

THE SECOND TAXING DISTRICT COMMISSIONERS  
**Appeals Committee**  
Meeting Minutes – December 19, 2013

Present:	Mary E. Burgess Mary Geake Mary Mann	Chairperson
Also Present:	John M. Hiscock Lisa Roland	General Manager District Clerk
Public Present:	Judith Quattrochi Charles Quattrochi John Gary Marmanides	Appellant Appellant Appellant

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Call To Order:

Commissioner Mary E. Burgess called the Appeals Meeting to order at 6:00 p.m. on Thursday, December 19, 2013. The hearing took place at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: “I will call the meeting of the Second Taxing District Appeals Committee to order December 19, 2013 at 6 p.m. Ok, John you are on.”

Customer Appeal – Judith Quattrochi

John Hiscock: “Ok. Excuse me if I mispronounce your name. The appeal is from customer Judith Quattrochi?”

Charles Quattrochi: “Right, there you go.”

[Laughter]

John Hiscock: “Ok, not too bad. You might as well come forward and bring your chairs up because we don’t want to be shouting here. And the bill is a very high bill related to a leak on the water system after the meter. Procedurally, we go through this, I just give a very brief rundown of what the circumstances are. At that point you can address the sub-committee with respect to what your appeal is, what your issues are and what relief you are seeking. I will then indicate the staff’s position, which is very brief in this matter as you have seen and at that point the Commission members will ask questions back and forth; this is very free form, very informal however it is a public meeting so it is taped. I just wanted you to know that. As I give the brief description, if I make a mistake just correct me. You don’t have to wait until I am done. If I made an error here; just let me know. We have here, Chairman Mary Burgess on the left, Commissioner Mary Mann and Commissioner Mary Geake.”

Commissioner Mann: "Three Mary's."

[Laughter]

John Hiscock: "And District Clerk, Lisa Roland and myself, John Hiscock. Once we go through this meeting, the Commission has the opportunity to render a decision. Once they render a decision, it is in draft form, the draft decision then goes to the full Commission almost always for ratification. What happens here is that it is almost always the final decision. It goes to the consent agenda of the full Commission and I don't recall the last time one was ever pulled off from the consent agenda so it is really the Appeals Committee that makes the decision. And again this is a rather large leak as you have seen from the information I have provided to you. It was a \$4,100 and change water bill, which is extraordinarily high. It's one of the largest leak bills I have ever seen, I will say that. It a big one, other than an occasionally a commercial account but for a residential account, this is extraordinarily high. In this particular case I believe, I don't have the information in front of me, but the meter is located in a meter pit outside?"

Judith Quattrochi: "Yes."

John Hiscock: "Yes. Ok, so that the thing that you would normally expect when there is a leak this large, most always you can hear the noise when you get anywhere near the water system and the meter just like a toilet leak in the house, it is quite large, it is quite noisy. With a meter outside at the street line, there is really not a whole lot of evidence of that and it is rather different. So, as you would expect in some of the other leak situations we have had, the toilet leaks and those kinds of leaks inside the building are evident and they show up quickly and consequently they never get to this level. The request is to come to some sort of an accommodation with respect to the bill and use a prior year's quarter estimate and forgive the larger portion of this bill. I think that we indicated in here that this ran for at least a quarter and undoubtedly more than a single quarter. We have also indicated that we did not pick up on it because there had been quarters higher with respect, not to the big bill, but to the prior quarter bills, we might have thought we would have picked up on it and we didn't. When we did pick up on it internally, it was when we got the second quarterly, very large reading and consequentially a large bill and that was the first time our Department picked up on it. So that is really the information from our perspective and at least our interpretation of what occurred and at this point you can talk to the Commission about your issue and what you would like to do here."

Judith Quattrochi: "Well, as the bill is in my name."

John Hiscock: "Yes."

Judith Quattrochi: "I thought I would go first and yes I am requesting a reduction in our water bill and I just want to sort of reiterate what you said. This was not intentional, it was not careless. We did not knowingly continue to waste water. You did reference the June consumption at 38,000 gallons. Any prior usage, the closest that had come was

back in 2009 at the end of June there was a 23,000 gallon consumption. So 38,000 from 23,000 in 2009 to 38,000 to me was significant, but it didn't mean anything to me because I just got the bill and the previous June it was 8,900 not 38,000. The June before that it was 11,000 gallons. So, I guess the point I am trying to make is if I had any kind of indication I would have responded immediately and that is what we did. On September 27<sup>th</sup>...well I received it the 29<sup>th</sup> but it was dated September 27<sup>th</sup> from Steven Carter with the heads up that we had an extraordinary situation here and we want you to know that it is coming and I immediately called Steven and we talked about it and said it had to be an irrigation leak. Within 24 hours I had the company come out and shut it down. He came back out and tested it and it was down to 800 gallon consumption. That was on September 30<sup>th</sup>. On October 1<sup>st</sup>, we left for Florida. He came back out again and tested it and it was zero. He said that we don't even have a leaking toilet in that house. You left it and there is no waste of water, so we know it was the system. Every spring and every fall I have the company come out and open it up, they close it down and they repair any broken heads, which I understand happen from the lawn mower system, there were some repairs, so they repaired them. On top of that it was a very wet spring so I hardly even used the system. I do recall turning it on in August because we had some areas reseeded on the lawn. There were no indications and again in talking with Steven he was saying go look, you must have a wet spot in your lawn, you must have something, there must be a noise, something. There was nothing but there is a little bit of a slope to the land so if it was occurring, there was nothing, no wet areas, no soggy areas, no rotting areas."

Mr. Quattrochi: "And the issue I think is, if we had seen it, if we had noticed anything we would have acted immediately like what we did when we were alerted to it. And I guess the befuddling thing to both of us is what could we have done, what..."

Judith Quattrochi: "To prevent the waste..."

Charles Quattrochi: "To prevent that kind of a bill and I am scratching my head and saying well I think we did everything we were supposed to when we were notified. We immediately shut it down because that could be the only place it could happen. Now, this spring we are going to have them come out and look for a leak that has to be there. It just can't be any place else. We are on a couple of acres of property and a lot of it is wooded and so we checked the lawn, we never saw any wet spots and so I guess what we are asking the Commission is to look at all the facts and say these people did what they could do, but there is no other way for them to know anything unless someone was monitoring the water usage and said wait a minute, now way before we got the \$4,000 bill and said hey you guys are using a lot of water compared to your history and that would have alerted us and we would have taken action."

Judith Quattrochi: "Yes and Steven did say that there is a monitoring device that we can have put on our meter."

John Hiscock: "Yes."

Judith Quattrochi: "Which we will do of course but, and this may be irrelevant, but I am

the past president of the Wilton Garden Club, I am past Chairman of our Conservation Committee, I am responsible for the native plantings behind Old Town Hall. My stomach flip flopped when I saw that water consumption. My only hope is that it helped the wetlands because I understand the value of wetlands, I appreciate what the Wetlands Commission does; I know their value. So it really makes me sick to think that this occurred and could there have been a better shared responsibility? Some sort of system that could have alerted us so we could have taken action and like I said, we will repair it; we will put on a monitoring system, like I said I hate to even use it. The only reason we got it was because we had to put in a new lawn. It is just not my style to waste water.”

John Hiscock: “The radio read system for the water department is being done internally with our existing staff and I think as you noted in the audit, we only have somewhere around 8% or 9% of the accounts with the radio read system in it. We read our electric meters hourly and can read them every 15 minutes and we are putting the same system in for the water system where we will be reading them hourly, but we are only putting them on large commercial ones at this point or problematic accounts. So you obviously define this as a problematic account at this point and you will be getting one of those.”

Judith Quattrochi: “We obviously will move to the top of the list. Ok, yes.”

John Hiscock: “However, that was why we couldn’t pick up on this at all.”

Charles Quattrochi: “But we did want to thank you for taking the time to hear us and also changing the date of the meeting. Really, our plane was almost four hours late so we would have missed the meeting.”

Judith Quattrochi: “We would have missed this meeting and you would have been sitting here and we would have been up in the air and you would have been saying oh my gosh these people are so irresponsible.”

{Laughter}

Judith Quattrochi: “So, thank you.”

Charles Quattrochi: “Thank you very much.”

Commissioner Burgess: “Ok.”

Judith Quattrochi: “Do you have any questions, any details you need.”

Commissioner Mann: “No.”

Commissioner Burgess: “None for me. Mary?”

Commissioner Geake: “No I am fine.”

Commissioner Burgess: “Thank you.”

John Hiscock: "The facts are pretty clear."

Charles Quattrochi: "Thank you very much."

John Hiscock: "Thank you. Oh and the other procedural thing I forgot to mention to you, the draft decision will be sent to you prior to the full Commission meeting. So, you do have the opportunity to come to the full Commission meeting if you so desire; that will be included in the draft decision letter."

Judith Quattrochi: "Thank you."

Charles Quattrochi: "Thank you."

John Hiscock: "Do you want to discuss this later or now. The second appeal is here?"

Commissioner Burgess: "Ok, he is here now, we can do it later."

John Hiscock: "Ok."

*Customer Appeal – John Gary Marmanides*

John Hiscock: "We now move onto the second appeal. The second appeal is Mr. Marmanides. As you recall, at a Commission meeting, Mr. Marmanides addressed the Commission and both general counsel Zullo and I advised him not to further discuss it with the full Commission but to go through the appeal procedure. As a result of that, he was notified of the appeal procedure and has filed an appeal document with you. And you might as well bring your chair over and not sit way in the back. As you can see, the appeal request is for financial relief with respect to the outstanding bill. Mr. Marmanides letter speaks for itself. Mr. Marmanides the procedure here is; I give a brief description of the issue; you get to speak to the Commission with respect to your issue and what you are asking them for. Both you and I get to question or talk about the situation. Here there are probably no material facts that are disputed because of the situation. The Commission can ask questions, it is very informal, it is taped, like all of our meetings and simply at the end of that discussion and your appeal, the Commission has the opportunity to render a decision. The decision is rendered in draft form. The draft decision goes to the full Commission for acceptance or rejection. It goes on the Consent Agenda at the Commission meeting and very rarely does the full Commission reverse the position of the Appeals Committee, so generally the decision is made with this group of Commissioners. I think you probably have met them all but we have Commissioner Mary Burgess, Chairman; Commissioner Mary Mann and Commissioner Geake, Lisa Roland is the Clerk and I am John Hiscock. So, at this point I think the letter and the information the Commission has speaks for itself. So, I think you have the opportunity to address the Commission and indicate what you would like them to do with respect to this account."

John Marmanides: “Well, first of all, excuse my English, English is a second language. Just before I begin I want to say good evening. The other thing I would like to mention is I think I spoke with Lisa Roland regarding my wife. I could not find a babysitter so I left her by herself so I could attend the meeting and the other addition I would like to make is that I did not put a statement in the letter that I am living with my wife’s disability check for \$890 for the last few years. With that I am paying doctors, medicines and as you know, I am behind with my mortgage and everything else and I am trying to make it, but it is impossible. The beginning of April I was terminated with the lights, you know the power. In May I talked to Joe and all of the representatives at South Norwalk Electric, I begged them; I said I can’t afford to pay what they set me up with, the \$300 a month plus the current bill. I had to apply to NEON to help me with out with \$500. Then I came up with additional \$500, which I borrowed from friends so they can turn the power on. And then I was again making payments and last month \$300 plus the current bill and due to that my wife couldn’t follow up with doctors because we couldn’t pay the co-pay so they refused to see her until I came up with the money so she has been behind with her doctors and right now her hemoglobin is very low. It is 7 points and the red cells are really low and she is in terrible conditions. So coming to the point, and thank you for listening to me, I am not trying to get away with anything. I am a responsible man. Years ago I used to be in the business world for over 35 years. I used to have 10 to 14 people working for me. But due to my wife’s illness, everything went. I used to pay \$900 out-of-pocket just for medication every month. Just for one medication. And we exhausted all of our finances, in other words whatever we saved for retirement and again, due to my wife’s illness, I could not follow up with my business because I have to be with her 24/7. Every day I have to be with her because of the cancer, right now with the hemoglobin she gets heart palpitations, her feet are swelling up, asthma and so on and so on. So, what I am asking you ladies and gentlemen is you make calculations and if you think I can afford to make a reasonable monthly payment I will do so, even if I have to cut down on the medication. Instead of taking the full amount of medication, we will cut it down just so we can have the power on because it is very urgent that she must have the power on. That is really it. If you have any questions, I mean I am very nervous but I will try to answer them. I used to make speeches years ago, but lately with the situation, I have been feeling depressed and so on.”

Commissioner Mann: “Through the Chair, I do have a question. Is there any particular reason why you have not applied for energy assistance?”

John Marmanides: “I did apply. I applied with NEON; they gave me \$500 and Mrs...I can’t remember her name, she was a nice lady, she said Mr. Marmanides we can only help you with this amount every year. In other words, I can’t go every time I have a problem with energy they can’t help me out. In fact the second time I went there, they sent me to Person-To-Person, it is another entity and they did help me out with \$300 but they did say Mr. Marmanides, it is only once that we can help you every year. They can’t help me five to ten times a year. Right now, since I mentioned it to Ms. Roland, the furnace, the circulator part is broken and we haven’t had any heat for the last three weeks and I called all of the agencies here in Connecticut to get help and they tell me they are looking here and looking there to help you out but I did call energy assistance

and I did receive help from energy assistance for this year. I don't know if I can apply but that is what they told me, I don't know if I can do it more than once, but I would be very happy to go and talk to...I can't remember her name but she was a nice lady."

Commissioner Mann: "Juanita Ball?"

John Marmanides: "Yes."

Mr. Hiscock: "I have a couple of questions for you. I am looking down and you indicated that NEON gave you \$500?"

John Marmanides: "Yes sir."

John Hiscock: "Did they give it to you in the form of a check?"

John Marmanides: "No they said that they don't give it to you. They send it directly. They send it directly to Joe or the other lady. They don't hand it to me. They make arrangements with the company and send it directly to this office."

John Hiscock: "That is the reason I am asking. I am looking at the run here and it indicates payment through the cash register because our NEON payments are batched separately and they come in as a check run and that is why I am asking the question. It surprised me that there was a NEON award when I looked at this run because on 6/3/13 there was a \$500 payment and I am assuming that is the one we are talking about here. And I also did indicate to you in the letter that the bill was in April of 2013 at \$5,200 and it is now down to \$3,300, so it has declined presumably because Mr. Marmanides has been able to get some assistance someplace and I can look up the NEON issue and find out why. It is not listed the way I would normally have expected it to be listed. The other question I have for you, as you indicated that you are on social security, are you on standard retirement social security or is your spouse on SSI?"

John Marmanides: "I will apply for social security this March, I am under age. In other words, I send in the papers, I will qualify in March. My wife is the one that started out with disability and then she became of age, so she is collecting regular Medicare, you know social security/Medicare and then because she couldn't afford to pay for the insurance, we called the state social security because my wife was getting \$745 plus a hundred and some dollars for insurance, you know that everyone has to pay because of our financial problems, the state or the government is paying the insurance so her check is \$890. Did I answer, did I make it clear?"

John Hiscock: "Yes you made it clear, I understand now. Your house, when the heating is working is normally heated by oil or gas?"

John Marmanides: "Gas."

John Hiscock: "Gas, ok. So I am presuming that if you get your heating working you will have heat because you will be under the gas moratorium."

John Marmanides: "Yes."

John Hiscock: "And they will not be able to terminate you. I also wanted to indicate that there is a serious illness certificate in the file and we are not in a position that we can terminate through May 1, 2014. So, there is no imminent risk of termination at this point. I do want to make that clear to the Commission that no matter what decision the Commission makes this evening, we have the inability to terminate this account based on the medical documentation provided to us. That is an important thing to point out. So it is not the case that a decision rendered here and then we shut-off in two weeks or something like that, that is not the case, we are barred. Just as Mr. Marmanides gets his heating system repaired, the gas company will be also barred from terminating gas service. Are you the only two that live in the house?"

John Marmanides: "Yes."

John Hiscock: "Ok, the bill looks quite high."

John Marmanides: "It is an old furnace, that is another thing that Joe, I have known Joe for a long time, as a matter of fact we used to go to the same school, Brien McMahon and we couldn't figure it out, so we discussed about our furnace and we came to the conclusion because it is an old unit, it is probably why the electrical is high and the gas is high also. So, I am assuming, like I said it is my wife and myself and in the summer time due to her asthma because she can't breathe, we have the air conditioning on almost every day most of the time and that is understandable because that is why the electricity is so high. But other than that, I cannot figure out, even though I was in the remodeling business, I cannot figure out why it is so high, I just can't understand that."

John Hiscock: "Yeah, that is a fairly large electric bill for just two people, no doubt. Not the summer bill, that it is actually light for an air conditioned house but the winter bill is relatively high. Those are the only questions I have. So, I am presuming at this point you are going to apply for energy assistance with respect to your gas bill because that is your heat."

John Marmanides: "Yes."

John Hiscock: "And I am assuming that you will apply for the SNEW additional amount, which is half of the energy assistance bill so you clearly need to do that and I will find out why the \$500 payment came to us the way it did and try to straighten that out because I don't see anything in here with a direct payment from NEON. Not to say that it couldn't have happened, it might have been miscoded in that particular batch."

John Marmanides: "I don't want to interrupt you but even Person-To-Person and again they are very nice people also, they helped me out with \$300 but they did not give me the check so I can deliver it here. They called to verify that I owe this money and they sent the check directly here."



John Hiscock: "Yes on 7/22/13 we received a \$300 check and I know the Commission doesn't know the staff, but you will see created by Ray Cook. That's because, if it came in a batch and was done as a mail batch so that wasn't even a check delivered at the cash register or to this location. It was done at the Water Street office. So that clearly is the Person-To-Person payment."

Commissioner Mann: "Ok, I don't have any further questions."

Commissioner Geake: "Neither do I."

Commissioner Burgess: "No, I don't either. Thank you very much."

John Marmanides: "Thank you."

John Hiscock: "The Commission will render a decision. We will mail it to you and go from there."

John Marmanides: "Thank you Mr. Hiscock, thank you very much."

John Hiscock: "I am sure you are aware that we will not terminate you now until May 1<sup>st</sup>."

John Marmanides: "Thank you again, I am done right?"

Commissioner Mann: "Yes you are."

John Hiscock: "Yes."

John Marmanides: "Thank you again, good night ladies."

Commissioner Mann: "Good night."

Appeals Decisions (to be ratified by the District Commission)

Commissioner Burgess: "Do you have anything to add?"

John Hiscock: "No, well its..."

Commissioner Mann: "Well, my case management skills wants to go into his household and start getting him some services because there are services that are out there that are available that could come into his home and that can help him, especially with the income that they have coming in and his wife's diagnosis but it takes a lot of paperwork and a lot of time. Anyway, I will have to think about this."

Commissioner Geake: "I do have one question. It looks like they fooled with the date on the second form."

John Hiscock: "Yes, it is our position that one of those is a forgery."

Commissioner Geake: "Yes, ok."

John Hiscock: "We have a little bit more knowledge about that which we can get into here. If you hold them up to the light, it is clear that the 6 was changed to a 9 and turned in. There is no doubt that, if you look at..."

Commissioner Geake: "It is quite obvious."

John Hiscock: "Yeah, if you look at the second one in the medical form, the original one is 6/20/12 and then the next one is 9/20/12 and if you look at it the 9 is clearly a white-out and write over because every other single piece of the document is the same except the phone number was added in the 9/20/12, but if you clearly hold them up to the light they are identical, there is no way this is an original by any means. I do have a little bit more knowledge about this one and the knowledge comes from Gwendolyn Gonzalez who has indicated in the past he did have a life threatening certificate which prohibited us from turning him off at all and then for some reason it appears the physician was no longer willing to certify life threatening. We have no control over that and I have spoken about this before. Before the DPUC interfered with this process and decided they were going to set the standards, we were more able to flush these issues out, find out what is going on. We are now prohibited from doing anything other than accepting whatever the doctor certifies and as a side, we are in the process of going to the Legislature to try and get that changed a little bit, but I am not hopeful. Not us, by ourselves but us with the other munis. That is really all I have to add to this. Once we put the pressure on and turn him off, he ran around and started finding money."

Commissioner Mann: "I am also noticing the property is under foreclosure. Do you know what phase, by any chance, the foreclosure is?"

John Hiscock: "The foreclosure has been going on for quite some time. But because of the foreclosure mess, we see most foreclosures slow down and stop or stall and they are proceeding very cautiously. It is not the first one that I have seen drag on for a long time. The only issue here is I am presuming this gentleman has some sort of legal aid attorney or something along that line because foreclosures are expensive and most attorneys don't like to do them unless they get paid up front, so I really don't know where this goes. He may have assigned a portion of the property to an attorney. I didn't want to ask that question. I didn't want to delve into his legal issues. I do know that in bankruptcy it is designed that the attorneys get paid first, even before the banks which is really unfortunate but I don't think that is the case with the foreclosure defense. But, it has been in foreclosure for a significant amount of time and if you go back and look at the account, by the way and I want to say that I didn't give you the entire account, but if you go back and look at 2010 you can see the balances were relatively small and I didn't give you the rest of it because while he has never been a great payer; he has always been a payer who has paid. This is only since 2010 we have run into this problem at this particular address. So, I am presuming something has occurred."

Commissioner Geake: "The only problem is that it seems that he would skip making payments for a couple of months."

John Hiscock: "I think he skipped a whole year."

Commissioner Mann: "A whole year."

Commissioner Geake: "Yes."

John Hiscock: "Yes and until we went at him and I believe the reason for that was I believe he had a life threatening illness in that timeframe. So when he could no longer produce one of those, you know that was it."

Commissioner Geake: "Well, truthfully I think he can get more services out of what Commissioner Mann has talked about. He needs to get better services, but I personally don't feel that he needs anything from us. We have done everything we were supposed to do. He needs to have his whole heating system re-evaluated and things like that but that is not our problem."

Commissioner Mann: "Right."

Commissioner Geake: "Our problem is the electricity and I would have to say that he owes us the money, we are entitled to it, we can't turn him off until May but at the same time he should still be making payments and trying to get caught up."

John Hiscock: "I am presuming now that the account will remain essentially dormant until May, we will go through the termination process when the weather is warm and it is not a risk and he will then...well, he will probably have a payment from NEON by then, I presume and he will end up with another one from Person-To-Person probably and from there I don't know. When you combine those two payments, it doesn't cover his annual bill that is for sure."

Commissioner Geake: "No. it doesn't."

John Hiscock: "That is where we are. No matter what your decision is here this evening, as I said before, he will not lose service until May 14<sup>th</sup> at the earliest."

Commissioner Burgess: "Are you ready to vote on this one?"

Commissioner Mann: "Yes."

Commissioner Burgess: "Ok, is there a motion either way to deny the appeal?"

Commissioner Geake: "I will make a motion that we should deny the appeal based on all of the information that he has provided to us."

Commissioner Mann: "I will second."

Commissioner Burgess: "Ok, all in favor?"

Commissioners Unanimously: "Aye."

Commissioner Burgess: "Alright, what about the first one?"

John Hiscock: "As I said this is the largest one I have ever seen. I have seen them in the \$1,000 to \$1,200 range. On the other hand we have a very specific rule that says you pay for leakage and that is the way goes. If the Commission was ever inclined to do something..."

Commissioner Burgess: "The leak was past the meter."

John Hiscock: "Excuse me?"

Commissioner Burgess: "The leak was past the meter."

John Hiscock: "Oh yes and in this case the leak...clearly the rule applies. That is why they are here. It's one of the things that we have been doing now since the 80's is all new services require that the meter pit to be outside at the street line and we capture all of these leaks and we do get a considerable number of these that occur. In prior years we would never even know about a leak that was in the service line between the street and the house and that is not the case here. This is clearly an irrigation leak and Steve Carter clearly has gone through it and knows what the deal is and worked with them so it is clearly an irrigation leak. It is a big number. The only issue outside of this situation is, and I believe she brought this up to Steve Carter, although it might have been in one of the emails or notes someplace, but she did inquire because with the investor-owned utilities you get a once in a lifetime exemption, which you could apply for with large bills. We don't do that, we have never done that. She did bring that up at one point but didn't pursue this evening at all. In fact, I expected to hear that this evening, I didn't hear it. If we were to entertain something like this, we should probably adopt a policy change permitting that and not deal with these one at a time. I don't know where to tell you to go with this one. I know what the past practice has been and I also know the tremendous size of this bill is. I don't know what to tell you."

Commissioner Mann: "In a normal circumstance where a property would have a water leak or a pipe bust, what would the average bill be?"

John Hiscock: "I can give you an example of a...the one that is most frequent because if you break it, you have a break past the meter inside the house, you fix it because you get everything wet in the house. The one that you don't fix is the toilet leak and a toilet leak that runs for a quarter in a standard housing situation is about \$1,200. That is a toilet leak; one quarter toilet leak is generally \$1,200 unless it is such a bad leak that you can't stand the noise and I am not talking about one of those, you jiggle the handle and it stops. And then you flush it and you forget and you jiggle the handle and you hear it."

That was the comment I was making about the noise. In this case there was no noise, there is no noise. Simply it's the issue. We have not inspected their sprinkler system. I don't know how it is set up. I have no understanding as to how it is set up. Usually they are set up with zone valves and electronically set up with timers. I don't know in this particular case. Some of them you wouldn't expect it to be this big if it is heavily zoned and it is electronically controlled but again I don't know. But to answer your question, \$1,200 is the high-end leak in a residence where it is a toilet leak and everything else is always repaired. We run into these on service leaks where the service pipe between the street and house leaks and the same situation. Generally, though they are not catastrophic, generally they build over time and we catch them. So this is an unusual situation I can tell you that, but I don't know why."

Commissioner Mann: "Well, a \$1,200 leak to me is reasonable. I don't see a problem. It is money but that is reasonable but \$4,000 for one quarter; that seems a little extreme to me. It is a situation that was beyond their control. They couldn't hear it, they didn't know it."

Commissioner Burgess: "Except that if we have...if we are going to make rules and regulations I feel that we should stick to them at most times or change them."

John Hiscock: "To give you an example how big the leak was, we show 8,000 gallons per day leakage, there are 1440 minutes in a day so the leak was slightly under 6 gallons a minute."

Commissioner Geake: "That's unbelievable."

Commissioner Mann: "Wow."

John Hiscock: "That is a significant leak."

Commissioner Geake: "Yes."

Commissioner Mann: "Yes it is."

Commissioner Geake: "That is unbelievable, the fact that they couldn't tell a difference at all in any of their property. You would figure that the two acres they have they should be able to see something that this is nice grass, this is lousy grass or something."

John Hiscock: "I haven't looked at the house. I have no idea. I don't know where to go with this. It is an extraordinarily large amount of water. If the house has curtain drains around it or foundation drains; it is possible that something leaked directly into a foundation drain. It is a big number so I don't know what to tell you. I have never seen one this big. This is bordering on bazaar and obviously nobody left the sprinkler system running 24/7 all summer."

Commissioner Mann: "True."

John Hiscock: "And if you look at her summer quarter, which is the September quarter, you will see that the bills are 55,000 gallons, 46,000 gallons, 8,600, 7,200, 8,500. That is the normal irrigation bill for this piece of property and that is about standard for a decent size parcel."

Commissioner Mann: "So since our new rule has been put in position, the Department's Rules & Regulations, we have never done any sort of forgiveness for an extreme or exceptional situation?"

John Hiscock: "I have never seen one this large and I don't recall ever granting relief for one of these. The only time I have ever seen one this big was a commercial situation and I believe it was a marina on Water Street and that goes way back, it goes back to when we had a separate electric and water commission and I remember the appeal and the appellant could not believe we were going to make them pay but again a commercial situation, way different than this."

Commissioner Mann: "This is different, yeah."

John Hiscock: "No, this is beyond something I have ever seen. However, we have never granted relief; we had the \$1,200 before. Another issue here that I haven't really approached about it with them is if, and it depends on their homeowners insurance. Homeowners insurance, if you have a leak will not pay to have the leak repaired but will pay for the consequential damages, obviously the wet ceiling, the repainting, all of that this paid. Some insurance company will pay the actual water bill as consequential damages. They won't fix the pipe but they will do everything else. Some of them will not. I have no idea if they pursued that, but their issue at this point is that they haven't repaired the leak so we go from there."

Commissioner Mann: "I guess my compassionate nature just sees a \$4,000 bill that was beyond their control and I just think it is sort of unfair."

Commissioner Geake: "However, Rules & Regulations..."

Commissioner Mann: "I recognize, yes. I do recognize that our rules are firm and fast, that any leakage is the customer's responsibility."

John Hiscock: "It was clearly identified for those who are inattentive to leaks. That is clearly why it's there obviously because some people won't pay attention, until they get whacked with a really big bill."

Commissioner Mann: "Absolutely."

John Hiscock: "Then all of a sudden they go at it."

Commissioner Mann: "But that is a thousand dollars a quarter; that is extreme."

Commissioner Burgess: "It is."

Commissioner Mann: "Well, my other question would be and I am just throwing out questions because if I got a \$4,000 bill like this, I would probably flip the script. But, say it was a consideration of SNEW assuming a portion of this, would our Rules & Regulations have to be changed?"

John Hiscock: "They wouldn't have to be changed, it would be an appeal. However, it would be probably be a good idea to deal with the Rule & Regulation in a way that maybe mitigates some of this type of damage. And I know where the Chairman was going. We always would have those discussions in the past, if you are going to grant the relief why don't you review the rule because if there is a sentiment that this situation is unfair, probably the rule should be looked at as opposed to granting the relief and I don't know if that answers where you were headed?"

Commissioner Mann: "It absolutely does."

John Hiscock: "Ok, I think you will have the opportunity to deal with this on the rules issue because staff has identified a whole series of changes they want to make."

Commissioner Mann: "Oh come on."

John Hiscock: "This is not one of them by the way."

Commissioner Mann: "Ok."

John Hiscock: "I don't want to portray it that way but there have been other problems that we have been having lately that rules are...haven't been changed since I believe 2000 on the water side and there are things that creep up because issues change, times change, construction techniques change, a lot of things change. So, that is where we are at."

Commissioner Burgess: "So, where do you want to go with this?"

Commissioner Mann: "Well, is there any way we can kind of postpone this until I review the rules."

John Hiscock: "There are two things you would need to do. If you decided to postpone this pending an event, one of the events would be pending an investigation and an affirmative determination that there was a leak. In other words, when they come back, I don't mean to speak to their ability to pay this bill, that is not my issue here, but speak to the issue of getting to the bottom of exactly why this happened so that when their sprinkler company comes out and does the repair, we are aware pre-repair so you could defer it, you would have to defer the interest on it and all of the other rules with respect to oldest balance and hold this particular quarterly bill in abeyance until those things occur and/or the Commission decided to change the rules in general."

Commissioner Mann: "This is where I am. How do the other Commissioners feel?"

Commissioner Burgess: "Well, we could do it pending this investigation. Also could we include what should be done while it is pending is that they look into their insurance company and what they may pay."

Commissioner Geake: "Can we do that?"

John Hiscock: "What I was trying to point out and I guess I wasn't clear was that until the leak is discovered and repaired, the insurance company has no issue and no claim here. In other words they have to know it was a leak and they have to know it was repaired so a claim could be made because at this point in time there has been no repair and there has been no claim because you can't claim until...it is like from a perspective you just can't assume what happened to your damaged car, you have to have an event."

Commissioner Mann: "Right. We believe that it is something that went wrong in the irrigation system. They shut the system off but evidently there is still a leak..."

John Hiscock: "Correct. There has been no repair."

Commissioner Mann: "That has not been repaired. Ok."

John Hiscock: "If they were aware of this I am presuming earlier in the season, they would have obviously done the repair. All of this has to do with someone who happens to live in I believe Florida for a most of the winter. That is the only reason this appeal is tonight. So I am not speaking of their ability to pay, it is more fairness I guess than anything else at this point."

Commissioner Geake: "The other part would be is wouldn't the sprinkler company be responsible since it is a sprinkler?"

John Hiscock: "No, probably guaranteed for a year. This is obviously been a sprinkler installed for some timeframe. I don't know the age of the house. I know where it is located but I have seen the house. This is on the Wilton water commission system that we started in 1987 and has expanded slowly over the years and as you can see this is a Wilton customer not a Norwalk customer, not that that matters. If you want to do something pending, the motion would be that you were going to defer action until its repaired in the spring, an insurance claim denial is received and that there is no interest accrued on the \$4,000 bill during that suspension because otherwise it is going to accrue a \$70 to \$80 a month interest charge."

Commissioner Mann: "Right, absolutely. I will make that motion; don't ask me to repeat it."

[Laughter]

Commissioner Burgess: "Second? Ok I will second it, all in favor?"



Commissioners Unanimously: "Aye."

*Adjournment:*

*The meeting adjourned at 7:00 p.m.*

Attest:

Lisa Roland  
District Clerk