

**Representative Policy Board Governance Committee**  
**South Central Connecticut Regional Water District**  
90 Sargent Drive, New Haven, CT 06511

**Minutes of the Special Meeting of December 7, 2017**

In attendance were the Committee Members: Richard W. Albrecht, Kevin Curseaden, Benjamin Gettinger, Charles Havrda, Jack Krasko, Paul McCary, Stephen Mongillo, and Mario Ricoszi; RPB: Tom Clifford; RWA: Anthony DiSalvo; Management: Larry Bingaman, Rose Gavrilovic, Beth Nesteriak, Ted Norris; OCA: Jeffrey Donofrio; and Staff: Jennifer Slubowski. Chair Mongillo presided.

The meeting was called to order by Chair Mongillo at 5:00 p.m. He stated that, as a result of the recent Application for the Great Hill Tunnel and Pipeline Restoration Project, the committee would review the South Central Connecticut Regional Water Authority's ("RWA") governance documents for procedures used in the event of an emergency related to a capital project over \$2 million. He thanked Attorney McCary for the preparation of his memorandum dated December 1, 2017 (the "Memorandum"), which was distributed to members, and contained background information for current procedures and suggested items for discussion.

Attorney McCary reviewed the current procedure for Representative Policy Board's ("RPB") approval for capital projects over \$2 million, which included:

- Capital projects over \$2 million require approval of the RPB following a public hearing and the hearing date is currently set by the RPB
- RWA's Enabling Legislation mandates notice of public hearing must be made in 20 days
- No power by the RPB or the RWA exists to shorten or eliminate the notice period

He then reviewed the current procedure for the RWA, without RPB approval, which included:

- Commencement of preliminary work on a capital project to determine scope, cost and related matters
- Undertake a portion of a larger capital project if the segment undertaken costs less than \$2 million and has value as a standalone project

Attorney McCary outlined the suggested options for edits to the Enabling Legislation in his Memorandum, which included:

- Authorize, but not require, the RPB to set the date for a public hearing on less than 20 days' notice
- Authorize, but not require, the Chair of the RPB to set the public hearing date (*i.e.*, eliminate the need for the full RPB to hold a meeting to set the hearing date)
- Authorize, but not require, the Chair of the RPB to set the date for a public hearing on less than 20 days' notice
- Authorize, the RPB to approve the project at a meeting (without a hearing) perhaps with a super majority vote
- Authorize the RWA's CEO, Chairman of the Authority, and the RPB Chair, or some

combination thereof, to dispense with the requirement for a public hearing and full RPB action entirely

He noted that an expedited procedure could be initiated by an appointed group, should the board deem a project an emergency, and would only be intended for emergency capital projects. Attorney McCary stated that any action by the board would continue to take place at a board meeting where a quorum exists and a majority vote taken.

Discussion took place regarding:

- Definition of an “emergency”
- Flexibility with timing and notification
- Various ways to authorize the trigger of an emergency
- Procedures used by other utilities

The OCA commented on concerns surrounding timing and the ability to submit interrogatories and hire outside consultants if needed under a shortened notice period. He suggested using the RPB Executive Committee, as a gatekeeper to identify emergencies.

The Committee then discussed proposed language for the RWA’s Enabling Legislation to define an emergency, as appropriate, and alternatives to the 20-day public hearing notification process. It was the consensus of the committee to essentially accept the definition of an “emergency,” as presented in the Memorandum, to reduce the number of days required for notification of a public hearing from no less than 20 days to no less than 7 days when an emergency is declared, with the option of the RPB Chair extending the period if necessary, and to authorize Attorney McCary to proceed with drafting new language for the Enabling Legislation to distribute to committee members prior to the next meeting.

The Committee also discussed appointing the RWA Chair, RPB Chair, and RWA’s Chief Executive Officer, or their designees, to act as decision-makers in determining an emergency and authorized Attorney McCary to include this language in the draft.

The committee agreed that another meeting would be necessary to review the proposed language to the Enabling Legislation.

At 6:57 p.m., on motion made by Mr. Havrda, seconded by Mr. Albrecht, and unanimously carried, the meeting adjourned.

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Stephen Mongillo, Chairman