

SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY

DECEMBER 1, 2023

SPECIAL MEETING TRANSCRIPTION

David:

All right, well I'll call this special meeting of the Regional Water Authority for December 1st, 2023 to order. And it's 1:00, and there's a Safety Moment. Read that when you get a chance because it's important, and we'll move on to next item on the agenda. I actually didn't print it out, but it's regarding the public comment first. Anybody from the public here, Jennifer?

Jennifer:

No, there's not.

David:

Okay, so then we'll go right into discussion and possible action regarding PFAS class action suit. And I would recommend we go into executive session to discuss these legal matters pursuant to what's written here.

Mario:

So moved.

Catherine:

Second.

David:

Moved by Mr. Ricoszi, seconded by Ms. LaMarr. All those in favor signify by saying aye. Aye.

Board:

Aye.

David:

This is unanimous. All right.

[EXECUTIVE SESSION FROM 1:01 P.M. TO 1:43 P.M.]

David:

We are now out of executive session. Can someone summarize what I said in the form of a motion? Or do we not need it because we gave guidance in executive session? I think I'd rather take a vote.

Catherine:

Okay. I'll take a shot at it, David.

David:

Okay. I move that... I think we're recommending this to management, correct?
Or we're directing management.

Catherine:

Okay. So this is our decision. All right. I move that the RWA opt out of both the DuPont and the 3M litigation pending additional analysis, financial analysis of our position with respect to the litigation, with an understanding that based upon the analysis, we may elect to opt back into the class action litigation, if that made any sense. Okay.

David:

That sounded fine. There's a second from Kevin. Is that what I heard?

Kevin:

Second.

David:

All right. Any other discussion? Yes?

Larry:

David? I had understood that we were going to hold off making a decision on 3M until we had the analysis next week, but the leanings of the committee was that we didn't have the analysis done we would then opt out. Did I misunderstand that?

David:

No, that's right. And it may not have said that in the motion. In other words, wait until the last minute to put the opt out in the 3M one in case we do have a meeting on Thursday or Friday. Thank you for interpreting that correctly, Larry. So we may have a special meeting next Thursday or Friday if we get the information and we may decide to stay in the 3M one. So we're making a definitive statement on the one that's, the deadline is upon us, but we're making a tentative statement in case there is no new information where we can change our mind the end of next week, which is the other deadline. Does that make sense to everybody?

Mario:

And I think Catherine's motion talks to that. I mean, we definitely are pulling out of both, but we reserve the right to come back and reconsider once we have additional information.

David:

Well, and as a logistics thing, I wouldn't expect Larry to let them know we're getting out of the 3M one.

Mario:

No.

David:

Because we still reserve the right to make a final decision upon deadline.

Catherine:

Yes. It can wait. Yes.

David:

I wouldn't want to send them that and then have to resend it right away. Does that make sense, Larry?
Is that clear?

Kevin:

We're staying in 3M until essentially next Friday.

David:

Right. That's correct. But if we don't have a meeting because we don't get any new information for Friday, we are going to opt out.

Larry:

Correct.

David:

Okay, good.

Catherine:

And just for clarification, should we decide to maintain our position as opt out? I assume we're engaging Grant and Eisenhofer to proceed and they will do so on a contingency fee basis.

Kevin:

Correct? We would work with Grant and Eisenhofer because they have the technical expertise in the field as well as the experts that can do the analysis and help us make a decision. So we would stay with them for this particular item.

Catherine:

And on a contingency fee basis.

Kevin:

And on a contingency fee basis. That's correct. Thank you.

Catherine:

I just want to make sure we're not adding additional costs.

David:

Yes. All right. Any other loose ends regarding this? Suzanne, you just had a...

Suzanne:

This is normally Viola's role, but Friday is the drop dead when we need the decision about 3M because we have to send the opt-out paperwork out in hard copy and overnight mail. So just so everyone is clear that that is the actual last day to be able to do it.

David:

All right. And we will not stay in if we do not have the information. The opt-out will hold if we don't get the information to change our mind. A little confusing, but I think we all followed it.

Catherine:

Okay.

David:

All right.

Catherine:

I think I understand.

David:

Wonderful lawyer speak. Sorry guys. But I get it. I've been a lawmaker for 20 years. All right.

Kevin:

David, while we're together, do you want to pick a time for the meeting next week in the event we need it?

David:

Let's try to do next Friday. Try morning. It would be better probably if our schedules allow, give more time to deal with it. Can we try like 8:30?

Catherine:

Sure.

David:

Everybody nodded yes on the Authority. How about management and our, like Kyle, I suspect you're going to be one that might present the findings. Is that good for you? Next Friday at 8:30?

Kyle:

8:30 on Friday would work for me, yes.

David:

Great. And if you get it sooner, obviously send it along so we can look at. All right, well with that, I thank you very much folks for your expertise in helping us guide us through this and thank the Authority members for the last minute meetings and whatnot. I'll ask for a motion to adjourn.

South Central Connecticut Regional Water Authority
December 1, 2023

Mario:

So moved.

Catherine:

Second.

David:

And seconded. All those in favor say aye. Aye. We are adjourned. Thank you all.