

**Representative Policy Board  
Bylaws and Rules Review Committee  
South Central Connecticut Regional Water District  
Via Remote Access**

**MINUTES**

**Special Meeting of Wednesday, December 3, 2020 at 5:00 p.m.**

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**ATTENDEES:**      **Committee Members: M. Ricozzi, D. Borowy, T. Clifford, C. Havrda, S. Mongillo, T. Norris, and S. Sack**  
**RWA: R. Kowalski and P. Singh**  
**OCA: J. Donofrio, Esq.**  
**Staff: J. Slubowski**

Mario:

Welcome all. We have a few items to take care of and hopefully everyone's doing well and had a good Thanksgiving.

Tom:

You too.

Mario:

Jennifer pulled out a safety moment, on holiday safety, a whole bunch of different things. I think I've already violated three of them. Perhaps. I'll go home and take down some of my Christmas ornaments. Please read that and be safe because that's the last thing we want to do is get into a, anyone getting ill or hurt over the holidays.

Mario:

We'll move on to approving the minutes of November 4th. If anyone is so inclined as to make a motion.

Charles:

So moved.

Mario:

Okay. And a second?

Tom:

Second.

Mario:

Okay. Any additions, corrections, amendments? Hearing none. All in favor?

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Tom:

I.

Charles:

I.

Mario:

Opposed? And we carries. Very good. Thank you. Now we're on to 10. So, if you recall, last time we, went through a series of different scenarios and I went through the rules, bylaws and the enabling legislation in my non-legal capacity. And really the only thing that seemed to be of conflict, was in the data filing and how many days from when the authority to request us to take action, that we would take action. So currently in section eight of the rules, they have to give us 15 days to take any action. And if we reduce that to five, then the finance committee could take action five days after the authority meeting.

Mario:

And that would simplify their, taking an action to verify that the application is complete and making a recommendation to the full RPB. And that would set in motion, the chair to establish the public hearing. Now part and parcel with this, Jennifer, do you have that other language for the proposed resolution?

Jennifer:

I do you have the proposed resolution.

Mario:

So essentially what would happen is, once the authority knew the authority would be looking at an application, on a given day, we would put on the RPB agenda for that evening, consideration of that. If the art, if the authority passes it. And...

Jennifer:

See that?

Mario:

Okay, now here it is.

Jennifer:

Okay.

Mario:

So we would have a resolution somewhat similar to this. And I think Jeff, you had seen this?

Jeff:

Yes.

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Mario:

And all this says, essentially is that there was a meeting, the authority approved an application for a project and recommended it to be brought to us for public hearing.

Jeff:

Right.

Mario:

And then we acknowledged the RPB in the first, whereas the RPB allows the chairperson, they authorize the chairperson, allows the chairperson to as an action to set the public hearing. And then RPB David, are you still on two devices?

Jeff:

No, I don't think so.

Mario:

Okay. So you're not the feedback, maybe it's me.

Mario:

And then we would get a overview of the application from management, at the RPB meeting. So we wouldn't get all the details, but at least we'd understand what the project is that's being provided. The finance committee would then meet and determine whether or not it is complete. And if the finance committee says it is then the chair would set the public hearing. So it would take some time. I don't think this was sent to everyone before the meeting. Okay. Jennifer's shaking her head no.

Jennifer:

No, it was not.

Mario:

Please take your time to read through it. Just want to make sure everyone's comfortable with it. And Ted, hopefully, I don't know if you've got to see this or not.

Ted:

No, I haven't. I didn't say pollution, but I'm reading it right now. And that looks okay. If the question is, if we have to give an overview of the project that RPB meeting that night, just the minutes of the RPB meeting would probably have to go into the application? Or get amended into the application? I'm just thinking about exporting records.

Mario:

I'm sure it could always be added because we're going to have the public hearing a month later.

Ted:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Right.

Mario:

We can figure out the mechanics on that, I think. I don't see that as being a big... What if you included a well... I don't see that as it being a big hurdle, unless anyone else does?

Ted:

[inaudible 00:09:28] it couldn't be challenged by something, not you guys, maybe the public or something.

Mario:

But why would it be ex parte if you presented to the entire RPB?

David Borowy:

It would just have to be recognized as an item in the public hearing.

Ted:

All right.

Mario:

It can be an exhibit.

David Borowy:

Right. Exactly. That's the right word. Thank you.

Ted:

Good.

Mario:

That make you comfortable Ted?

Ted:

Yeah. The meetings that come to exhibit?

Mario:

The presentation, yeah.

Ted:

Okay.

Mario:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

But again, it would be an overview, not all the details.

Ted:

Yeah, we've been looking for the PowerPoint, you've been looking for a verbal overview of what the project is. Right?

Mario:

Well, if you had: it's in this location map, the cost. Why, what it is, it's really your introduction to the application.

David Borowy:

Are there any, sorry, [crosstalk 00:10:33] Suzanne, go. Thank you. I was just going to say, are there any instances, and I'm trying to think of them quickly, that it might not be the finance committee? I think there were some times where issues came up to the consumer affairs committee such as maybe the AMI, although that's not a good example because that did come to us, but as finance at the time. But are there any instances where you may want to just say "appropriate committee" as opposed to saying [inaudible 00:11:01]

Mario:

Well, this is a proposed resolution and can be modified depending on the committee.

David Borowy:

Okay.

Mario:

I mean, it was a land transaction. I think we could probably put the land use committee in there.

Ted:

Right.

Rochelle:

So the idea would be that the chair of the RPB could issue the notice and publish the notice for the hearing, right after the appropriate committee made their decision about the completeness. So you don't have to wait to the next RPB meeting.

Mario:

Correct.

David Borowy:

There has been motions in the past where the RPB authorizes approval by the committee, and then the committee is allowed to authorize the chairman. So that's not an uncommon thing.

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Mario:

...Right. But this would be more of the standard then

David Borowy:

Yep.

Mario:

For most applications.

Ted:

Yep.

Mario:

Jeff, any comments?

Jeff:

With respect to the issue that Ted raised, Jennifer sent the document for review and comment to me and to Bruce McDermott. And we both provided comments. When I looked at the issue in that last, whereas paragraph of the RPB receiving an overview. Yeah. I mean, obviously I was concerned about having any ex parte or any argument, not really about an ex parte communication because it would be done in the context of a properly noticed RPB meeting. But about before the public hearing opens communications between the authority and the RPB and a claim that an RPB member prejudged, an application based on those communications, I do think we're going to have to have that overview be pretty generic. And that's what I thought you had in mind, just the nuts and bolts of what it is, where it is, why it is and how much it is,

Mario:

That's it.

Jeff:

We really, we review it for completeness anyway. So it's not like there's any information that's being shared with the RPB and an overview that's different than what's in the actual application. So I don't have a problem with that. I do agree that the minutes of that meeting should be made an exhibit once the public hearing is open. So that the record is complete. That's really the only concern that I have.

Mario:

Okay. Tom? Charles?

Tom:

Looks good.

Charles:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

I'm all set. Yeah, Its pretty [Okay 00:14:08].

Mario:

Okay. And is everyone comfortable with changing the 15 days down to five days? For the committee to meet.

Tom:

Yes.

Charles:

Yes.

Stephen:

Yes Mario.

Mario:

Yep. Well. Yeah, in a meeting. Okay. Very good then. We'll put that to the side. Ted, do you think this is anything that we need to move on, independent of the other items in the rules? Do you have any hot ones coming up?

Ted:

No. Nothing that would go through this process. We do have one coming up. We're going to be submitting it to the authority in December, but we're not going to ask to go through this process because it's the larger project.

Mario:

Okay. Okay. So that's fine, then we'll, we'll hold this to the side, Jennifer? And if everyone is comfortable with that, we can go to Rochelle who came up with a similar spreadsheet to Ted's on rate applications.

Rochelle:

Jennifer, can you show that? Thank you.

Jennifer:

Can you see that?

Rochelle:

It's a little small, but yes.

Jennifer:

Let me see if I can, how's that? Better? I can go bigger?

Rochelle:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Can you go a little?

Suzanne:

If you're on an iPad, you can pinch it out.

Jennifer:

Do you want me to go bigger than that?

Mario:

If you can.

Rochelle:

Maybe a little.

Jennifer:

I can keep going if you want, but then it cuts off the end. So, just so you know.

Mario:

It hasn't changed.

Jennifer:

It hasn't changed size?

Mario:

No, not since you first put it up.

Charles:

Once it's full screen...

Jennifer:

Okay. Hold on. It should be full screen. Let me try the PDF. I just thought this was clearer. Yeah, that was full screen.

Rochelle:

I can probably talk to it. And maybe if they go through, if people have questions, just zoom in on the particular area that we're talking about.

Charles:

Go to full screen. Jennifer.

Jennifer:



Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Any better?

David Borowy:

There you go.

Rochelle:

That's better.

Mario:

Okay. Thank you.

Rochelle:

Okay. So first I want to mention that the schedule starts with when we scheduled for the rate application to the authority, but I just want to reiterate something I mentioned at our last meeting that if there was anything, no unusual of or of significance, it would be vetted before we got to this stage. So therefore, what I put together is, in the first yellow column, that would be proposed changes for a rate application that's effective in July. So what changed here was, was based on the feedback from our last that the finance committee would not feel rushed to, opine on [inaudible 00:17:57] this of the application, nor would the OCA feel rushed if there was only a shorter period of time.

Rochelle:

So with that, you could see that instead of the finance committee reaching their decision on the completeness of the application in February, it could actually be done in January. So the bolded dates are what has changed. So basically from that point forward, everything gets moved up by a month. And then at the end, we would actually, as I mentioned at the last meeting, we would be able to determine when the best point would be to price. So it would give us flexibility. And/or if there was an agreement we could actually implement the rate increase earlier. So that's why you see in the last two timeframes that there is a range of dates.

Rochelle:

So we would have, basically by end of proposal, we would have between like May 5th to around June 12th to actually do the pricing of the bonds. And then we would issue anywhere between basically the beginning of June and the beginning of July.

Rochelle:

So it would give us that flexibility during that period to monitor the market in order to implement the increase earlier. And you can see back to the point where the finance committee determines whether the application is complete, the timing, and this was based on the 2021 calendar, that still would provide 20 days. So it's still well more than the five days that were just discussed.

Rochelle:

So that would be the proposal for a July effective date rate application. The proposal for January effective date, project is, is a bit different ,in that the only thing that was really changed there instead of

going to the authority for two months before the filing got weird, actually review the schedule just the month before, and then the dates would stay basically. But I do want to talk about the column that's in blue and you, we have a discussion about this. This is something that we considered, but where would not recommend. The blue column would be where we go with the schedule, the authority board in may, it would move the time period up a month. However, the concern that we had was. two-fold.

Rochelle:

If we presented the actual application in June versus July, it wouldn't be enough time to fully incorporate the actual year-end disposition. That would help determine what the financing requirements were in that particular rate application. So we saw that as a negative because the rate application would be the authority board at exactly the same time that the year disposition would be going. And again, there just wouldn't be enough time to incorporate.

Rochelle:

And then the other challenge that we have and which we already have to some degree, even with the current schedule, is that there's much more of an overlap over all our audit requirements and issuing of our financial reports. So we thought that the proposal would be just to not go two months before the application is filed to the authority, just do that a month before. Again, it would be anything significant would already be vetted. And then January effective dates pretty much keep to the same schedule.

Rochelle:

We still do have some timing that we could do. You know, we want to, you know, change the praising by a smaller period of time. There's still some opportunity to do that. So that's the proposal for both the January effective date and the July effective date. Any comments, questions?

David Borowy:

So you're saying the improvement is by the RPB acting a month earlier, although the process starts about the same time in the, in the winter ones? You know, November. It gives you better ability to time the market and more flexibility.

Rochelle:

Right? Yes.

Rochelle:

And we're just not recommending doing quite the same thing for a January effective day, only because of the year-end disposition and wanting to get that incorporated and even further overlap with all the year-end activities that basically the same team is going through.

David Borowy:

Mm-hmm (affirmative).

Mario:

Certainly you have to take into account the workload. Steve, any questions?

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Stephen:

Sorry. I just took a minute to unmute here.

Mario:

I understand?

Stephen:

No, no, that's fine. But it still was shortened a little bit. The January. We can create, you can give yourself a little time.

Rochelle:

It's shortened by, instead of going to the authority board in may with a schedule now we'll review the schedule in June. So that's a little bit shorter. Honestly, we do this schedule fairly early on to coordinate that with the on council and our financial advisor, but it does shorten the overall schedule.

Stephen:

No, you've obviously given a lot of thought and how it would coordinate with other events, so I don't have an issue with it if it works.

Mario:

Charles? Tom?

Charles:

I have no problem with.

Tom:

I mean, it might be incremental, but it's a step in the right direction as we try to move these along, the process itself. So I commend you Rochelle for this.

Mario:

Jeff, did you have any comments?

Jeff:

I don't have any concerns, I understand it in depth and I appreciate the effort.

Mario:

And David and Suzanne, did you have a chance to see this before?

David Borowy:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

No, but I understand what is happening and it's one of the two scenarios is to shorten up and give it more flexibility. And I understand why we can't do it in the other one. So as far as I'm concerned, I'm fine with that management proposed this.

Suzanne:

Right. Me too. I hadn't seen it earlier, but it makes a lot of sense.

Mario:

Okay, good. So we'll just double check and make sure that the section that talks about rate applications doesn't have anything that needs modification.

Jeff:

Right.

Mario:

Okay.

Rochelle:

And I think for, David and Suzanne for yourselves, if you felt you wanted to see the schedule earlier on, that wouldn't be a big issue.

David Borowy:

Yeah. You always give us an idea of what you're thinking anyway. So, that's fine. At least from my point of view.

Mario:

Okay. Anything else on the process with the rate application? Nothing we can do Rochelle to make it much shorter.

Rochelle:

Well, unfortunately one of the things that we have in the rate application is we have that 45 day bill period.

Mario:

Right.

Rochelle:

And that's in the enabling legislation.

Mario:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Yep. Understand. And this still gives us plenty of time to get notification out and public hearing, so that we're not giving the public an opportunity to comment. So that's good. Okay. Anything else on the rate application process from anyone.

Rochelle:

I appreciate the comments that I got, the feedback about the finance committee and the OCA as far as the time really needed to make the decision, and the completeness of the application was really helpful.

Mario:

I think it's helpful that it's so prescriptive as to what you have to provide. So verifying completeness is pretty easy, unless you just throw blank pages in there.

David Borowy:

Then it would show that the RPB didn't read it.

Mario:

Ooh.

David Borowy:

And you always read everything, so.

Jeff:

I tried that in college with an essay exam. It didn't work out.

Mario:

Okay, good. I think we're, we're good here. Now, when would you want to implement Rochelle? Presuming we don't have to make changes.

Rochelle:

With the upcoming rate case, so the upcoming re case would actually, the only change then would be when we would share the schedule with the authority. Because it's a case that will be effective if it's approved in January.

Mario:

Okay. Very good. Next on the agenda were next steps. And what I anticipated was we'll take a look at the rate application process that's in the rules and make sure there are no dates that we need to modify there. And really like to, are there any other parts of the rules that members have looked at and think, gee, we could tweak this a little bit? Or we don't really do business this way? No? Okay.

Mario:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

I guess I'll give that another look. And if all we have is the one change to the rules, but I it'll be important that we explain this, both processes, the modifications, to the full RPB, just so everyone understands how it'll slightly change how we do business, and then we'll have the one rule change so far.

Mario:

Good. Then scheduling a next meeting. Which I think we have to do, or we should do. But I'm suggesting that we wait till 2020 is over.

David Borowy:

Yeah.

Mario:

So.

Tom:

Sounds like a plan.

Mario:

If I need to... Possibly different. Take a look in the middle of January, the 14th perhaps, if that works for people?

Stephen:

What day is that Mario?

Mario:

It's a Thursday, Steve.

Stephen:

Thursday.

Mario:

It's the day after the GNH board meeting.

Suzanne:

Mario, I'm sorry to say I'm embarrassed to say I don't have the January calendar set up yet, but Thursdays are generally a good night for me. So I'm going to say tentatively, I'm good.

Mario:

Okay.

Tom:

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Yeah, it's fine.

David Borowy:

Yeah. I'm fine with that's a week before our regular meetings.

Suzanne:

Same time?

Mario:

I think the five o'clock seems to work for everyone, especially in the virtual world, we now live in.

Ted:

Mario. Are you going, do you want to explain these are discuss these at this December or beginning? Or do you want to wait until we meet again?

Mario:

I would wait until after we meet again.

Ted:

Okay.

Mario:

And possibly bring them to the February meeting, I'm thinking.

Ted:

Thank you.

Mario:

You going to be around?

Ted:

That's a question I really can't answer yet. [inaudible 00:32:08].

Mario:

I understand.

Ted:

Likely, likely.

Mario:

Okay. Well it's not boating season, so it shouldn't affect you too much.

Representative Policy Board  
Bylaws and Rules Review Committee  
December 3, 2020

Ted:

No. A couple months after that, then I'll be, I won't be here.

Mario:

Understand. Okay. So we'll do a tentative for the 14th of January. I think we have, And if Rochelle you're available that night just in case?

Rochelle:

Yes, I believe so.

Mario:

And I think our next item is adjournment, unless anyone has any other business?

David Borowy:

No. [crosstalk 00:32:46].

Tom:

To move.

Mario:

Promotion. We have a second, all in favor. Okay. Thank you all meet again soon. I think as a larger group. Yeah, two weeks.