

## REPRESENTATIVE POLICY BOARD

AUGUST 24, 2023

### MEETING TRANSCRIPTION

Bob:

It's 6:30. I'd like to start the meeting. It is being recorded, so for everyone that's my notice. Safety moment, school is going to be back in session, if not already. Go slow, brings congestion, people dropping off their kids, buses, what have you. So something to be very aware of timely at this moment.

I don't know if there's going to be any public comment. Our time is going to be limited, per speaker, to three minutes, so I don't know if anyone has anything to say. Yes, no? All right. So we'll move on to the approval of last month's minutes.

Greg:

So moved.

Tom:

Second.

Bob:

Any discussion? Hearing none, all those in favor, please say aye.

RPB:

Aye.

Bob:

Any opposed? Any abstentions? Fantastic. Next is Communications, Nominating Committee for Authority member. I don't know if there's anything, Tom?

Tom:

We did meet last night, and the minutes have been promptly filed by way of Jennifer Slubowski. So they're in the record, and I would refer you to them. Our next meeting will likely be October 4th, and we'll have an opportunity to have a session with the Authority member who is up this year. Any questions?

Charles:

Will we get to file the criteria today?

Tom:

Excuse me.

Jennifer:

No.

Tom:

Any questions?

Bob:

That done, thank you, Tom. Next we have a topic for RPB vote requirements. I guess that we've asked Bruce McDermott to share a little. I don't guess we've asked, we've asked.

Jamie:

Yes, you have asked.

Stephen:

Hey Bob, this is Steve Mongillo.

Bob:

Yes, Steve.

Stephen:

On that point, did you ask him or did RWA ask to have him speak?

Bob:

I believe I asked to have him speak.

Stephen:

Okay, thank you

Bob:

Bruce.

Bruce:

Thank you. Good evening. My name is Bruce McDermott. I'm a partner at the law firm, Murtha Cullina, and it's my pleasure to be here this evening on this somewhat interesting topic that comes out of the July 27th meeting from last month. So for background, the vote, as you may recall, involved the RWAs Derby Wellfield application.

And to jump to the end, at the meeting, 11 members voted to approve the application. That was with a weighted vote of 50 votes. Three members voted not to approve the application. That was for 21 total votes. Three members were absent, that was for 16 total votes, and three members were present via Teams, but due to technical difficulties, one were not able to vote and they were noted as abstention. So that was a total of eight weighted votes.

So if you do the puts and the calls, there was a total of 50 total votes to approve and 45 votes not to approve, absent or who were unable to vote. However, the initial question that was posed to us was, "Well, what about the one seat that is currently vacant from Branford which has a total of six weighted votes, and should those six weighted votes be considered for purposes of calculating the total weighted votes of the membership of the RPB?"

Specifically, we were asked to consider whether the RPB vote under Section 19 of the enabling legislation considers vacancies when calculating the total weighted vote. That's because under the enabling legislation Section 19, Capital Projects, "In excess of \$2 million require approval from a majority of the total weighted votes of the membership of the RPB."

We determined that Branford's six votes must be included in the total weighted votes, which means that there were 50 votes out of a total of 101 weighted votes that voted to approve, which means that is, a majority of the total weighted votes did not vote for approval. So there's nothing actually in Section 19 of the enabling legislation that follows this conclusion. Rather, we looked at the language of Section 18, which concerns land sales where it makes it clear that weighted votes of the vacant Branford seat would have been included in the Section 19 vote.

So let me just read. "Section 18 provides an important part that applications under that section [inaudible] will vote by a majority of the weighted votes of all members of the RBP excluding vacancies." It does specifically mentions the vacancies in Section 18.

The absence of similar language about vacancies in Section 19 creates a strong presumption that the legislature intended that vacancies be counted when calculating the Section 18 results. We quoted some Connecticut Supreme Court cases, we looked at some legislative histories, so we're pretty positive [inaudible] in Section 19.

So we were then asked about the possibility of a re-vote at this meeting, and we support that idea. We did so because those who represented the eight votes participated in the meeting via the remote Teams internet connection, but they were unable to vote due to software network connection problems. And while the Chair was unable to receive a vote [inaudible], and even when prompted, those members were unable to respond to the Chair's request.

So we determined that it was really a software or connection problem rather than a desire to abstain from those votes. We had thought about whether those members could have voted by other means, as simple as thumbs up or thumbs down, they could have held up a piece of paper, yes or no, but we determined that they actually couldn't even hear the prompts from the Chair, so they didn't respond when asked about the vote.

So those three members who were counted as abstentions, but we have no evidence that any of the three actually intended to abstain. They could not vote because the software or internet connection prevented them from doing so, and we recommend that this irregularity be addressed by allowing a second vote on the application. And we recommend a full re-vote rather than just allowing those three members to vote because the attendance tonight may not be the same as the attendance that was at the July meeting.

And I want to make it clear that we are not saying you must re-vote, we are simply saying that is our determination that a re-vote would be appropriate. The first step for the board tonight will be to vote on whether they want to take a re-vote, and then, if you decide in the affirmative that you want to take a re-vote, then you will vote on the application that was presented and was initially voted on in the July meeting. I'm sure you have questions.

Greg:

Yeah. I'm Greg Malloy from West Haven. Now, I understand there may have been a glitch, okay? But if there was a glitch on three of them, how come there wasn't a glitch on all the others?

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Bruce:

Not in the IT group, but I assume that much like sometimes I'll be on a Team meeting, my feed will freeze because of bad internet connection at home or something like that. I don't know that it was necessarily something here at the RWA, but it could have been at the individual members' connections. I don't know if they were in their backyard, they didn't have wifi on. I can't really say why. Any other questions?

Stephen:

Bob, this is Steve.

Bob:

Yes, Steve?

Stephen:

Yes, I just wanted to... Just talking to Bruce, there was some interference, so I'm not sure I heard everything exactly, but I don't think there's anything wrong with asking for a re-vote based on the technical difficulties, but I think that the RPB determines what we do since there's really no guidance. And as competent as the legislation was, and comprehensive, the electronic world didn't exist then. So you could make the argument either way. But I think we should determine that in the next agenda item.

Bob:

We're open for discussion right now, if they have any discussion with Bruce.

Jay:

Yes. This is Jay Jaser from Orange. What's the consequences if we don't change the vote, if we don't vote?

Bruce:

So the vote that you took last week would not have approved the application. That vote would stand.

Jay:

Would stand?

Bruce:

Yes.

Mark:

It would stand as a non-approval.

Bruce:

Pardon? Correct. It would stand as a non-approval. As a non-approval.

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Mark:

Bruce, Mark Levine. Two questions. First question is, and we re-vote to ask for a vote, is that a majority vote, two-thirds majority, since we're in a very gray area here. It doesn't say how much of the vote to be able to re-vote.

Bruce:

That's a good point, Mark. Hold on one second. Although, in the enabling legislation... I'm sorry, hold on one second. So, in the RPB Bylaws, Mark, it does say that, I think this is Section 1.9, "At all meetings of the board, a majority of the weighted votes of the entire board shall constitute a quorum for the transaction of business, and Acts passed by a majority of the weighted votes of the members present at the meeting at which a quorum is present shall be the acts of the board."

So the RPB bylaws talk about a simple majority for votes unless otherwise indicated, specifically in some provision of the bylaws. So on this one I'd say it's pretty clear that a simple majority of the weighted votes would govern whether the re-vote vote passes.

Mark:

That's the same as projects over \$2 million. It's a majority of the weighted votes of the entire board.

Bruce:

Correct.

Mark:

Also, when we were unable to contact these people, we could have called them and got their vote on the phone. So, why didn't we do something like that?

Bruce:

Didn't you try, Bob? I think so.

Bob:

I think, if I can interject here, Mark, I believe we tried to reach out via the internet service of the Teams, and we tried several times to get these people's attention. I guess I-

Mark:

Why didn't we call them directly? Why didn't we get on the phone and call them and say, "What's your vote?"

Bob:

That's a very good question, Mark. I don't know, why didn't even you suggest that that night?

Mark:

I should have, I'm sorry. I'm sorry, I lost it. I just missed my point. I didn't think of it, just like you-

Bob:

It's just the way it happened. I can't explain it.

Mark:

I think that when we go to have next executive session, we should consider, if this happens again, what we should do. I also think we should consider, for any kind of vote that considers money like that, everybody should be present for the vote so this won't happen.

Bob:

You mean actually in person?

Mark:

Yes.

Bruce:

Yes.

Mark:

When we have this kind of vote.

Bob:

Because-

Stephen:

Hey, Bob, can I interject here? It's Steve.

Bob:

Sure, Steve.

Stephen:

Yes, I think that's a good idea, but all the specifics of how to do this should be taken up by the executive committee and then maybe approved by the whole board to avoid any issues in the future, but there's a lot of different aspects to how we do this. Maybe a re-vote should be a different kind of... should have a higher standard or threshold. I would like to ask Bruce if there's any mention of a re-vote in our current rules and regulations.

Bruce:

I was not able to find any reference to re-votes in either of those documents or in the enabling legislation. Though, I will say, I know that Steve, whoever asked the question, I did look at Robert's Rules of Order. There are provisions within that document, so to the extent that those rules govern the hearings and the meetings that you have. And Jeff and I talked about this earlier today, that there is a provision in there.

Typically, an individual on the prevailing side of the initial vote has to make that motion, but it is not uncommon in administrative agencies or government agencies to do it. I know Jeff has some experience, when he was on the Board of Education, with re-votes, so it would be [inaudible]. But again, you have

two votes. Your first vote is to decide whether you want to do the re-vote. So it's really up to you at this point, I think.

Stephen:

Yeah, if the board decides it under the next agenda, since this is a unique one-off situation, to go ahead, I was just wondering if there was anything that existed, otherwise we would just take the usual process for the vote.

Mark:

Just one other thing-

Jamie:

So, this is-

Mark:

Oh, was someone talking? I'm sorry.

Jamie:

Go ahead, Mark, go ahead.

Mark:

I'd just like to add that we're really on a very slippery slope here, that, what would prevent us from voting on something then coming to our next meeting and saying, "Let's re-vote because I don't like how the vote came out the first time," and then a majority says, "Okay, we're going to re-vote and," then we're going to change the vote.

We're really on a slippery slope here, and we really should consider that the vote was made and it wasn't right. I'm not totally against having the vote, but what I'm trying to say is, we've got to be careful, and we have to come up with a rule that this doesn't happen again because if we're going to have re-votes all the time then why come to a meeting?

Jamie:

I guess, to Mark's point, I think because this is the first time this has ever happened, I'm not worried about the slippery slope so much, and it was clear there was a technical deficiency that brought us to this, so I think we're trying to resolve it. I like Stephen's idea of having the executive committee meet out, and this, I think, would go, Mark, to your concern, to have the executive committee meet out what the requirements would be for something like this.

But we also don't want to strangle our ability to deal with things as they come up going forward in the future. My question on this, and thank you for the research that you've done on this, Bruce. I can't quite see you even with my glasses on. But my question is, I thank you for doing this, but if we do in fact tonight vote to do a re-vote, do we have any notice issues that have to have been given to do the re-vote in advance of the vote tonight?

Bruce:

Did you discuss that with... I'm sorry, the newspaper notice on the issue?

Jennifer:

No. We talked about the notice of decision that was filed, if we would just do a correction depending on the vote if they re-voted.

Bruce:

Right. I think we'd have to... Jamie, I think the answer is we'd have to re-correct the publication of the final vote, but in terms of process for tonight's vote, that there was no notice requirement or anything like that.

Jamie:

Okay. Then, I think it was clear there was no ill intent at the last meeting that resulted in this, we'll call it an oversight or this issue arising, it was a technical deficiency. I think we tried to resolve it in this spot. I think Bob did yeoman's work trying to resolve it, and I think it was just unusual. I think... Anyway, I'm all for doing a re-vote. So thank you for doing the research and giving us the opportunity to fix it. Thank you.

Tom:

I'll move for a re-vote.

Stephen:

Wait a minute, wait a minute, wait a minute. We're just getting a message from Bruce here. This is not the area to... We haven't even had a discussion on this yet.

Tom:

We just discussed-

Stephen:

This is-

Bob:

Right now we're asking Bruce, any questions? I guess then we can continue on with our agenda.

Bruce:

Are there any questions?

Bob:

Does anybody else have any other questions of Bruce? Can people hear me?

Stephen:

Yes.

Bruce:



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I'm not coming back in August, I'm just saying. Okay, thank you very much.

Bob:

Thank you.

Mark:

Thanks, Bruce.

Bruce:

Thank you.

Mark:

If I'd said no, you wouldn't hear me.

Joe:

Bob, this is Joe Oslander. Can you hear me?

Bob:

Yes I can.

Joe:

Well that's great, because I could hear you folks at the last meeting but you could not hear me, and that was partly the reason for that. There was a technical problem with my computer, and the settings were not correct, and I could not vote. If I had been able to vote, I would've given you a yes vote. And after the meeting, to make certain that everybody knew that I was here, I sent a note that said that I voted yes, but that yes was not something that you could use at that time.

Bob:

Thank you for clarifying that, Joe.

Stephen:

Bob, are we in the next agenda item?

Bob:

I believe we are all done gathering some information from Bruce. So yes, we're on to item number six, items for consideration and action. First one is Discussion on Possible Action-

Tom:

I move it.

Bob:

... regarding a motion for a re-vote-

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Tom:

So moved for a re-vote.

Bob:

... of the July 27th 2023 final decision. Findings of Facts of Law of the Representative Policy Board for the Authority's Application for approval of the Derby Wellfield Chemical Improvements. I have that as a motion from Tom Clifford.

Jay:

I'll second.

Bob:

I have a second with Jay Jaser. Is there any discussion?

Stephen:

Bob, this is Steve.

Bob:

Yes, Steve.

Stephen:

I was going to ask, since there's no clear guidance on this, I think one of the key points is to ask the members who had detected the difficulty to weigh in. Joe did. I'd like to ask the other folks who didn't get to vote, if they felt their vote was unduly suppressed. Because I don't want to see anybody not get to vote who's on the RPB and was present at the meeting. So, just my opinion, if they feel that they didn't get their voices heard, I would have no problem with a re-vote on this issue.

Bob:

Is there anyone else? So we have a motion before us now to do a re-vote.

Jamie:

Vince is trying to, I think, get your attention.

Vin:

Yes, Mr. Chair. Just as a matter of style, and since this is a matter of first impression for the body, I believe under Robert's Rules you can reconsider. And if we can do a reconsideration we wouldn't be breaking a threshold that we've never done before, and we're doing an actual re-vote. It's semantical, but then the basis for the reconsideration is the inability of technology or the failure of technology.

So we end up in the same spot, but addressing Mark's concerns of just re-voting because of displeasure, which I know we're not doing here, but I think a reconsideration, I would be just be more comfortable from a matter of process so we're not creating any type of precedential effect going forward.

Bob:

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Any further discussion?

Stephen:

Hey, Bob, this is Steve. Just commenting on what Vinny said, I agree. And I think if we have a re-vote here, it's a one-off, it's not setting any precedent. It is just to correct this situation that was unique, and that the guidance should be developed so that any future votes are not impacted by this. Vinny, do you have a way that that revision could be done other than a re-vote?

Vin:

Well, it would be a reconsideration of the vote, and then you would reconsider the vote and then every voting member would vote on the reconsiderations.

Tom:

I'll amend my motion. Vote for reconsideration.

Vin:

Thank you Mr. Clifford.

Bob:

Jay, are you ready to second that motion?

Vin:

I'll second it.

Jay:

Thank you.

Bob:

Well, the original motion was seconded by Jay Jaser. Tom is wanting to change it now, and if that's the case, I'm wondering if Jay is willing to second the change to the motion?

Vin:

I believe, Mr. Chair, Mr. Clifford amended his motion, and-

Bob:

Yes.

Vin:

... I seconded his amendment.

Bob:

Yes.

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Vin:

So, now we have to vote on the amendment, whether to amend the motion, I believe. That is if I'm correct.

Bob:

Yes, then we can consider it.

Jay:

Correct.

Bob:

Is there any discussion?

Charles:

I just have a question. The word "reconsidered", does not mean open to all hearings, does it?

Tom:

It's a motion for reconsideration instead of-

Charles:

Reconsideration of...

Tom:

... a motion for re-votings. It's going to be technically amended, as Attorney Marino had said, to be called a motion for reconsideration of the original vote from the last one.

Charles:

I'm just concerned that it's a motion to reconsider the vote of the entire proposal.

Bob:

Yes.

Vin:

And I believe that to be the case based upon the failure of technology.

Charles:

Well, that's clarified, there were precedent reason to vote, not the entire proposal.

Bob:

Yes. Is there any other discussion or further discussion? Okay, so right now we're going to vote on the amended motion. All those in favor, please say aye.

RPB:

Aye.

Bob:

Any opposed? I don't see anyone opposed. Any abstentions? Okay, vote so ordered. So we're going to have a vote reconsidering, well... And I believe we should do this by a roll call vote. Is everybody ready? And-

Larry:

So this is a vote to reconsider. This is not the vote on the proposal. This is a vote for reconsidering the proposal, correct?

Bob:

Oh, yes. We've already voted to reconsider it.

Vin:

This would be a reconsideration of the vote, Mr. Chairman.

Bob:

Yes.

Vin:

The total vote-

Larry:

Vote to accept the amendment.

Mark:

That was the amendment. Now we're going to reconsider.

Vin:

Mr. Chair, we just voted to accept the-

Bob:

Yes.

Vin:

... and now we vote to reconsider.

Bob:

Correct.

Vin:

Correct. Thank you.

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Bob:  
Everybody's ready?

Tom:  
Yeah.

Bob:  
Town by town?

Tom:  
Yes.

Bob:  
Town by town, please, Jennifer.

Tom:  
Yes.

Jennifer:  
Brian Eitzer.

Brian:  
Yes.

Jennifer:  
Branford is vacant, but that is considered, right? That's considered no...

Bob:  
Yeah, I think.

Jennifer:  
Mr. Slocum's not here, Frank Pepe is not here, Michelle is not here. Charles?

Charles:  
Yes.

Jennifer:  
Steven?

Stephen:  
Yes.

Jennifer:

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Jamie?

Jamie:

Yes.

Jennifer:

Joe?

Joe:

Yes.

Jennifer:

Rich Smith is not here. Naomi?

Naomi:

Yes.

Jamie:

Pete DeSantis?

Peter:

Yes.

Jamie:

Tony Rescigno? Tony Rescigno?

Jay:

He's on mute.

Bob:

He's on mute right now.

Tony:

Sorry. Sorry about that. Yes.

Jennifer:

Jay Jaser?

Jay:

Yes.

Jennifer:

Bob?

Bob:

Yes.

Jennifer:

Mike Horbal?

Mike:

Yes.

Jennifer:

Greg Malloy?

Greg:

No.

Jennifer:

Mark Levine?

Mark:

No.

Jennifer:

And Vin Marino?

Vin:

Yes.

Bob:

[inaudible]. So I have totals here from the vote. 62 yes, and with the nays and those absent, coming to 30 and counting. So that does reach our 101. Okay.

Bob:

Okay. So has everybody got that? It was 62 favorable, yay, and the total no's plus the people not in attendance, I guess is the best way to say it, and also voting no, comes to 39, okay? Thank you, everyone.

Tom:

Thank you.

Bob:

So I guess we go on to C, which is the final decision, Findings and Facts and Conclusions of Law of the Representative Policy Board of the Authority's Application for the approval to purchase assets of Target Two, Confidential Plumbing Company.



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Jay:

I'll move it, Mr. Chairman.

Bob:

Thank you, Jay.

Tom:

I'll second.

Bob:

Tom Clifford seconded it. Is there any discussion?

Stephen:

Hey, Bob, this is Steve.

Bob:

Yes, Steve.

Stephen:

I just have a question. Most of this was held in the executive session, so this is a general question on financing I think I could ask at this point. I just want to be clear, the funds to purchase this comes out of an enterprise fund that the RWA has set up, is that correct?

Bob:

I believe so, yes.

Stephen:

Okay, and in the operation of any of these for-profit companies, is that money reimbursed to that fund?

Bob:

I'm not sure if it goes to that fund or to the-

Tom:

Construction fund.

Bob:

... construction fund so that we can use it for expenses.

Stephen:

But just my main question is really, does that money that was put out, come back in some form to repay that in a way? Yeah, I think you've answered my question if it comes back to a different fund.

Bob:

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Let me defer the answer to Larry. Would you like to answer Steve's question?

Larry:

I'd be glad to if I can.

Bob:

I don't know... Yeah.

Larry:

I don't know if I could answer this question or not. I'd be glad to...

Peter:

All excess funds have to go to the construction account because we're not a profit organization. That's after we have-

Bob:

And I believe Steve is asking-

Peter:

... that's after we have to develop it on the books of the company.

Bob:

Yes. Steve, have you heard that?

Stephen:

No, not completely clearly. My basic question is, I want to make sure that that money gets reimbursed to the RWA. It doesn't matter to me what fund it goes to as long as it...

Bob:

Well, it's used by the RWA. I guess I don't know if it goes to reimburse the fund that was used for the purchase or if it goes to capital improvements.

Stephen:

But it doesn't matter. If it comes back to the rate payers, that's what I'm concerned about.

Bob:

Hold on, let me find out. Larry?

Larry:

The money that these funding companies throw us go into the construction fund.

Bob:

Construction fund

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Larry:

That will help offset the amount of money we have to finance for the capital program. Over time the growth fund will be cash dispositions that we do.

Bob:

Okay. Steve, did you hear that?

Stephen:

Yes, mostly. Thank you.

Bob:

Thank you. Is there any further discussion? Hearing none, we'll have a vote. We'll-

Stephen:

Oh, hey, Bob, this is Steve. Can we have a town by town vote on this?

Bob:

Yes, we can. Let us get ready to do that. How are we doing, Jennifer?

Jennifer:

We are doing great.

Bob:

All set. You want to pull the town...

Bruce:

Recording dockets.

Jennifer:

Tom Clifford?

Tom:

Yes.

Jennifer:

Brian Eitzer?

Brian:

Yes.

Jennifer:

Branford's not here, Frank Pepe is not here, Michelle Verderame isn't here. Charles Havrda?

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Charles:

Yes.

Jennifer:

Steven Mongillo?

Stephen:

No.

Jennifer:

Jamie Young?

Jamie:

Yes.

Jennifer:

Joe Oslander?

Joe:

Yes.

Jennifer:

Rich Smith is not here. Naomi Campbell?

Naomi:

Yes.

Jennifer:

Peter DeSantis?

Peter:

Yes.

Jennifer:

Tony Rescigno?

Tony:

Yes.

Jennifer:

Jay Jaser?

Jay:

Yes.

Jennifer:

Bob Harvey?

Bob:

Yes.

Jennifer:

Mike Horbal?

Mike:

Yes.

Jennifer:

Greg Malloy?

Greg:

Yes.

Jennifer:

Mark Levine?

Mark:

No. I have a question in the middle of the vote. Does the chairman vote always or does the chairman only vote when there's a tie?

Charles:

Interesting.

Bob:

I think I have a vote just like any other town, Mark.

Mark:

I think you better check into that. Usually the chairman only votes when it's a tie, but I'm just questioning.

Jennifer:

Mark, you're a no?

Mark:

Yes, I'm a no.

Jennifer:

Vin Marino?

Vin:

Yes.

Bob:

Okay, the tally is 60 yay, and 41 voting no or not present to vote. Thank you.

Tom:

Thank you.

Bob:

I guess I'm going to take a moment to ask Bruce to see if he can look into whether or not the Chair can vote or not vote. Mark, is that all right if I do that?

Mark:

Sounds good to me. It's just a question. We've never had this situation before, so I think we should really clarify whether the Chair votes or the Chair votes only when there's a tie.

Jamie:

Well, in this case the Chair represents the town, so whatever the municipality is. They're not serving in their capacity as Chair over a group, they're representing a certain number of votes based on the municipality.

Mark:

Yes, I understand that part.

Jamie:

Yes.

Mark:

I think our Council should answer that question since he's in the thick of the bylaws.

Bruce:

So it's Bruce McDermott again, and as all lawyers in the room will tell you no, none of us like doing on-the-spot research. But RPB bylaws Article 2, "Weighted votes upon all matters for which a vote of the board is required by law or under these bylaws, the vote of each member shall be accorded a weight as provided by law."

So it does not discuss any reference to the Chair only voting in situations of ties, but it does discuss member votes. So I can continue to look, but at least that was my first stop, and it seemed like a pretty good one.

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Bob:

Thank you very much.

Mark:

Thank you very much. Thank you.

Charles:

I think we would be put into a real quandary if the Chair were to be one of the larger weight-holding towns when we had a problem. So I think what Bruce has found or the conclusion we've come to seems to be the most sensible, unless-

Mark:

Makes sense to me. I just had a question, that's all.

Bob:

Okay, thank you, Mark. Item number D under six is the Finance Committee's recommendation regarding external auditor engagement commencing in fiscal year 2024. The Finance Committee?

Vin:

Yes, Mr. Chairman, I am the new Chair of that subcommittee. And actually, I'm looking for that resolution in front of me. You never touched this.

Jennifer:

It's right there.

Vin:

I've got it right here. Okay, open. Mr. Chair, I would move, based on the recommendations made by the management, which was discussed and supported, that the RPB approve the Authority's engagement of CliftonLarsonAllen for auditing services for a three-year period with an option to renew for an additional two years... fiscal year 2024.

Bob:

Do I have a second?

Jay:

I'll second it.

Bob:

Jay Jaser has seconded the motion. Any discussion? Is there any discussion? Hearing none, I believe we can do a simple vote with this. We don't need to do a roll call. All those in favor, please say aye.

RPB:

Aye.

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Bob:

Any opposed? Any abstentions? Hearing none, thank you. So that is approved. Now we'll go on to item on the agenda is number seven, that is Reports. Then, you're up as Finance Committee again.

Vin:

Yes, thank you, Mr. Chair. The Finance Committee met on August 14th. I actually missed my first committee meeting as Chair, but I wanted to thank Tim for covering that meeting. After approving our minutes, the subcommittee received an update on the audit that we just approved. Then, the proposed free structure, and obviously we, after discussion, made that recommendation which this body gratefully adopted.

The committee then received the presentation of a 10-year model of potential scenarios which included expenses related to the Lead and Copper Rule. For those who don't know what the Lead and Copper Rule is, it relates to an EPA rule, or... Basically, on December 22nd 2020, the EPA finalized the first major update to the LCR in nearly 30 years. The EPA's new rule strengthens every aspect of it.

And obviously it's probably going to cost us more money, but it protects our communities and our children from lead. The new rules, the EPL uses science-based testing protocols to find more sources of lead in our drinking water and reduces lead by more effectively managing corrosion control treatment, closing loopholes and replacing more lead service lines in their entirety, which again, was the reason for the discussion on the impact of that rule over the next 10 years.

The next meeting of the finance committee is scheduled for September 11th at 5:00 PM. It is via Teams if anyone would like to attend. Thank you, Mr. Chair.

Bob:

Thank you very much, Vin. I'm going to change the agenda slightly here, and we're going to move on to Consumer Affairs Committee at this time due to the fact the person who was going to make the Land Use Committee has stepped out of the room for a second. So, if we can, please, Consumer Affairs Committee?

Mark:

Yes, I'm the new chairman for the Consumer Affairs Committee, and we had a meeting on August 21st 2023 in which we had a full report from PRIMM about the CIS progress that they're making. It's amazing how much time they've put into this customer information system and how many people are involved. It seems that we're on a good track to come out to a good conclusion.

They're testing and retesting and asking for information from all the members and employees too. So it's a very good proposal. We did a wonderful discussion on it. If you have any questions, it says that in our minutes. And Mr. Donofrio, we have one complaint that he's working on and it seems like he's going to resolve it. Anything else? Anybody have any questions?

Bob:

Thank you very much, Mark.

Mark:

Thank you.



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Bob:

Nominating Committee, we already have a report. We could hear a little more.

Tom:

Nothing more.

Bob:

Nothing more to report? Okay, I'm going to move on to the Authority Management. David?

David:

Good evening. Thank you. Good evening, Chairman and members, and thank you, Mr. Chairman, for your steady hand, and thank you members for your support of the application. While we did not request for you to do that, we certainly appreciate that you did it and you voted and approved it, so thank you for that support with that.

We had a full meeting this afternoon. First we met as the Compensation Committee, and we reviewed a Willis Towers Watson comprehensive study on our salaries and salary ranges for some of our people. And in order for fairness and retention and recruiting, we reviewed that and made sure that we're competitive, and we made an adjustment to the CEO's compensation based partly on that and based on a review that we did last month where we gave him a positive review, very positive review.

The corporation's in a good state, and it starts with top down, so we greatly appreciate his efforts, his team's efforts. We also met as a strategic meeting today, and we received an update for a framework for success and planning for the many critical roles that we have within the organization.

The HR director, Liz, is looking at which roles have to be considered critical with information that needs to be shared or kept or known for continuity's sake and or smooth operations in the organization. So that's moving along fine. We then met as the Environmental Health and Safety Committee, and our newest member, whom we really know well, chaired that, Mr. Ricozzi, and he is ready with his report, I think.

Mario:

Thank you very much, Sir. We had several topics... Environmental Health and Safety. As you may know, the five-member Authority breaks into subcommittees which are actually committees of a whole. But Environmental Health and Safety, we covered the Lead and Copper Rule, revisions and how it is still a moving target as the regulations keep changing and adjusting.

But I can assure you that they are looking at all the different avenues for finding funding and making sure that, because we were actually part of an accelerated program that EPA is hosting, that gives us an opportunity to find out what some of the pitfalls are and try and get the regulations changed. So they're going to be looking at that.

We also covered the Business Continuity Plan, not from a staffing perspective but from an actual how do we keep the functioning of all the facilities and talked about different water outages perhaps and what they're doing as far as having different updates to the plans for emergency contingency.

We did discuss the HazWaste Central update. It is a program that's been going on for some 20 years now, and we'll be looking at that more. Each of the towns have members that are on that if you participate in one of the participating [inaudible]. And then it might be time to update some of the items

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that are listed and some of the mechanisms that are used in order to make sure that we keep the hazardous waste out of the environment.

We also got an update on our existing security and safety and updates. That was in executive session, but I can tell you that we have hired some police officers, we are currently advertising for additional police officers, but that closes soon. We have installed some cameras to make observations, and we also discussed the purchasing of additional vehicles and protective barriers.

I won't get into the detail, but there is a proposal to bring that to the Land Use Committee in executive session in the near future. So keep an eye open for that. And with that, that concludes the report. If there's any questions? Thank you very much.

David:

Thank you all.

Bob:

Have the cameras picked up anything?

Peter Betkoski:

We did not get any reports of arrests on the cameras, but they have picked up some information.

Bob:

All right. Well, thank you.

Mario:

Thank you.

David:

Thank you. We also met as a sole member of the Claire Bennett Watershed Fund and we reappointed the four members whose [inaudible], and that includes the Authority's member, Catherine LaMarr. She was reappointed. And we met and we approved the consent, agenda and other rights, so now we're getting into business. So I'll hand it over to Larry.

Larry:

All right, thank you very much. After two months of actual results through July 31st, our operating revenues were over budget by about \$205,000 due to newer revenues... Being over-budgeted by about 160 [inaudible]. Water revenues were over budget by about \$116,000 due to meter water consumption in the month of June being higher than budget, but was partially offset by an underrun in July due to the wet weather.

Our other revenues were over budget by about \$89,000 due to backflow testing by some of our jobbing activities and some meter reading-related charges. So you do all the... Then, our operating expenses are under budget by about \$1.4 million. The majority of that is due to timing. So when you do all the puts and takes, we're projecting 114%, which is what we're required to hit, and that's equal to our budget.

But in July and August we did experience a production level that were significantly lower than last year because it was wet, and so we're expecting our August billings to be lower than the budget. However,

our interest income is higher than budget because of the interest rates that they're paying on those accounts.

So we're watching our expense budget and our revenues very closely, and if August billings are lower than what we expected, we may look at if there's ways that we can defer some discretionary expenses to ensure that we hit our target. And there's some uneasiness due to the ordinance and the economy as well.

Then, the last item is from water consumption, our reservoir storage, excuse me. As of August 14, our raw water storage was at 94% compared to our long-term average of 78% for the same period reflecting what the rainfall is. So that concludes my report. Thank you.

Bob:

Thank you

Mark:

Larry, this is Mark. I have a question for you. Are we concerned about these rainstorms that are coming since we're at 94% of... Any problems with our dams or letting out more... This is the first time we've, probably in a long time, we might have to let water out.

Larry:

Well, we closely, and I'll let Sunny maybe expand on this, but we closely monitor our dam levels when we're expecting heavy rainstorms. And we'll either lower the dams, if that's necessary, to compensate for that heavy rain or we will let them spill over so that there is no safety issues with that.

Sunny:

All right, just to elaborate on Larry's point here, we do monitor before the precipitation and after the precipitation event, Mark. So there is a continuous, I would say, time monitoring group that goes out there, and as needed, we will let the spill waste go over. So there isn't any... I would say at this point of time we don't anticipate anything, but that's a continuous monitoring that happens.

Mark:

So in other words, it's not like an emergency session right now or a warning that we might have too much rain this weekend?

Sunny:

No.

Mark:

No? That's good, that's good. Thank you.

David:

Any other questions of the Authority Management?

Larry:

And thanks.

David:

One more thing, if there's no other questions, just to also let you know, we did not send you any applications, so that's one less for you all. We seem to have been sending quite a few in a row, and we greatly appreciate your support on the application this evening for the commercial business. That certainly does help with the rates, does help mitigate, and we appreciate that, so thank you.

Tom:

Will it return?

David:

Nope.

Tony:

No.

Bob:

We still have the report of the Land Use Committee, Greg?

Greg:

Yeah, I'm chairing for Peter tonight. I'm his caddy. The Land Use met on August 9th. We met at the Derby tank. Mr. Savoy, the RWA's project engineer, provided an update of the Derby Tank project, and then he reported that the project approved by the Representative Policy Board in 2019 was necessary for water supply to the existing and certainly Derby service area. They had a tour of the tank. It looks nice.

Well, as of when we met last night it wasn't operational at that point. There was no water in it. They had to do landscaping around it, but it looks good. And I didn't realize it's across from Derby High School, and it's the first time I ever saw Derby High School. And as you know, the project, well, there's still legal challenges, but it was approved by the town in May 2022.

And project contract is near completion and the tank is expected to be online in October 23, and I think was well-needed. A few other items I want to highlight is that the Land Use program, North Branford in North Branford Beach Street and Palms Lane Properties, the Land Use Committee determined that both applications were complete and forwarded them to the full RPB. Town Hall was reserved as a location for the public hearings.

And in the recreation area, a Bass tournament was conducted at Lake Saltonstall, and they had 34 participants, and we switched to a catch-and-release format for the tournament. And according to John it worked out well and made it easier for the recreation staff. Honk Camp brought 50 kids to the Maltby Lakes for a morning of fishing and hiking, and New Haven Police PALS Camp also fished at Maltby Lakes to fish with about 30 kids each time. And the water wagon attended four events in July.

Bob:

Thank you, Greg. Any questions of the Land Use? Hearing none, I forgot to mention, but then we passed a card tonight for Tim Slocum as his mom passed away. Thank you for also mentioning the two parcels in Branford where I think next month we'll be having our meeting. That information will be shared at that

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time. Charles Havrda is going to be the presiding member. Are there any other questions or comments or sharing, Naomi?

Naomi:

Yes, we have... I just really want to thank the water company. I had the pleasure yesterday of working with that water wagon with John and Peter. [inaudible]. The city has a thing called Family Fun Monday every Wednesday. We go to different schools in that city, and they were there yesterday. And I just have to commend the guys. They had some education with the kids and the kids loved it. They were over there, they were getting their own water, they've been helping them. I just want to say, thank you, guys. It was great having you there.

Naomi:

Thanks. Don't forget their names.

Larry:

That's two water wagons now, so we can double the number of community [inaudible] if we can attend.

Naomi:

And I have one other thing to say. I don't know who their new [inaudible] is. I guess someone that works for them that came not long ago. I guess he had that department?

Larry:

For the wagon?

Naomi:

Yeah. I guess-

Peter:

That's probably Kevin Watsey.

Naomi:

Oh, Kevin?

John:

Yeah, Kevin Watsey.

Naomi:

Well, they were singing Kevin's praise.

Larry:

Okay.

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Naomi:

Hope that you would pass it on.

Larry:

Sure, no problem. Thank you.

Bob:

Thank you.

Larry:

Thank you.

Bob:

I guess I'd like to thank you all for attending tonight. And Bruce, thank you. I didn't mean to put you on the short notice, but thank you again.

Bruce:

Another easy meeting for you tonight.

Bob:

Are we accepting a motion to adjourn?

Jamie:

I'll motion.

Tom:

Second.

Bob:

Any discussion? All those in favor, please say aye.

RPB:

Aye.

Bob:

Any opposed? I don't believe there'd be any abstentions votes or... Thank you, ma'am.

[RPB MEETING ADJOURNS AT 7:33 P.M.]