EXCOM meetings.

Mario:

Excuse me?

Tim:

And other issues brought up at EXCOM meetings.

Mario:

Yes. Yes.

Tim:

Very good.

Mario:

Absolutely.

Tim:

We have our platform.

Mario:

Yes. Jay, you've been silent.

Jay:

No, I just brought up at the last meeting there about revenue. And that's what we need is a continuation of increased revenue going forward.

Mario:

On the topic of projects versus programs, and whether 190 million dollars is something that should go before the RPB, which is what I brought up in the first place.

Tim:

Right.

Mario:

But we got sidetracked.

Jay:

And I think with Tim there, I agree with the fact that our supplying the water at one cent a gallon or a little more maybe is still something that we have to reconsider and raise the rates. We have the best water I think in the United States of America. And we treat it well.

And maybe we're not doing enough too, with the larger facilities that are using it, which are hospitals and commercial, which really, really need it for purposes of their existence. But I think we have to have more to pay the way forward. And that's what we have to do is bite the bullet. Yeah.

Mario:

Jeff.

Jeff:

All right.

Mario:

Sorry.

Jeff:

I had a conversation with Larry, and Rochelle, and Sonny last week. And I see both sides of the issue very well. If you look at the Murtha memo dated March 29 of 2023, that Bruce McDermott wrote, he talked about the specific provision in the enabling legislation that references a project costing more than 2 million dollars, as that which requires an application to the RPB.

And yeah, there's reference to the Day, Berry and Howard memo from 30 years ago. But there's also a statement that Murtha has relied on that position. And they cite an example where they were asked if RPB approval is needed for the acquisition of more than a half a dozen separate pieces of real estate? And they gave an opinion that each parcel would be evaluated on a standalone basis.

And they concluded that if the entire program were to be successfully completed in excess of a million dollars, that doesn't bring the entire program into the scope of that Section 19 from the enabling legislation because the acquisition of one or more parcels would be evaluated on a standalone basis. So, from my perspective, it goes beyond the enabling legislation, right.

Because you could argue about the definition of project if you wanted to. Because if you look at the budget book that we saw at the Land Use Committee last night, and Finance Committee, and Consumer Affairs Committee Monday night, they referred to the LCR as a project. So, you could go either way on that. That's an interpretation issue. I had three other concerns.

One concern I had was what does the application look like? In other words, would I as OCA get an application that would tell me the location and timing of the entire 192 million dollars? What would the application actually look like? What would I be reviewing, and asking interrogatories about, and giving an opinion to the RPB on? Because unless I'm looking at it in a way that's meaningful and that meets the test for completeness, then it doesn't do much good for me.

And then what would that application look like and what would it obligate the authority to do? The second issue I had was what's the timing of this? Because we saw this is a moving target. If you look at the interim final rule and you compare it to the prior interim final rule, there's obviously dramatic differences. And I can't help but think that the ebb and flow has a lot to do with who's in the White House.

Because the predecessor administration, there really wasn't a lot going on at the EPA. This administration is being very active. So, does this mean that if there's a change in 2024 that we may see a swing back? And if so, are we jumping the gun in terms of obligating the authority to go and spend money at a specific pace, at a specific point in time?

The other thing that really has me wondering is the Regional Water Authority was completely shut out in terms of ARPA and any COVID relief money. And it's not unusual when you have this significant legislation for the funding at the federal level to get figured out later. If, for example, you look at the Paycheck Protection Program or ARPA, the initial versions, the initial final rules were very restrictive in terms of eligibility.

But became very broad after some constituents, and let's be honest, lobbyists, got into Congress's ear and really broadened the eligibility for the money. So, I'd hate to see the authority go and commit rate payer money and borrow money to do things that in the long run may be subsidized by the federal government. So, those were some of the concerns that I had. Really one of the big things I had was, "Well, what's the application going to look like?"

Because if you're going to do this in tranches over a 12 or 13-year period, and you want flexibility, something comes up during the course of a year like North Branford where you got to go spend 15 million dollars on a bypass and a repair, then you want the flexibility to be able to do that, and not be locked into replacing lead pipe that year.

So, those were some of the concerns that I had that had me leaning towards saying, "You know what? I think this is a program." So, I can understand the Day, Berry and Howard and Murtha Cullina legal opinions, and can support those opinions. At the same time, I can understand an argument about the interpretation of project versus program.

Mario:

I think it's because, I mean, from my perspective, it's because of the size of the replacement project. You've got 190 million is not anything to sneeze at. It's three times the size of any single project that I'm aware of that the authority has undertaken.

Jeff:

Right. But my concern is that it ends up changing.

Mario:

Yeah.

Jeff:

And that it ends up not being 190 million.

Mario:

Right.

Jeff:

I mean, who knows? I think it's a moving target. I mean, I actually read that interim final rule. And it was not as painful as reading ARPA.

Mario:

Understand.

Jeff:

The worst thing about being a lawyer that does federal work, for example, we've got this Federal Uniform Guidance Procurement Standards that apply to federal contracts. And a couple of the towns here that I do work for, Guilford, Cheshire adopted FUGPS into their purchasing program. And I did a contract today for Guilford for tennis courts at Adams Middle School using ARPA money. So, we had to incorporate the Federal Uniform Guidance Procurement Standards.

Do you know how many times those things have changed? And I got to read it every time. The federal government, nobody rewrites laws and flip-flops like the federal government. So, that's one of the things I was thinking about was we could look at this and say, "We've got this enormous undertaking over the next 15 years, but who the heck knows what it's going to end up being? And who knows what's going to happen with the goosenecks? And who knows whether there's going to be federal funding?"

Because Congress, they just, whatever the squeaky wheel is at the time is what they focus on. And then the rest of us have to figure out how to put the genie back in the bottle to take advantage of something that we didn't think was going to be there. So, that's enough from me. But that's what my thinking was.

Mario:

Okay. You're on mute, Charles.

Charles:

Yeah, I agree with Jeff completely. We don't know what it's going to be and how it's going to get funded. But Mario was talking more or less about philosophical point of view about us being involved in decision-making. And I personally think that when we brought up concerns to the authority, they have been responsive. And it's probably our responsibility to bring up our concerns either more often or whatever.

And at this point in time with the membership of the authority, I think they've been responsive. As far as having the authority to do things and everything, I think it's that enabling legislation that we all struggle with, frankly. I think it's our responsibility to bring concerns to their attention. And frankly, in the years that I've been involved, when we've brought clear worries to them, they have been responsive.

Mario:

Okay. Very good. I will do that. I think that is all, unless there's any other new business that anyone wants to bring up. Jeff?

Jeff:

No, I talked enough. Thanks.

Mario:

Okay. I still want to talk with you next week, if we can.

Jeff:

Absolutely. Yep. Shoot me a few times at work.

Mario:

Especially at the new rates.

Jeff:

Yeah. Yeah, shoot me a few times, and we'll book a half a day.

Mario:

There you go. Okay. Anyone else? Jennifer, are we okay?

Jennifer:

We're good.

Mario:

All right. Very good. In that case, thank you all very much. Hopefully, we had fun. And Thursday night is-

Jay:

I'll make a motion to adjourn the meeting, Mr. Chairman.

Mario:

I'm sorry. What's that, Jay?

Jay:

Making a motion to adjourn the meeting.

Mario:

Okay. We have a motion. Do we have a second?

Stephen:

Second. I'll second it.

Mario:

Okay, Steve. Thank you. See you all Thursday is a hybrid meeting.