

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

MINUTES

Special Meeting of Thursday, January 15, 2021 at 5:00 p.m.

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

Mario:

We can start with some of the more mundane portions. Can you hear me?

Jennifer:

You talking about my safety moment?

Mario:

Well... Yeah, I guess.

Jennifer:

Okay.

Mario:

I'm trying to avoid preparing My car for winter hoping that it never shows up, but...

Stephen:

You can ride with me, anytime, Jen. Bring all your tools and safety equipment.

Mario:

Though, preparing your car for winter, with the battery, I just replaced mine, because it just died, one morning... And your cooling system, yes. Treads, pressures, okay. Wiper blades. Use the good wiper fluid.

Mario:

Thank you very much, Jennifer.

Jennifer:

You're welcome.

Charles:

You know what I found interesting, in there. That [inaudible 00:05:42] can carry your car, but they used to have a little kit for... a little blanket, and water, and things like that, in case you actually got stuck. I remember when they used to have little kits, for that.

Mario:

And tuna with oil, because you don't want to have the tuna with water, because it'll be frozen. No, absolutely. You should always plan to have a blanket in the car.

Ted:

You never know.

Charles:

So are you into engineering, Mario? How did you come up with that one?

Mario:

What's that?

Charles:

The water versus oil. That sounds like an engineer's thinking.

Mario:

You object?

Charles:

No, it makes sense, now that you brought it up.

Suzanne:

Hey Mario, I just wanted to let you know, I texted David, and he's having a little technical problem, getting on. I think we should we go ahead, and he'll catch up with us.

Mario:

Yep. That's what I figured. Thank you.

Mario:

Okay. So can change to our... We have minutes to approve, from December 3rd.

Charles:

I'll move.

Tom:
I'll move.

Charles:
Second.

Mario:
Okay, Charles, and Tom, second, I believe?

Tom:
Mm-hmm (affirmative).

Mario:
Any comments, corrections, amendments to the minutes? All those in favor?

Tom:
Aye.

Charles:
Aye.

Mario:
Anyone opposed? Abstaining? Okay. Minutes are approved.

Mario:
Now, we're up to the meat of the evening. So, after we met, last time, and I greatly appreciate the time that both Ted and Rochelle put together those spreadsheets, I went through the whole set of rules, and the by-laws, and I didn't see anything that I thought necessarily needed change, other than this, which is how many days in order to enact both of those processes. I also didn't see anything else that needed change operationally, but I do want to bring up the protective orders, in our rules.

Mario:
Jen, if you have section 6 of Part 1. And Charles and I had talked about this, and... when Ted has come up with applications, and he says "Oh, I want to protect this, and I want to protect that," because he just doesn't want anybody to know what he's doing.

Mario:
Just kidding, Ted. I guess the point is, that we're kind of in a position of having to review what's proposed to be protected, understand it enough, and recognize that yes, indeed, it needs to be protected, and we agree. Usually, Ted, I believe you have language in the cover letter, that the Chairman signs, that talks about protecting certain portions of the application.

Ted:

Right.

Mario:

Because I think, as a general note, we want to make sure that the application has... I'll call it the front end. With general purpose of the application. That should be a document, I think, that can be shared with the public.

Ted:

Right. And it is...

Mario:

That's important, to keep it open, so that we're not doing anything behind closed doors.

Ted:

Agreed.

Mario:

How do we keep the amount that you put under protective order, to a minimum? What's your bar, if you will? And then, is there anyway that we can tweak this language on the protective order, to make sure that we have enough information for the public to understand what's being proposed?

Ted:

So, what you said about the up-front part of the application... Yeah, we don't try to protect that. We don't put anything in there, that needs protection, because of the very thing that you said, that that needs to be transparent to everybody. Where we get into situations with protection, is when documents, and in this case... let's say the Finance Committee actually reviewed the documents for the West River application that you're going to be taking on, next week, and there were a lot of documents in the appendices, that we pulled back, for the reason that they talked about processes, and different types of processes that are within the water treatment plants, and how the processes go together, and work. That information, if it got into the wrong hands, could be used to do something to our processes in our treatment plants.

Ted:

And that's what kind of a bar that we set, is, anything that could be used out there, that is not generally out there, in the public, that could be used against us, in some kind of scenario, we try to protect. Anybody has the opportunity to look at it. So, how do we do less of that? I don't know, Mario.

Charles:

When I brought it up with Mario, my thought process wasn't so much to put qualifiers on how much, and what you protect. My issue was more, the function that I had, as Vice Chair, to review and confirm that it was to be protected. And my position was, I'm certainly not in a position to say "No, it doesn't

need to be protected," and I can't imagine a situation where someone in my position would override management, and say that it doesn't have to be protected. So that was my discussion, while we were looking at by-laws, etc. Whether or not this step was logical. I guess my position was that, if it's a Freedom of Information statute that we're trying to apply, I can't imagine, if a manager made a decision that this was important information that needed to be protected, I can't imagine ever overriding that thought process, and that was my point of discussion, at this point.

Ted:

Right. And to your point, Charlie, is that the documents that we do protect, would be exempted from the exposure of the Fol Act.

Charles:

Yeah.

Ted:

Because we have a separate, special kind of [inaudible 00:13:15] law for water treatment facilities, sewage treatment facilities, that protects our process information.

Charles:

Alright.

Stephen:

Charles, I think it-

Rochelle:

I just wanted to maybe just add, from a protective order, I just want to throw out there... Potentially, we may use protective order, in fact, we have, in the past, even for non-core issues. So it could be broader than just capital.

Mario:

Right. And I wanted to get to that, in a second. Steve.

Charles:

But my point is, I can't imagine someone in my position overriding management's recommendation.

Stephen:

Guys, I'm not sure that's the point. I think it's just a chance for the RPB to have that opportunity to look at it. And it's not even that we have to do anything. But without that stuff, there's no review. Correct?

Charles:

Oh, okay. So... All right. Okay, I understand. So by the Vice Chair, or somebody, having to confirm, it's really a chance to review.

Stephen:

Yeah.

Mario:

Yes. Not necessarily the detail.

Charles:

Yeah. Okay, and I guess there's a logic to that. Okay.

Suzanne:

The process, then procedure, to follow.

David:

And the Vice Chair would get to see the material, and I think, would generally be able to accept that it is what Fol is saying, and Homeland Security are saying is secure information. We've come a long way from when this started, in terms of what's protected, and what's not.

Charles:

Yeah. Okay, it's just that, in reading this last cycle, I said, "How can I make a decision, that it wouldn't be protected?" O looked at it, to understand what are the drawings and stuff, but I said, "Well, it is drawings of the operation, and I'm not going to be the one to say don't protect it."

Stephen:

Yeah, but I think you could take a look at it, if you had a question about it, you could ask that question, and get other people who would have the expertise. Either management, or on the RPB.

Charles:

To your point, that it's another step for review, I have no problem with that. I don't have a problem looking at them, and everything, it's just that, in our previous meetings, we were looking for ways to streamline processes, and that's what got me thinking about... I can't imagine saying, "No, don't protect it," is all.

Mario:

I guess, and then, too, Rochelle brought up, it's not necessarily going to be a capital project, but it could be a non-core. And some of that information has different rules, as far as what can be protected, and not protected. Now, when those are brought forward, you're relying, Ted and... Well, we haven't had a non-core in a while, but... You're relying on the staff's review, and interpretation of the Freedom of Information, and also the statutes that deal with protecting treatment plants, etc.

Mario:

Right, Ted? You don't go out for a separate legal review?

Ted:

No, no, no. This is all management. I'm the Fol Officer, for the regional water authority, so I do know the law. So, now, that's not always going to be that way, but that's true. If we're going to protect something, it should get through, probably, the Fol Officer, of the regional water, whoever that person is.

Mario:

Mm-hmm (affirmative).

Ted:

Just to make sure. And almost to Charlie's point, is that it's hard for people who don't know about the processes and the plans, and the security systems, and all that stuff that's protected, to really know. I sympathize with what Charlie's saying.

Mario:

Yes.

Ted:

I'm not sure there's a way around that.

David:

Quite frankly, with the non-core, a lot of that may very well be proprietary in negotiations, and therefore, there's going to be quite a wide latitude given to what is going to be proprietary, when it comes to that stuff.

Rochelle:

I was just thinking that, David, because I'm looking at the language, here, and is it really solely limited to FoIA, and state federal law, because I could see that it leads me, to your point, just pure proprietary. Proprietary in that we definitely don't want to disclose to the public.

David:

And the Freedom of Information allows that. That's why the authority is able to go into executive sessions, and discuss negotiations, which is a part of it, and also, to discuss proprietary information. So that will certainly fit under FoIA, for that, for discussion purposes, and for application purposes, and information purposes, it should, as well.

Mario:

Okay. Thank you. We have to keep that front end, if you will, with enough information so that people who aren't privileged to the confidential information, can at least review and understand what the water authority's trying to do.

Ted:

Yep.

Mario:

Tom, did you have any input, on this? You fell off my screen.

Tom:

Not beyond what's already been said.

Mario:

Okay. And Steve, you good?

Stephen:

Yeah.

Mario:

Alright. So, should we leave this language alone, I guess, with a note that on your own procedures, in management, that whoever the Fol Officer is, should be providing assistance to this?

Ted:

Yes.

Mario:

Okay. Thank you very much. Glade got to walk through that.

Mario:

And then, Jen, if you want to bring up that other sheet, again, with the fives. I think, then, this is the only thing we have, to bring to the RPB. Unless we want to take, and reference, both of the spreadsheets that Ted and Rochelle had put together, that show examples of the process. We could reference those, I don't know that we really want to, in the rules. Or we can have that, just as information, or the members of the RPB. In other words, this is... If we're under a capital project, these are our options. So the Chair, the executive committee, I guess, could look at that and say, "Okay, this is my guidance. This is the schedule we're going to try and keep to." And if it's a financial, then we would look at the one Rochelle put together.

Mario:

Are okay having the-

Charles:

The table's little attachments seem fine, to me. You don't have to make them part of the document.

Tom:

I agree.

Mario:

Yeah. We don't even have to reference them, within.

Tom:

Right.

Mario:

Okay.

Mario:

Does that work for Ted and Rochelle?

Ted:

I think, of what I heard is that, I think they would become attachments to the rules?

Mario:

Yes.

Ted:

Yeah, I think that makes sense, because, 20 years from now, who knows? Maybe they're still there, maybe they're still not, but in terms of the rules, but it'd be good to have a track record for the next generation of management, to go by. And RPB, and authority.

Rochelle:

Can I just clarify, are you saying you're actually going to take the documents? I would think, for the rate application, it's probably not necessary.

Tom:

Yeah, I would not. I would share that information to the RPB, but I don't see the need to actually attach those spreadsheets to the rules.

Mario:

But they would be referenced.

Suzanne:

Yeah, I'd make sure that technically, the language is correct. And I would leave the illustrations for discussion purposes, maybe in procedural manuals of any sort, that we have. But I think, let's just make sure the language is accurate.

Mario:

Okay. Anyone feel differently?

Charles:

No, that makes sense.

Mario:

Great.

Mario:

And Jeff? Are you still there?

Jeff:

I'm here.

Mario:

Okay. Are you okay with this?

Jeff:

Yeah, I'm fine.

Mario:

Because you're the one, right now, that's under the gun.

Jeff:

No, I'm okay. I'm fine.

Mario:

Because we look towards you. Always.

Tom:

Need a motion?

Mario:

I think that would be appropriate.

Tom:

I'll make it.

Ted:

Can I just ask a question?

Tom:

Oh, yeah.

Ted:

So, if management wants to come using process... And I don't remember the process numbers, I don't have it at the top of my head. Process 1B, the shorter one for it, an application of other kind, or one of Rochelle's, how do we ask for that, then? Is that part of the application to the authority, or part of the letter to the RPB?

Mario:

My suggestion, really, will be... you can talk about ex parte communication, but I don't think this would fall under it, but before the application's actually submitted, you probably have an idea that you're going to be submitting an application for the West River Water Treatment Plant. And you probably know that it's going to be 20 million dollars... whatever that number was, I don't remember off the top of my head. So I would hope that the Chair, if you talk to the Chair, in advance, and that could happen through just a regular meeting, between the two Chairs, the Chair of the authority, the Chair of the RPB, and the CEO, since we get together once a month, and just go over that, and let us know. Because it would be better to be prepared, especially if we're using the process where the application is approved by the authority, that day, and that evening, you want us to accept it... Have a presentation, accept it, and then move into finance, and publish the notice of public hearing.

Suzanne:

That's a good question. So one of the things that I think, maybe I'm not clear about, is, where does the authority lie, about which process gets implemented? Does the authority lie with the RPB? Meaning the RWA comes to the RPB and says, "We'd like to use Process C, and do this, da-da-da-da-da-da-da-da, and the RPB says, "Okay with us. We look at our schedule. We understand the issue. We're good, blah-blah-blah-blah-blah, and therefore the RWA can proceed," or is the RWA just need to inform the RPB, and therefore, it's illuminated, and we then go through the process? I think that's process, because if authority lies with the RPB, to either accept or reject an adjustment to the rules, then we want to make sure that's clear.

Ted:

Yeah.

Mario:

I think we left the rules, we didn't touch the rules, other than shorten the number of days between being notified, and deciding on completeness. And the way I would envision it, and I'm glad you brought it up, Suzanne, is that in this discussion, maybe a month before the application's final, or so, that basically, the RPB would be the one to decide which process. A request would be, "We believe this fits into the short process, as opposed to the long process." But I think, at the end of the day, it's the RPB's decision to make. Because it's the RPB's rules. I don't know if you disagree, or...

Stephen:

Hey Mario, it's Stephen...

Mario:

Yes, Steve.

Stephen:

I kind of disagree, in that we changed this so management would have this option. So it seems to me that they're making the judgment about, they need to do this quicker. And what would be the purpose of us saying no to that?

Stephen:

[crosstalk 00:26:49] our rules allow it.

Charles:

Yeah, if management isn't making the judgment, they certainly are making the recommendation< then we'd have to have a fundamental reason, of not to accept their recommendation.

Mario:

Right. No, I'm not saying we would go through it with a fine-tooth comb. I think, understand the size of the scope of the project, we'd probably accept, and I'm hoping that most projects go onto the short scenario.

David:

In my mind, this would probably be akin to the land use non-substantial, which, it's your choice, whether it's not substantial or not, but we recommend whether we think it is.

Mario:

Mm-hmm (affirmative). Right.

Mario:

I certainly wouldn't be pushing for the long scenario, unless it's a complex issue, we need to get experts in, which, we've had that, in the past.

Mario:

And everyone got quiet. It makes me nervous, when everyone's quiet.

Charles:

What's Jeff's input?

Jeff:

Well, my understanding, from the onset, was that this was an option that was being given to the authority to avail itself of. Certainly, if there's a disagreement about whether or not a specific application fits within the expedited project approval process, then there needs to be a discussion. The collaboration between the RPB, the five-member authority, and authority management, really, has never been better, in my 12 and a half years, at least. So I would expect, at least while this group is

involved, that it might not be an issue. But certainly, for the longer term, there should be some clarification about whether or not the RPB has the ability to say, "No, we won't accept this application on an expedited project approval basis." But when I was looking at it, in prior meetings, and when I was giving feedback on situations where I would need more time, I was assuming that this was going to be the authority's call, about whether or not an application was submitted on an expedited process basis, and that I would just have to speak now, or forever hold my piece.

Suzanne:

Right. And I think that's a good point, and at the end of the day, the RPB has the ultimate authority to reject the application, right? So if they feel like they've been overrun, and this is not the right way to do this, it has the ultimate authority. So that's the most important.

David:

And the ability to ask for extended time. And that's been done, once or twice.

Charles:

Yeah, that sounds pretty logical, to me. The reason for going through this, was to give management the option, and by us dictating which process they have to use, it kind of eliminates that option, for management.

Charles:

So we don't have to change anything, at this point. That's the way it is. Management makes the recommendation, and...

Mario:

I just thought, again, to the Freedom of Information request, and the protective order. Management's going to make the recommendation, and pursue it in a certain way, I don't see us really going against that. And I really see most of the projects going in the expedited process.

Charles:

Okay, so I think what you're saying is that management makes a recommendation, and unless there is some issue, we can get the say, 'yay' or 'nay' but they're making the choice. Where I thought you were saying, in the beginning of this discussion, that you wanted the RPB to make the choice.

Mario:

I guess my only caveat would be... if we thought that it was an application that really should be the longer one...

Charles:

Yeah, well, we have that option to say no.

Mario:

Right.

Charles:

I think we're saying the same thing, Mario.

Mario:

I think we are.

Charles:

Yeah. Okay.

Charles:

So, to Suzanne's point, I don't think we have to change anything.

Mario:

No.

Charles:

Okay.

Mario:

If I recall correctly, and we are not going to use Process B, because it was an enabling legislation change.

Ted:

Okay. That's right. We were looking at going with Process D, right?

Mario:

I believe D was the one that we were aiming for.

Ted:

Right. Yep.

Mario:

So I would suggest, perhaps, that we shorten this, just to have two different processes, the short and the long.

Ted:

I think it's a good idea.

Mario:

With the preferred, as being the short one.

Rochelle:

Mario, just to clarify, though. B, if we have another emergency, like the Great Hill Tunnel, I believe we would follow B.

Mario:

But we have that... I don't recall specifics, but we currently have an enabling legislation. The opportunity to do an expedited process.

Charles:

Right.

Rochelle:

Right.

Rochelle:

But you said... isn't that what B is? That is what B is, I believe? It's with a seven day notice.

Mario:

Right. That's the emergency.

Rochelle:

Right.

Mario:

But we don't need that in here, because most projects will not fall under B. It's still there... it's in the enabling legislation. But, I guess, I don't want to confuse it, to people in the future.

Charles:

Yeah, because the standard procedure is A or C. And that's what we should have on the chart. The standard procedure, knowing that, at any given point, the emergency, or exceptions, can exist.

Mario:

And we can make that a footnote, Rochelle.

Rochelle:

Yeah, I would just... I didn't want to lose it, that it's not an option, in these extreme situations.

Mario:

No. And I would... I guess, Ted, I would actually flip, so that you could have the preferred short process, which would be preferred, and then you'd have the long process, in complicated cases. And I guess, Rochelle, if you're nervous, we can have an emergency process.

Rochelle:

Well, the footnote... I think the footnote is fine. Just so we don't lose that potential, that we could have something. Hopefully, we won't, but that could fall under that very abbreviated timeline.

Mario:

Right.

Charles:

Those are emergencies or exceptions... Okay.

Stephen:

Hey Mario, I don't know that either process is preferred, it's just what's appropriate for the application.

Mario:

Okay. Then we can do the shorter process, or the longer process.

Stephen:

There's two options.

Mario:

That's all.

Ted:

So we can call the first one, expedited, the other one, we'll come up with a better term, Mario, I'll run it by you... Regular process, or standard process, or something.

Mario:

Yes, Steve.

Stephen:

Yeah. Standard and expedited, that sounds good.

Mario:

That's fine.

Mario:

Okay. And then, Rochelle, do we have to do anything to your spreadsheet?

Rochelle:

I don't think so.

Mario:

Because I think yours was just a sample.

Rochelle:

Right. And we have...

Mario:

And yours wasn't really expedited, necessarily. You just kind of cut your process a little bit shorter.

Rochelle:

I think the key thing that we realized from the discussion, which was great, is that we do not need to leave an extended period of time, from when the RPB got the application, and when the finance committee indicated that it was complete, and ready to go to the RPB, because in the past, we had really allowed, sometimes, for more than a month, depending on what the timing was, so I think that was very good to know.

Mario:

So then, would it be appropriate to have a 'July Effective Date' column, and a January Effective Date' column, examples?

Rochelle:

We could, if you think it would be helpful.

Charles:

Yeah, but we're not talking about attaching these, at this point. We were saying that they would be available [crosstalk 00:37:02]-

Mario:

Yeah, I'm just looking at having a finished, available... that we can have.

Charles:

Oh, okay. Alright.

Rochelle:

So I think, for the rate case, the proposed for July, is the yellow, the January... the current proposed would also be the yellow. And when we had talked, in the past, I had actually looked at expediting the January effective date, but because of the overlap with year-end activities, I just had noted that we considered it, but at least, at this point, wouldn't recommend it.

Mario:

Right. So if we can get it... just the two yellow columns, that would give us a guidance.

Rochelle:

Oh, okay.

Ted:

Mario, did you intend to bring these to the RPB, next week?

Mario:

No, next... In February.

Ted:

February, okay. Alright.

Mario:

Yeah, I don't want to try and squeeze it in there. I'd rather give it to them in advance, even though it's a fairly small item.

Ted:

Okay. Right. And, sorry, just one more time on the project approval process. We're going to show 'Expedited,' we're going to show 'Regular,' and then where do we land on the 'Emergency?' Are we going to show that?

Mario:

You can show it as an emergency.

Ted:

Okay. I kind of like that, because that just kind of cements it in everybody's mind, what can and can't be done.

Mario:

Sure.

Ted:

Yep. Right.

Mario:

Because the people who are in this Teams meeting, may not be the ones that are doing this, the next time.

Ted:

Right.

Mario:

That we hit an emergency.

Ted:

Thank you.

Mario:

I'm sorry, Zoom meeting. I keep getting mixed up, between the two.

Ted:

Glad there's only two, right?

Mario:

Two major ones.

David:

Yeah, we have BlueJeans at my office, too. So that's three.

Rochelle:

Oh my gosh.

Mario:

Oh, we only od blue jeans on Friday.

David:

I like that.

Mario:

Okay. Anything else, with the rules, by-laws, etc.? Okay.

Mario:

Next steps. We could take care of those, and then we'll... in the next couple of weeks, hopefully.

Ted:

Yes, yeah.

Mario:

And we'll put together a package, to go out for the February agenda, if that works with everyone.

Tom:

Good.

Mario:

Did we vote?

Charles:

Jennifer?

Mario:

I think we took a vote.

Charles:

No.

Jennifer:

No, Tom motioned.

Charles:

And I was second.

Jennifer:

Is that Charles?

Mario:

Yeah, Charles. In that case, all those in favor of the revision to five days?

Tom:

Aye.

Charles:

Aye.

David:

Aye.

Mario:

Okay. Anyone opposed? Okay. Good.

Mario:

Does anyone feel like we need a next meeting? We could take a few minutes at our next... The next time we meet, is the RPB, to do a vote on the minutes. I think we need to do that correct, Jennifer. The minutes of tonight.

Jennifer:

Yes. Yeah.

Charles:

Unless there's another subject, we'll just do it after the RPB, or something?

Tom:

Right.

Jennifer:

Okay.

Mario:

Okay. We won't schedule another meeting.

Mario:

Is there any other business, before this auspicious group?

Charles:

Thank you.

Mario:

Thank you. And I want to thank everyone, and a Happy New Year, to all.

Ted:

Great.

Mario:

Thank you.

Jennifer:

Thank you, everyone.

Charles:

Yeah, thank you.

Ted:

Thanks, guys.

Charles:

[crosstalk 00:41:04] good job, Mario.

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Ted:

Yes.

Mario:

Adjourn at... whatever time it is. 5:40.