

Representative Policy Board
South Central Connecticut Regional Water District

Application for the disposition of 1.62 acres : **March 19, 2020**
located north of Rimmon Road, in Seymour, :
that is part of Land Unit SE 11 :

Findings of Fact, Conclusions of Law and
Final Decision of the Representative Policy Board

A. The Applicant's Request

On November 27, 2019, the South Central Connecticut Regional Water Authority (“RWA” or the “Applicant”), through its five-member Authority, submitted an application for approval of the disposition of 1.62 acres of improved Class II land located north of Rimmon Road, in Seymour, Connecticut that is part of Land Unit SE 11 (the “Subject Property”) for the highest and best use conforming to any and all approvals that may be granted by the regulatory agencies of the Town of Seymour. The Subject Property will be subject to restrictive covenants placed upon it as noted in the language of Special Act 03-12, as amended by Section 9 of Special act 13-20. The purchase price shall not be less than \$45,000. This property was successfully brought through the disposition process in 2016. The RWA twice solicited bids for the property at the minimum price of \$124,000, which was based on two appraisals of the property. No bids were received. The new minimum price is based on the costs incurred to bring the property through the disposition process. The previous RPB approval granted in September 2016 became null and void when the RPB granted approval of this application. The application included a Preliminary Assessment by Evans Associates Environmental Consulting, Inc., updated May 5, 2016, which provided consideration of potential impacts on specific aspects of the environment. The Preliminary Assessment concluded that there would be no impact to the public water supply by the proposed action. The application for disposition was filed pursuant to the statutory authority set forth in Section 18 of Special Act No. 77-98, as amended.

B. Participants

In addition to the RWA, the district’s Office of Consumer Affairs (“OCA”) also participated in this proceeding. The OCA is authorized by Section 15 of Special Act No. 77-98, as amended, to act as the advocate for consumer interests in all matters that may affect water customers in the district.

C. Statutory Standard

Pursuant to the legislation cited in paragraph A above, the RWA is required to obtain approval of a majority of the weighted votes of all of the members of the Representative Policy Board (“RPB”) to sell or otherwise transfer a parcel of real property of twenty acres or less, except in certain circumstances not relevant to this application. Section 18(c) of the legislation stipulates that the RPB shall not approve such a sale unless it determines, following a public hearing, that the proposed action (1) conforms to the established standards and policies of the RWA, (2) is not likely to affect the environment adversely, particularly with respect to the purity and adequacy of both present and future water supply, and (3) is in the public interest, giving due consideration, among other factors, to the financial impact of the proposed action on the customers of the authority and on the municipality in which the real property is located. In addition, Special Act 03-12, as amended by Section 9 of Special Act 13-20, provides additional safeguards for selling Class I or II land on which a single-family dwelling or barn is situated.

D. Notice and Procedures

On December 19, 2019, the RPB voted unanimously to accept the application as complete and called a public hearing for Thursday, February 20, 2020 at 7:00 p.m., at the Seymour Land Trust, Henry Hamel Environmental Building, 13 Chatfield Street, Seymour, Connecticut. The RPB designated Peter Betkoski (Beacon Falls) to serve as Presiding Member at the public hearing.

As required by Section 10 of Special Act No. 77-98, as amended, the RPB published in the New Haven Register and the Connecticut Post the date, time and place of the public hearing to be held by the RPB to consider the application. The date of publication was January 27, 2020. A copy of this notice was filed in the Office of the Clerk of each city and town within the district and with the Office of the Secretary of the State of Connecticut. The notice was posted on the RWA’s website. The notice also included information about a tour of the Subject Property, which took place on February 15, 2020 at 9:00 a.m., which was open to the public.

At the site tour, conducted by Mr. Norris, RWA’s Vice President of Asset Management, and Mr. Triana, RWA’s Real Estate Manager, eight RPB members and four members of the public attended. Attendees asked questions of the Applicant with respect to the minimum sales price adjustment from \$124,000 in 2016 to \$45,000 for the Subject Property.

As required by Section 18(f) of Special Act No. 77-98, as amended, the RPB submitted the application, with attached Preliminary Assessment, to various state and local agencies for comment and review.

E. Public Hearing

At the public hearing on February 20, 2020 in Seymour, Connecticut, the Applicant provided sworn testimony from RWA employees Edward O. Norris III and John Triana. Mr. Triana provided a handout and gave a presentation of the proposed disposition. He highlighted various aspects of the application including evidence described the RWA's proposed action, including relevant provisions of the RWA's Enabling Legislation, disposition objectives, alternatives considered, minimum sale price, costs to be saved by the proposed action, and RWA policies enumerated in the 2007 initiative, "*The Land We Need for the Water We Use*," for the disposal of Class II land and its use of proceeds to buy watershed property.

Members of the RPB asked questions of the Applicant with respect to restrictions, recreation parking and portable bathroom on the Subject Property, advertising, demolition, impervious surface, oil tank replacement, driveway easement, and alternative recreation access.

The OCA found the proposed transaction described in the application to be consistent with the Land Use Plan and in the public's interest. The OCA recommended approval of the application by the RPB.

Approximately two members of the public attended the public hearing but did not offer testimony or ask any questions.

F. Analysis

After considering all of the evidence presented, the RPB believes that the proposed disposition of the Subject Property is in accordance with the RWA's Land Use Plan, would financially benefit the RWA, is in accordance with established standards and policies of the RWA, is not likely to affect the environment adversely and is in the public interest. Further, the RWA states it has no use for the Class II land for water supply protection or administration. Finally, the proposed disposition satisfies the legal requirements of Section 18(c) of the enabling legislation as well as the requirements of Special Act 03-12, as amended by Section 9 of Special Act 13-20.

G. Conclusion

We, therefore, conclude that the application for approval of the disposition of 1.62 acres of improved Class II land located north of Rimmon Road in Seymour, Connecticut, that is part of Land Unit SE 11 be approved. Separately stated Findings of Fact and Conclusions of Law are attached hereto as Exhibit A.

Exhibit A
Representative Policy Board
South Central Connecticut Regional Water District

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located north of Rimmon Road, in Seymour, :
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Findings of Fact

1. The RWA, through its five-member Authority, submitted an application for approval of the disposition of 1.62 acres of improved Class II land located north of Rimmon Road, in Seymour, Connecticut, that is part of Land Unit SE 11 (the “Subject Property”), on November 27, 2019.
2. The sale of a portion of the Subject Property, which consists of 1.62 acres of Class II land, is in conformity with the Authority’s Land Use Plan. The Subject Property is located on non-water system land.
3. The sale of the Subject Property will have no adverse impact on the public water supply.
4. Under the proposed action, the Subject Property would be sold for not less than \$45,000.
5. Net proceeds of the sale will finance RWA’s long-range plan to acquire and protect watershed property, thereby ensuring the protection of the public water supply.
6. The sale of the Subject Property is consistent with the Authority’s policies enumerated in the 2007 initiative, “*The Land We Need for the Water We Use.*”
7. The Applicant placed the property out to bid twice in 2019 at a minimum bid of \$124,000. The first bid included a historical conservation easement, and the second was without the easement. No bids for the property were received.
8. The nature of the sale is such that it is in the best interest of the RWA, the State and the greater public interest.
9. The OCA recommended approval of the application.

Conclusions of Law

1. The RWA's application for approval of the disposition of 1.62 acres of improved Class II land located north of Rimmon Road, in Seymour, Connecticut, that is part of Land Unit SE 11 (the "Subject Property"), was filed pursuant to the statutory authority set forth in Section 18 of Special Act No. 77-98, as amended.
2. Notice of the public hearing to consider the application and to allow interested persons, including water users and property owners within the district, to be heard, was properly made pursuant to Section 10 of Special Act No. 77-98, as amended.
3. The notice included information about a tour of the Subject Property, open to the members of the public, which took place on February 15, 2020 at 9:00 a.m.
4. The Application, with attached Preliminary Assessment, was properly submitted to State and local agencies for comment and review, and made available for public inspection pursuant to Section 18(e) of Special Act No. 77-98, as amended.
5. The public hearing was held on February 20, 2020 in Seymour, Connecticut, in accordance with Section 10 of Special Act No. 77-98, as amended.
6. Based upon the above Findings of Fact, the RPB concludes that the RWA's application for approval of the disposition of 1.62 acres of improved Class II land located north Rimmon Road, in Seymour, Connecticut, that is part of Land Unit SE 11, meets all requirements for approval.