

**Representative Policy Board**  
**South Central Connecticut Regional Water District**  
90 Sargent Drive, New Haven, Connecticut and  
Via Remote Access\*\*

**AGENDA**

**Special Meeting of Thursday, June 9, 2022 at 6:30 p.m.**

- I      Safety Moment
- II     Recess special RPB meeting to attend public hearing for Lake Whitney Dam and Spillway Initial Design Project – Phase 1  
  
[**PUBLIC HEARING** - Authority's Application for the Lake Whitney Dam and Spillway Initial Design Project – Phase I]
- III    Reconvene special RPB meeting
- IV    Items for Consideration and Action
  - A. Discussion and acceptance of DRAFT Final Decision, Findings of Fact and Conclusions of Law for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1
  - B. Resolution to approve the Authority's Application for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1
  - C. Resolution for approval of associated financing for the Authority's Application for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, if applicable
- V      Adjourn

\*\*Members of the public may attend the meeting in person or via remote access. For information on attending the meeting via remote access and to view meeting documents, please visit <https://tinyurl.com/2b359cuj>. For questions, contact the board office at 203-401-2515 or by email at [jslubowski@rwater.com](mailto:jslubowski@rwater.com).

Representative Policy Board

**June 9, 2022 at 6:30 p.m.**

Special Meeting and Public Hearing

*(Lake Whitney Dam and Spillway Initial Design Project – Phase1)*

## Microsoft Teams meeting

**Join on your computer or mobile app**

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 469-965-2517,,646161780#](#) United States, Dallas

Phone Conference ID: 646 161 780#

The meeting and public hearing are hybrid. Members of the public may attend in-person at 90 Sargent Drive, New Haven, Connecticut or via remote access using the link or call in number above.

For questions, contact the board office at 203-401-2515 or by email at [jslubowski@rwater.com](mailto:jslubowski@rwater.com)

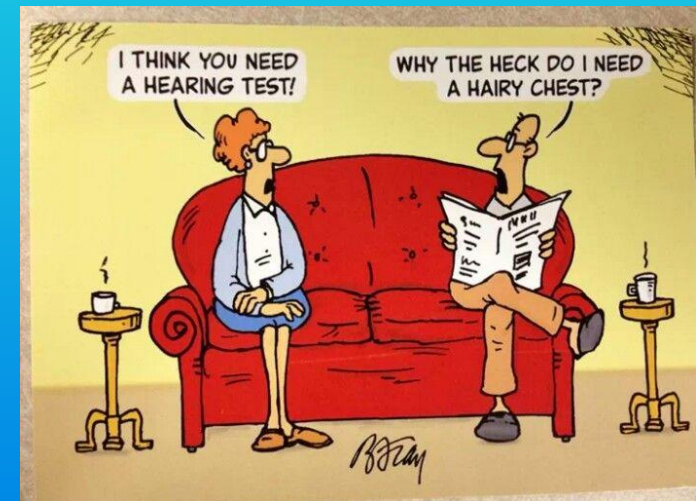
# SAFETY MOMENT

## Prevent Hearing Loss

Generally hearing loss is gradual and usually by the time you notice, it is too late. Prevent hearing loss before it happens:

### Protect your ears:

- Limit exposure to noisy activities; monitor your listening levels
- Wear hearing protection while performing loud activities at work or home
- Have your hearing tested
- Watch for symptoms and early signs of hearing loss



Service – Teamwork – Accountability – Respect – Safety

Safety is a core company value at the Regional Water Authority .  
It is our goal to reduce workplace injuries to zero.

 Regional Water Authority

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

**Application for Approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, CT** : **June 9, 2022**

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

### A. The Applicant's Request

On May 16, 2022, the South Central Connecticut Regional Water Authority (“RWA” or the “Applicant”), through its five-member Authority, submitted an application for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut (“Application”), at a maximum project capital cost not to exceed \$5.52 million. The Application is a two-phase process. Phase 1 proposes to advance the analysis of selected alternatives to determine the best design alternative to move forward and also advance this design to one hundred percent (100%) which will include Early Contractor Involvement (ECI). This phase may include a trial grout program if an alternative that includes a grouted solution is selected. Phase 1 will also include community outreach to assess concerns and develop a roadmap to guide the public throughout the project, to the extent feasible and prudent.

Phase 2 will include awarding the entire project to a qualified contractor for construction and will be submitted as a separate application.

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, and under the requirements of expedited process.

## B. Participants

In addition to the Representative Policy Board (“RPB”) and the RWA, the district’s Office of Consumer Affairs (“OCA”) 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 from the RPB prior to commencing any project costing more than two million dollars to repair, improve, construct, reconstruct, enlarge or extend any of its properties or systems.

D. Notice and Procedures

Effective July 1, 2021, Senate Bill 1202, Section 163, permitted the RPB to hold the public hearing on the Application using electronic equipment or technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video or other conferencing platforms. Other procedural requirements were also met. On May 19, 2022, upon the recommendation of the Finance Committee, under the expedited process, the RPB Chairman accepted the Application as complete and called a public hearing on Thursday, June 9, 2022 at 6:30 p.m., at the office of the South Central Connecticut Regional Water Authority, 90 Sargent Drive, New Haven and via remote access. The RPB designated Naomi Campbell (New Haven) 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. The date of publication was May 20, 2022. A copy of this notice was filed with the Office of the Clerk of each city and town within the District and the Connecticut Secretary of State. The notice was

posted on the RWA's website, including information about electronic participation for the meeting.

E. Public Hearing

At the public hearing on June 9, 2022, the Applicant provided sworn testimony from Sunny Lakshminarayanan, the RWA's Vice President of Engineering and Environmental Services, and Larry Marcik, the RWA's Senior Engineer. These witnesses provided a presentation that described the background, approach, scope, project need, alternatives analysis, and project budget and schedule.

Members of the RPB asked questions of the Applicant with respect to [TO BE FILLED IN].

The OCA stated that the Application is [TO BE FILLED IN] of the Application for the reasons set forth in his memorandum to the Representative Policy Board dated \_\_\_\_\_, 2022.

In addition to the applicants and OCA listed above, [INSERT OTHER ATTENDEES/TITLES, AND MEMBERS OF THE PUBLIC].

F. Analysis

After considering all of the evidence presented, the RPB believes that the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 is [necessary and advances the policies and goals of the South Central Connecticut Regional Water Authority and is included in the five-year plan of capital improvements, and are in the best interest of the RWA and its customers.] The presentation at the public hearing reinforced the need for and importance of the project.

G. Conclusion

We therefore conclude that the Application for approval of a project for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 should be approved. Separately stated findings of fact and conclusions of law are attached hereto as Exhibit A.

DRAFT

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

**Application for Approval of the Lake** :  
**Whitney Dam and Spillway Initial Design** : **June 9, 2022**  
**Project – Phase 1, located in Hamden, CT** :

**Findings of Fact**

1. The South Central Connecticut Regional Water Authority (“RWA”), through its five-member Authority, submitted an Application to the RPB for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut (“Application”) on May 16, 2022.
2. The Application is a two-phase process: Phase 1) to advance the analysis of selected alternatives to determine the best design alternative to move forward and advance this design to one hundred percent (100%) including Early Contractor Involvement which may include a trial grout program if an alternative that includes a grouted solution is selected, and Phase 2) awarding the entire project to a qualified contractor for construction, which will be submitted as a separate application.
3. The Lake Whitney Dam, constructed in 1860/61, has been improved and expanded on several occasions but has had no significant structural enhancements since its construction.
4. The Connecticut Department of Energy and Environmental Protection (CTDEEP) Dam Safety provides regulatory oversight of RWA’s dams.
5. The Lake Whitney Dam is categorized as a Class C, high hazard dam, as defined in the Connecticut Dam Safety Regulations. As such, failure of the Lake Whitney Dam would result in long-term destruction downstream of the dam probably including loss of life.
6. The Lake Whitney Dam does not have sufficient hydraulic capacity to pass the Probably Maximum Flood (PMF), the present-day design flood.



7. Stability analysis of the current configuration of the dam shows that the dam will not meet evolving regulatory requirements and recognized standards for dam safety for the PMF.
8. The Lake Whitney Dam does not have provisions to mitigate external erosion and downstream scour that would likely occur and potentially result in the failure of the dam due to overtopping during the PMF. Scour is an engineering term for the erosion of soil supporting under the dam.
9. The Lake Whitney Dam impounds a major source of water in the RWA's reservoir system and loss of service of Lake Whitney would reduce the adequacy of the RWA's water supply.
10. The Lake Whitney Dam must be improved or replaced.
11. The RWA has reviewed numerous improvement and cost mitigation alternatives related to the Lake Whitney Dam.
12. Recent conceptual level cost estimates have increased significantly and have caused the RWA to consider additional alternatives to ensure that the most cost effective and prudent alternative is selected as the final solution.
13. The Lake Whitney Dam Initial Design Project – Phase 1 is expected to be completed during FY 2024 and has a projected cost up to \$5.52 million.
14. Given the scope of the project and its iconic significance, the RWA will engage the community to ensure that concerns are heard.
15. The proposed project is consistent with, and advances RWA policies and goals and is in the public interest.
19. The OCA recommended approval of the Application.

### **Conclusions of Law**

1. The South Central Connecticut Regional Water Authority's ("RWA") application for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, located in Hamden, Connecticut ("Application") was filed pursuant to the statutory authority set forth in Section 19 of Special Act No. 77-98, as amended, and under the requirements of the expedited process.
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 on May 20, 2022, pursuant to Section 10 of Special Act No. 77-98, as amended.
3. Pursuant to Sections 10 and 19 of Special Act 77-98, as amended, the public hearing was held on June 9, 2022.
4. Based upon the above Findings of Fact, the Representative Policy Board concludes that the RWA's application for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 meets all requirements for approval.

**REPRESENTATIVE POLICY BOARD  
OF THE  
SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY**

**PROPOSED RESOLUTION**

June 9, 2022

*(South Central Connecticut Regional Water Authority's Application for the Lake Whitney Dam  
and Spillway Initial Design Project – Phase 1)*

**Whereas**, the Regional Water Authority (“RWA”), on May 16, 2022, filed an Application to the Representative Policy Board (“RPB”) for approval of the Lake Whitney Dam and Spillway Initial Design Project – Phase 1 (“Application”); and

**Whereas**, the RPB Finance Committee reviewed the Application and recommended to the RPB Chairman, under the RWA’s expedited process, that it be accepted as complete and scheduled a public hearing on June 9, 2022 at 6:30 pm; and

**Whereas**, the RPB held a public hearing for the Application on June 9, 2022 at 6:30 pm; and

**Whereas**, the RPB concluded that the Application and the proposed action is necessary and consistent with the policies and mission of the South Central Connecticut Regional Water Authority, is not likely to have adverse effects on the environment, and is in the public interest.

**Now Therefore Be It Resolved**, that the RPB hereby approves the Authority’s Application for the Lake Whitney Dam and Spillway Initial Design Project – Phase 1, No. 22-02, filed May 16, 2022, in accordance with Section 19 of Connecticut Special Act 77-98, as amended.

**REPRESENTATIVE POLICY BOARD  
OF THE  
SOUTH CENTRAL CONNECTICUT REGIONAL WATER DISTRICT**

**PROPOSED RESOLUTION**

**Resolution Approving The Issuance Of Bonds**

**WHEREAS**, the South Central Connecticut Regional Water Authority (the “Authority”) proposes to issue its Bonds which may be issued as Project Loan Obligations delivered to the State of Connecticut or as obligations issued pursuant to the federal Water Infrastructure Finance and Innovation Act (the “Bonds”) in accordance with Special Act 77-98, as amended, of the General Assembly of the State of Connecticut (the “Act”) and the Water System Revenue Bond Resolution, General Bond Resolution, adopted by the Authority and approved by the Representative Policy Board of the South Central Connecticut Regional Water District (the “RPB”) on July 31, 1980, as amended and supplemented (the “General Bond Resolution”); and

**WHEREAS**, the Act authorizes the Authority to issue its bonds from time to time but subject to the approval of the RPB;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The RPB hereby approves the issuance of the Authority’s Bonds in an aggregate principal amount not to exceed Six Million Twenty Thousand Dollars (\$6,020,000) and further resolved;
2. The Bonds may be issued as obligations in one or more series pursuant to the General Bond Resolution and a supplemental resolution that may be adopted by the Authority for each series of Bonds, each of which shall specify the amount of the Bonds, the purposes for which the Bonds are to be issued, the date or dates, maturities, sinking fund installments if any, interest rates, series, denominations, form, redemption prices, security provisions and such other details of the Bonds as the Authority shall determine in accordance with the limits established by the General Bond Resolution and hereby and further resolved;
3. The purposes of the Bonds shall be to finance or refinance the cost of the design of the Lake Whitney Dam and Spillway Improvements (the “Project”) to provide funds for deposit to the Capital Contingency Fund, Debt Reserve Fund, and Operating Reserve Fund, as necessary pursuant to the General Bond Resolution and as permitted by the Internal Revenue Code of 1986, as amended and to pay costs of issuance and further resolved;
4. The Bonds may be sold by negotiation as serial or term bonds with stated maturities and may be sold in a private or direct placement to a bank, the State of Connecticut or the United States of America.