

**Representative Policy Board
South Central Connecticut Regional Water District**

Application for Approval of a Project : May 21, 2020
to complete the Branford Hill Service :
Area Improvements :

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

A. The Applicant's Request

On February 24, 2020, the South Central Connecticut Regional Water Authority (“RWA” or the “Applicant”), through its five-member Authority, submitted an application to the Representative Policy Board (“RPB”) for its approval of a project to complete the Branford Hill Service Area Improvements (the “Application”). The original project was proposed as a multi-year project in the FY 2020-2021 Capital Project Improvements Plan, at a total cost of \$1,750,000. Due to unforeseen circumstances, actual final project costs are estimated to be approximately \$2,400,000 and now requires approval by the RPB, as stated under Section 33-B, Part 3 of the RPB’s Description of Organization, Rules of Practice and Procedures for Consumer Complaints (“RPB Rules of Practice”). The Application for approval of the project was filed pursuant to the statutory authority set forth in Section 19 of Special Act No. 77-98, as amended.

B. Participants

In addition to the RWA, the district’s Office of Consumer Affairs (“OCA”) participated in this proceeding. Section 15 of Special Act No. 77-98, as amended, authorizes the OCA 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 from the RPB, prior to commencing any project costing more than two million dollars to repair, improve, construct, reconstruct, enlarge and extend any of its properties or systems.

D. Notice and Procedures

On March 14, 2020, Governor Lamont issued Executive Order 7B concerning Protection of Public Health and Safety During COVID-19 Pandemic and Response - Further Suspension or Modification of Statutes. In accordance with Executive Order 7B, the RPB was permitted to hold the hearing on the completion of the Branford Hill Service Area improvements by conference call, videoconference or other technology remotely provided various procedural requirements were met. On March 19, 2020, the RPB voted unanimously to accept the Application as complete and called a public hearing for Thursday, April 16, 2020 at 7:00 p.m. via remote access. The RPB designated Jamie Mowat Young (Killingworth) to serve as Presiding Member at the public hearing.

As required by Section 10 of Special Act. No. 77-98 as amended by Public Act No. 02-85, 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 for approval of this project. The date of publication was March 25, 2020. A copy of this notice was filed in the Office of the Clerk of each city and town within the district. The notice was posted on the RWA's website in accordance with Governor Ned Lamont's Executive Order 7B, including information about remote participation for the meeting.

E. Public Hearing

At the public hearing on April 16, 2020, the Applicant provided sworn testimony from Edward O. Norris III, RWA's Vice President of Asset Management, and Rose Gavrilovic, RWA's Director of Capital Planning and Delivery. These witnesses provided a presentation that described the project overview, summary of proposed improvements, project need, alternatives analysis, timeline of events, explanation of unusual circumstances, project budget, project schedule, and lessons learned.

Members of the RPB asked questions of the Applicant with respect to layout of existing mains, capital pipe bid reimbursements, and utility location test pits that may have been performed during the design of the project.

The OCA recommended approval of the Application for the reasons set forth in his memorandum to the Representative Policy Board dated April 2, 2020.

There were no members of the public present at the public hearing.

F. Analysis

After considering all of the evidence presented, the RPB believes that the project to complete the Branford Hill Service Area Improvements is necessary, is included in the five-year plan of capital improvements, and is in the best interest of the RWA and its customers. The project was not expected to require RPB approval. The RWA was anticipating significant cost savings by accelerating the project to meet the State of Connecticut Department of Transportation's ("CTDOT") schedule, but the cost savings associated with paving were not realized when CTDOT postponed their project. Costs related to a conflict with the field markings of the existing underground high voltage electrical lines and along with the paving costs, have caused

the project to exceed \$2 million, therefore, requiring RPB approval. The presentation at the public hearing reinforced the need for and importance of the project.

G. Conclusion

We, therefore, conclude that the Application for a project to complete the Branford Hill Service Area Improvements 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**

Application for Approval of a Project to complete the Branford Hill Service Area Improvements : **May 21, 2020**
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Findings of Fact

1. The RWA, through its five-member Authority, submitted an Application to the RPB for approval of a project to complete the Branford Hill Service Area Improvements on February 24, 2020.
2. The project addresses the Branford Hill area, which is a known area of deficiency in RWA's distribution system and addresses historic issues with low pressure and reduced fire flows in the Branford Hill area by providing a connection to the North Branford Service Area.
3. The project will allow for future long-term improvements to the Saltonstall Service Area, and the potential for a reduction in pumping costs at the Lake Saltonstall Water Treatment Plant.
4. The project is necessary to address long-standing low pressure and fire flow issues into the Branford Hill Service Area.
5. The original project was proposed as a multi-year project in the FY 2020-2021 Capital Project Improvements Plan, at a total cost of \$1,750,000.
6. The project was accelerated to accommodate the CTDOT's project to perform roadway improvements and save paving costs in Branford.
7. The CTDOT postponed their project thus eliminating the anticipated savings in paving costs. In addition, a conflict with a high voltage electrical lines, and higher than anticipated land clearing and tree removal, have caused the project to exceed \$2 million; therefore, requiring RPB approval.

8. The project is nearing completion and the final restoration for the project is scheduled to occur in Spring 2020, pending weather conditions.
9. The estimated final project cost is approximately \$2,400,000.
10. The proposed project is consistent with and advances the RWA policies and goals and is in the public interest.
11. The OCA recommended approval of the Application.

Conclusions of Law

1. The RWA's application for approval of a project to complete the Branford Hill Service Area Improvements (the "Application") was filed pursuant to the statutory authority set forth in Section 19 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, and in accordance with Governor Ned Lamont's Executive Order 7B, dated March 14, 2020.
3. Pursuant to Sections 10 and 19 of Special Act 77-98, as amended and Governor Ned Lamont's Executive Order 7B, the public hearing was held on April 16, 2020.
4. Based upon the above Findings of Fact, the RPB concludes that the RWA's application for approval of a project to complete the Branford Hill Service Area Improvements, meets all requirements for approval.