

## **SECOND TAXING DISTRICT COMMISSIONERS**

Regular Meeting

August 21, 2012

Present:	Mary Burgess Al Ayme Mary Geake Mary Mann Sherelle Harris Maria Borges-Lopez	Chairman Vice Chairman  Arrived 7:05 p.m. Arrived 7:08 p.m.
Also Present:	John M. Hiscock Lisa Roland	General Manager Acting District Clerk
Absent:	Cesar Ramirez	

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### Call To Order

Commissioner Burgess called the Regular Meeting of The Second Taxing District Commissioners to order at 7:00 p.m. on Tuesday, August 21, 2012. The meeting was held at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: "Mr. Hiscock, we have a quorum, correct and it is 7 o'clock?"

Mr. Hiscock: "Yes, we do."

Commissioner Burgess: "So, I will call the meeting of The Second Taxing District Commissioners, Tuesday, August 21<sup>st</sup> to order at 7:00 p.m. and the first thing I need to do is a Resolution appointing Lisa Roland as Acting Clerk for this meeting".

Commissioner Geake: "I will second it."

Commissioner Ayme: "So moved."

Commissioner Burgess: "And you did second that?"

Commissioner Geake: "Yes."

Commissioner Burgess: "Ok." "All in favor?"

Commissioners simultaneously: Unanimous approval.

Commissioner Burgess: "Now, Mr. Hiscock wanted to add something to the Agenda, which I would like a motion to Lajoie Special Contract, to add it in the beginning of the Agenda. Is that correct Mr. Hiscock?"

Mr. Hiscock: "Yes, we have counsel present.

Commissioner Burgess: "Right."

Mr. Hiscock: "And so that she doesn't have to sit through the whole meeting we can do that, if appropriate."

Commissioner Burgess: "Ok." "Alright." "I have a motion to add that item to the beginning of the agenda?"

Commissioner Borges-Lopez: "So moved."

Commissioner Ayme: "Second."

Commissioner Burgess: "All in favor?"

Commissioners simultaneously: Unanimous approval.

Commissioner Burgess: "Ok." "This is a gift Kara Murphy."

Attorney Murphy: "Yes." "Thank you."

Commissioner Geake: "Is this going to be an Executive Session?"

Mr. Hiscock: "Yes, we are going to start as an Executive Session, if you don't mind, so if someone would make a motion to go to Executive Session because we are still discussing a draft contract, not a finalized version."

Commissioner Ayme: "For Lajoie?"

Mr. Hiscock: "Yes, and it is ok that you use the name right now because it will be disclosed at the end of the Executive Session anyway."

Commissioner Ayme: "Ok." "Well only because we have to state the purpose, right?"

Mr. Hiscock: "Correct."

Commissioner Ayme: "Ok."

Commissioner Borges-Lopez: "I move that we go into Executive Session."

Commissioner Geake: "I will second it."

Commissioner Burgess: "All in favor."

Commissioners simultaneously: Unanimous approval.

*Went into Executive Session at 7:05 p.m.*

*Returned to Regular Agenda at 7:20 p.m.*

Commissioner Ayme: "Well I move to." "I move to approve the contract called the Interruptible Supply Agreement between SNEW and Lajoie and authorizing the General Manager to sign it on behalf of the Commission."

Mr. Hiscock: "Subject to review of counsel."

Commissioner Ayme: "Subject to review of counsel."

Commissioner Burgess: "Is there a second to that motion?"

Commissioner Geake: "I second it."

Commissioner Burgess: "Any questions?"

Commissioner Burgess: "All in favor?"

Commissioners simultaneously: Unanimous approval.

Attorney Murphy: "Thank you."

**Acceptance of the Minutes:**

Commissioner Burgess: "The motion to approve the Consent Agenda."

Commissioner Geake: "No, all we have to accept though...minutes from the meeting first." "We haven't accepted the minutes yet."

Commissioner Burgess: "Ok." "A motion to accept the minutes."

Commissioner Borges-Lopez: "I will."

Commissioner Burgess: "Second?"

Commissioner Geake: "I will second it."

Commissioner Burgess: "All in favor."

Commissioners simultaneously: Unanimous approval.

Commissioner Burgess: "And a motion to approve, to accept the Appeals Committee Meeting minutes also."

Mr. Hiscock: "Right, that is what you just had done under the Consent Agenda."

Commissioner Burgess: "Then a motion to approve the Consent Agenda."

Commissioner Ayme: "So moved."

Commissioner Mann: "Second."

Commissioner Burgess: "All in favor?"

Commissioners: simultaneously: Unanimous approval.

REGULAR AGENDA

Commissioner Burgess: "Alright." "Public Participation Policy and Procedure."

Mr. Hiscock: "Ok." "Item 4 on the tab is an explanation. This item had come up and based on a discussion with Chairman Burgess, who suggested that she had received some complaints with respect to this and I think you all recognize that sometimes we deal with an item and the public wants to speak on it and yet they are at the bottom of the Agenda and they don't have the opportunity. I do know that the Common Counsel of the City of Norwalk puts public participation first to allow people to speak on their particular areas of concern with respect to the Agenda items for that night. So, we basically went through and created a rather simple policy in draft form, which basically says that we will put public participation first on the Agenda, after Acceptance of the Minutes from previous meetings and allow the electors up to three minutes to make comments regarding any item on the Agenda. We also put a sentence at the end, which says the Commission by a majority vote may waive the time limitation or allow non-electors to speak under public participation. From my perspective, I think it is a good idea but this is really a Commission public issue more than anything else and I think the Chairman can explain further, if she wishes."

Commissioner Burgess: "Anyone have anything to ask or say?" "I have been hearing for years from the public who would like to speak before we vote, so I think this is fair."

Commissioner Ayme: "If there are no questions, I would like to move to options of the Rules and Regulations."

Commissioner Burgess: "Second?"

Commissioner Geake: "Second it."

Mr. Hiscock: "Adoption of the District Commission Meeting Agenda Policy and Participation."

Commissioner Burgess: "Alright." "And you seconded it?"

Commissioner Ayme: "Yes."

Commissioner Burgess: "All in favor?"

Commissioners simultaneously: Unanimous approval.

Commissioner Burgess: "SNEW Rules and Regulations Modifications.

Mr. Hiscock: "During a termination proceeding, with respect to a customer who had not paid their bill and in this particular case it was a landlord in foreclosure, SNEW made a mistake and failed to comply with Section 16-3-100 Termination of Residential Customers. Because the way the Section of the Regulation, with respect to termination are written, it indicates that if we have, what's called, 'constructive knowledge' of tenancy, not necessarily proof but constructive knowledge of tenancy we are required to post the property one day prior to terminating and we failed to do so. It wasn't an intentional failure; it was a situation where we weren't aware of the tenancy even though we had constructive knowledge because one of the individuals in the Department was working arrangements with the Department for payment. Now that sounds a little unusual to you I am sure, but in certain cases landlords will leave the account in their name and make an arrangement with the tenant to pay. So, when a termination notice comes out in the landlord's name, the tenant will come in and make arrangements to make payment and enter in to make arrangements with the Department for payment. And it happens, not very often, but it does happen so we deal with it, it makes sense and it works out well. The problem in this specific case was that someone had been making arrangements with the tenant but we weren't aware of the arrangements and when the property got foreclosed, we presumed it was abandoned property and it was not. So, we made a mistake. We had looked at this issue carefully and we are going to make two changes in our internal practice to make sure it doesn't happen again or try to prevent it from happening again. However, during the incident we became aware that the Regulations that we passed in March of 2009, which had a requirement of posting all customers prior to termination. Well, we have never done it. It is not a practical thing to do. It doesn't make any sense because it makes us visit the property again and anybody who we are dealing with on termination who is either the named customer or the customer responsible for paying the bill, it's the initial notification that they are delinquent, they better run 63 days, then they end up with a termination notice and the second notice. So there is no practical reason for notifying those customers that we have a communication and open, back and forth communication and we do a very good job of getting all of the notices out. When we discovered this, because we were looking into what we had done, it was reported to me and I took a look at it and realized that we had never done it this way. We have never posted any customer who we had an ongoing notice situation with. So we are proposing to eliminate that requirement in the Rules and Regulations and match the current practice. The practice that we have had for virtually forever as far as anybody knows. It is in a 177 page document. It is not that many people would ever find it, but we certainly would not want to be in a position of leaving this in the Rules and Regulations, not following this procedure, terminating somebody without notification and then having them come back and make a complaint, for a legal complaint against the Department for wrongful termination based on our

own rules. If we make the change that is proposed here, we will be absolutely consistent with Section 16-3-100 Termination of Service. We will continue to do it exactly the same way and appropriately under the State rules. It is interesting that we, at one point in time to satisfy the DPUC requirements, we adopted Section 16-3-100 as the actual policy and yet we wrote a Regulation inconsistent with it. And if you look at what we propose to do on page 26 of 178 of the Regulations (in blue) under Termination of Service, it says 'in the case where residential tenants of any account who do not receive electric service in their name, SNEW shall hang a sealed notice(s) on the property indicating the termination date on the business day before the scheduled termination'. As you can see, we added everything in blue to correct our problem. It previously had said, 'SNEW shall hang a sealed notice(s) on the property indicating the termination date on the day before the scheduled termination'. So, we have added the blue language to make it consistent with 16-3-100 and consistent with our current practice and policy not policy, procedure, excuse me. And then on page 27 we added a phrase, which in retrospect probably should have been in this document originally, and it says 'if there is a conflict between this Section 11.0 of the SNEW Electric Service Rules and Regulations and are inconsistent with Section 16-3-100 of the Regulations of Connecticut State Agencies, the Regulations shall govern'. That has been placed there in case this happens because I think you all understand that when you have multiple documents concerning a specific issue and not all the documents are in your control, somebody else can change a document making your document inconsistent and because they are the regulatory authority, they have the control so that is why that was added recognizing that something could change in the Regulations of State Agencies that would be inconsistent. So, inconsistencies in State Regulations always govern the way it is written. I can answer any questions or I can give you more detail as to what you have heard. I am open to answer any questions relative to this."

Commissioner Burgess: "So, we need a motion to approve the modification to SNEW's Rules and Regulations, correct?"

Mr. Hiscock: "Correct."

Commissioner Borges-Lopez: "So moved."

Commissioner Ayme: "Second."

Commissioner Burgess: "All in favor?"

Commissioners simultaneously: Unanimous approval.

Commissioners Burgess: "Alright." "Motion to adjourn?"

**Adjournment**

Commissioner Ayme: "Move to adjourn."

Commissioner Geake: "I second it."

***The Meeting adjourned 7:40 p.m.***

Attest:

Lisa Roland  
Acting District Clerk