

THE SECOND TAXING DISTRICT COMMISSIONERS  
**Appeals Committee**  
Meeting Minutes – June 3, 2014

Present:	Mary E. Burgess Maria Borges-Lopez Mary Mann	Chairperson
Also Present:	John M. Hiscock Lisa Roland	General Manager District Clerk
Public Present:	Judith Quattrochi Charles Quattrochi Jurek Antoszewki	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 Tuesday, June 3, 2014. The hearing took place at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: “I will call the Second Taxing District of the City of Norwalk Appeals Committee meeting to order at 6 p.m. on June 3, 2014. Ok, John do you have something to present?”

Customer Appeal – 77 Old Boston Road

John Hiscock: “Ok. The first item on the agenda is 77 Old Boston Road. I think you are all aware that this is a continuation of a prior hearing which we ended pending an investigation that was to go on this spring. Just quickly to bring you up to date, to just go back over the history quickly. This is the house on Old Boston Road with a very, very, significant water bill, slightly over \$4,100 and change, maybe a little bit more, as a result of a suspected irrigation system leak. It’s a very large house on a very large piece of property and it’s in a not quite rural but certainly less dense and suburban setting and an extensive amount of property that borders some wet areas and wooded areas. When the Commission last met there was a discussion with the appellant about the size of the bill and how difficult that bill would be and the Commission basically said let’s wait until the repair is made and make a determination that in fact it was the sprinkler system and go forward from there. There is a memorandum in the most recent information that we sent to you which is a June 2<sup>nd</sup> update from my office, the January 14<sup>th</sup> draft decision, a January 29<sup>th</sup> letter and then a May 16<sup>th</sup> so of a hybrid between a memo and a letter from Rocco Cundari, one of our engineering technicians to me indicating that he was on site and it is sort of self-explanatory that an irrigation contractor was excavating on site and you can see that he found some not very good soil conditions for an irrigation system. He was also surprised it was as deep as it was but it did clearly have a break in it, it was

leaking a small amount of water until the irrigation control valve and I don't know the configuration of the system, was turned on and then the leak got substantially greater. And as you can see, Rocco indicated about 15 gallons a minute as a quick estimate. Rocco is a long-term employee. He started out in the maintenance department and is in tech services now and has a pretty good understanding of plumbing systems and water systems and valving and metering so his memo is credible and explains the circumstances. So, that is where we are at this point. Since then I have checked with Kevin Barber and not this week but since this work was done and the water consumption on the account does appear to be back to a reasonably normal level for the type of residence it is and certainly there is no 15 gallon a minute leak at this point in time. We don't quite know how long it was leaking but if it is an irrigation system that has time-control valves it must have been leaking for quite some time. If it was on a section before the control valve than in fact that wouldn't be that unusual. So that is where we are. Sort of a re-craft and now you have the appellants here who you have met before. Our position from a staff perspective is not different than it has ever been on anyone of these types of leaks. Plain and simple, it is metered and there under our rules that if it passes through the meter then it needs to be paid for and certainly there has been no allegation here of metering problems and it certainly doesn't appear to be based on what has happened over the timeframe. At this point..."

Commissioner Burgess: "Would you like to speak?"

Judith Quattrochi: "Sure."

John Hiscock: "You can come on up if you want. We have a microphone there so..."

Judith Quattrochi: "Ok, I don't know that I need the microphone but..."

John Hiscock: "Watch you are going to get caught."

Judith Quattrochi: "I have been reviewing the situation and...they did show me the broken pipe and it was interesting to look at because it was compressed. It was a pressure break and rocks had been, when we had the landscaping done, you know there are rocks in Connecticut and so we had them put them along the side of the property, rather decoratively just so...it is dry but it kind of looks like a dry river bed and so anyway the pipe that was compressed was under a decorative boulder which I guess over time somehow it kind of became oval and cracked a little bit. I should have brought it. I took it with me, he showed me; there is some kind of pressure crack in it."

John Hiscock: "It is not unusual; it was black right...a black pipe?"

Judith Quattrochi: "Yes."

John Hiscock: "It is HDPE, it is a very soft pipe and it is subject to crushing if it is a thin wall version, which is probably what they use in irrigation systems and two, if the back fill is not well graded granular material sometimes it happens. It has been used repeatedly for service on long runs because it is way cheaper than copper and a few of

the appeals we have had previously have dealt with this exact situation where the meter pit and the HDPE plastic leaking. It is not uncommon. I will leave it at that.”

Judith Quattrochi: “Well, I think the issue here is the excessive water bill and we have talked to our insurance company and of course it is not covered under our homeowner’s insurance policy the bill itself. So I think at this time I kind of wrote down that our position is the same. We had no way of knowing that there was a leak prior to receiving the invoice. The location of the damaged pipe confirms that it was on the periphery of the property of the landscape, emptying into a rock formation so even though it was leaking we never saw any excess water as it was covered by the rocks. We have taken appropriate responsible steps once we were notified of the excess water consumption. An hourly monitoring meter has been installed on our property. I have called Steven Carter myself, we are on a first name basis now, and checked our consumption. He is great, very personable and easy to deal with, and encouraged me to do that from time-to-time. He said 50 to 150 gallons a day depending on whether I am washing clothes or not, he says that is very normal. So, we believe as you have said that it has been confirmed by SNEW by your data systems that the repair has stopped the leak. So what we are asking for because of the excessive amount is shared responsibility from SNEW. We feel that it was the time lag in the reporting of the water consumption via the existing monitoring system that led to really unprecedented wastage of water and that is basically what I am looking for, a shared responsibility.”

Charles Quattrochi: “The one other thing I would like to emphasize is where the leak is located as Judy mentioned. It was on the periphery of our property. We hardly go over there. We have no reason to go over there and it’s on 2 ½ acres and this is probably the farthest point away from where we are, where our house is and as she mentioned if we had known, we would have done something. As we have done now. If we had been notified; if SNEW had a monitoring system in place like we do now, none of this would have happened. We would have stopped it. We will take some responsibility for it but we also think it should be shared.”

John Hiscock: “I didn’t give you the drawing that Rocco Cundari did because it wasn’t going to copy very well. We actually took as part of our GIS System and he roughly plotted out the location and the general direction of his understanding of the pipe line and it was right at the woods. Right at the edge of the cleared portion, right at the very edge, based on his drawing, right at the very edge of the lawn which is a relatively large lawn. The only issue that the staff has with respect to this is the new meters themselves are poled on an hourly or...actually it is water on a daily basis and while we have the capabilities now to look at that consumption, that feature is not available to us nor was it installed at this piece of property at that point in time. The installation for the new equipment is being handled by our staff over a fairly extended time frame and it was the original plan. As you all know the electric system is done with an outside contractor and we have had the capability to look at a customer’s electric use hourly actually for quite some time. The issue and no matter what the Commission does here this evening I want to let you know that the software necessary for us to read, monitor and early warn is not in place at this point and time. The meter has the capability, but that software will not be installed for a considerable time period.”

Judith Quattrochi: "But the responsibility, if I take it, that information is available to me?"

John Hiscock: "If you call in..."

Judith Quattrochi: "If I call every two weeks and check..."

John Hiscock: "You can get it. The other issue that is close but has turned into a very difficult situation and we had hoped six months ago to be there, you will be able to go over the internet and look your account up and you can do that yourself without calling us and you can do that at any time you like. We got some good news this morning that the three companies involved in the interface now are able to talk to each other and they are just making some adjustments so that may be available in a month or so and we will just notify all of the customers that it affects. So, don't think that we have the capability and it's something that we would not do. What you are doing with Steve Carter right now is fine. You can call anytime you want, just to make sure and considering what you found there might be other places in the system that have a similar problem so please beware. I didn't mean to interrupt your appeal but I thought it was important before I forgot to let you know that and it will actually be in the letter of decision anyway."

Judith Quattrochi: "But that is I guess what I am saying to, at the time there is just no way of knowing. The wastage of water makes me distraught because in America we are facing drought issues and to think this went on bothers me."

Charles Quattrochi: "As a matter of curiosity do you have many people come in and say I have this excess bill, certainly not \$4,000, but I have this big bill and why did I get it? And go back to them and tell them it's because of water usage and they find out there may be some leak. Is this a rare occurrence or is this something that happens...?"

John Hiscock: "I wouldn't call it uncommon, this is an extreme one. This is the largest one I have ever seen by far. Normally and I think we indicated in the last meeting that the thousand dollar to fifteen hundred dollars sometimes a little bit higher than that, they occur and they can occur simply for a 90 day toilet leak. If you leave for the winter or you have an unoccupied house and there is a toilet leak, you get there. At two to three gallons a minute over 90 days you get into that one thousand dollar or so range. Yours is really big."

Charles Quattrochi: "So once you get the new system in..."

John Hiscock: "Once it is all in place and tested there will be a routine that is developed that will take daily readings and compare it and if it's above a threshold it will end up on a warning report. That is the ultimate goal. We are still a significant timeframe away from that. And again, once we have one of these situations we do put the radio read monitor on. We probably only have 5% to 7% of the water customers with that capability at this point in time."

Commissioner Borges-Lopez: "I have a question."

Commissioner Burgess: "Yes, go ahead."

Commissioner Borges-Lopez: "The water bill when it was determined that it was \$4,000 it was for that quarter or was it for a prior quarter."

John Hiscock: "No, it was 90 days."

Commissioner Borges-Lopez: "90 days."

John Hiscock: "Yeah it was a quarter. The reading before that wasn't very high at all."

Judith Quattrochi: "Well, it was..."

John Hiscock: "A little high but..."

Judith Quattrochi: "It was the highest we ever had but I had...the quarter ended...it would have been May 31<sup>st</sup> I guess before the June, July, August, whatever, just before the end of the quarter I had the irrigation system put on and I got the bill through the end of June. I didn't notice anything unusual about it. When I got our records for the past five years it was about maybe 20% higher, but that wasn't enough to trigger a red flag. The number had to be, as you recall Mary, it had to be 25 or 30%. So it didn't trigger anything and I don't particularly recall but if we had known then and someone had said to me gee that is 20% higher. I turned it on but I hadn't used the irrigation system because it was a wet spring. So, I would have known if somebody had said this is 20% higher. But that didn't happen. I paid the bill and the leak continued and the day before around August 27<sup>th</sup> or 28<sup>th</sup> I got the letter indicating that there was a major problem for the summer quarter and within 24 hours I called the irrigation system and had them turn it off and the consumption stopped."

John Hiscock: "Yeah the June 30<sup>th</sup> quarter was \$234.00. Normally the bill is not that high although the summer readings which are the September quarter are in the \$300, \$200 almost up to \$400 range but not the quarter prior to that. So the \$234 was high."

Judith Quattrochi: "It was high."

John Hiscock: "But not enough of a trigger for us because the account history shows some significant usage during the summer when there is obviously some watering going on."

Commissioner Burgess: "Are there any questions?"

Commissioner Mann: "No questions for me."

Commissioner Burgess: "Do you have anything else to present?"

Judith Quattrochi: “No, I just present the facts as I see them and...”

Commissioner Burgess: “Any more questions from the Commissioners?”

Commissioner Borges-Lopez: “No other questions.”

Commissioner Burgess: “No.”

John Hiscock: “The only procedural...I guess you call it procedural at this point, you heard a request for shared responsibility. You might want to determine the magnitude that is being suggested. It might help you with your deliberations.”

Judith Quattrochi: “We are certainly willing to pay something and accept some responsibility but I just felt that because of the system...we both worked hard to correct this and if you could review the amounts we have paid, we would certainly pay a certain percentage of it that you deem reasonable.”

Charles Quattrochi: “We don’t want to go down in the history of SNEW as having the highest water bill.”

[Laughter]

John Hiscock: “For a single family residence.”

Charles Quattrochi: “We would rather not win that award.”

Judith Quattrochi: “We don’t discuss this with our friends.”

[Laughter]

Commissioner Mann: “Ok.”

Commissioner Burgess: “We will render a decision.”

John Hiscock: “I am not sure if you remember the procedure. The Appeals Committee will render a draft decision which will be sent to you. The draft decision, once the Appeals Committee accepts the wording of it, will go to the full Commission. It does end up on the Consent Agenda and if you are unsatisfied with the draft decision, you certainly can come to the Commission meeting when it goes before the full seven member body and at that point in time it can be taken off the Consent Agenda and further discussed. So that is the procedure.”

Charles Quattrochi: “Well, thank you again for hearing us.”

Judith Quattrochi: “Thank you for your time and the opportunity to discuss this intelligently and calmly. Take care. Good bye.”

Commissioner Mann: "Good night."

John Hiscock: "This is water leak night."

Commissioner Mann: "Yes."

[Laughter]

Customer Appeal – 105 Rowayton Avenue

John Hiscock: "Ok, you have the file and information from...sir I assume you are..."

Jurek Antoszewki: "Jurek Antoszewki."

John Hiscock: "Ok and I am having trouble pronouncing your last name."

Jurek Antoszewki: "Antoszeswki"

John Hiscock: "Right, the Manager of Rowayton One Eleven LLC. As you can see from this it is certainly parallel to what we just dealt with. This one is a leak that occurred during the fall. The timeframe is not quite known at least from our perspective based on the letter you have here. You can see that we have a fairly significant October 31, 2013 consumption charge for this property in Rowayton. It is a commercial property and I believe it does have a marina attached to it and in this case the water consumption charge was \$1,512. As you can see the staff position is quite similar. That the rule is a rule that we generally enforce, there are occasional waivers by the Commission or compromises by the Commission. I can't say that every one of these have been turned down. Some of them are turned down and some of them Commission deals with somewhat differently. I think at this point I am going to stop and you can hear from the appellant who is an official of Rowayton One Eleven LLC. You don't necessarily have to speak to that and you can stay seated and just come forward if you like."

Jurek Antoszewki: "I don't need that."

John Hiscock: "The microphones are extremely sensitive so no matter where you speak you will be on the record."

Jurek Antoszewki: "Ok, thank you. I am here this evening because of this extraordinarily large bill relative to the history of the previous billing period and also the adjoining property. This is a small office building. It is 5000 square feet. It has four toilets. There are no baths, showers, kitchen or anything like that. So, it is just literally four toilets and the marina. The marina operates from May until September basically and people use the hoses to water down their boats and so on. We acquired this property at the beginning of 2013 last day of 2012 and the consumption is something like 15,000 to 18,000 gallons a quarter and this one came in at 288,000 gallons. So this is a colossal multiple of the regular consumption. Now by way of interest we own

through the corporation the adjoining property. The building there is three times the size, it is 18,000 square feet, there is also a marina and in almost 27 years including some leaking toilets and various other problems, I have never seen a bill anywhere near this. So immediately upon receiving the notification letter, which was in January in the midst of this brutal winter we just had, I contacted the offices. A technician came out and confirmed that there was nothing leaking at that time. So my assumption, which is what I voiced in the letter was somewhere within the docks because the pipes run under the docks there was a break and the water was leaking. It had been shut off to be winterized in the middle of November and we were now in January so we couldn't see if there was anything going on. We assumed that in the spring when we turn the water back on the leak would be discovered and that would solve the problem. I wish it was quite as simple as that. The plumber did indeed find a couple of very, very small leaks which he fixed in the spring and he did a pressure test and the system is intact and there is no leaking going on. The water board may have a better estimate as to how much you can lose but we literally...I did a rough calculation, if we had a faucet on the dock open running 24 hours a day, it would take 40 days to do this type of consumption. And there is no way that could have happened because the docks are walked on, they are checked, the hoses where the hoses are attached all have triggers. So, it is just to me a total puzzle and I am not sure what explanation I can give you other than this is just such an extraordinary level of consumption but there is something wrong. There is nothing that we have done or doing since to explain it. I don't know about the metering. I don't know when the meter was last checked. The meter was submerged in salt water during Sandy obviously but that did not impact the other meters so I don't know why it would impact this one. I don't know and I know that sometimes apparently if air gets into the system it can accelerate the reading. But again, I am not an expert on this. So, really unless...we could not find a significant leak, we found leaks but they were not significant, not to justify this level of consumption. And there is no, unless there is some metering issue but could that be transitional; I don't know. I don't know how old these meters are, I don't know how they are read and maybe we can get some answers to that. I am really just here saying I have no explanation for this extraordinarily large bill and it's not through any neglect. We immediately reacted as soon as we received the letter and checked everything in the spring when we turned things on and we acted responsibly and in good faith and I am throwing myself at your mercy because I have no idea how this happened."

John Hiscock: "Ok. A 90-day one gallon per minute leak is a 129,600 gallons. So if it was for that time frame and you never know, it could be a shorter time frame and a bigger issue, it could have been...because this is read quarterly."

Jurek Antoszewski: "If I may just to clarify because we did turn off water at the docks in mid-November so there is only 30 days during which if there had been a faucet open on the docks or anything going on the docks that would have been shut off at the mains right in the building. So nothing could go to the docks."

John Hiscock: "10/31 was the bill."

Jurek Antoszewski: "No the bill is 1/31. The problem period is from October the 16<sup>th</sup> through January 17<sup>th</sup>."

John Hiscock: "October 16<sup>th</sup> through January 17<sup>th</sup>."

Jurek Antoszewski: "The previous bill, which was the time when boat owners would have been using hoses and things, is a fraction of this?"

John Hiscock: "Is the office building occupied?"

Jurek Antoszewski: "Yes."

John Hiscock: "And the reason I asked that question is if it was a toilet leak in an unoccupied building that's really typical of something like that."

Jurek Antoszewski: "Typical."

John Hiscock: "But if it was occupied a gallon a minute toilet leak is very, very obvious, you can hear it. There is no way you can have an occupied building and not catch that."

Jurek Antoszewski: "And immediately I had somebody go around and check everything. That is why I am so totally confused and puzzled. I wish I could have come in here and said you know what I found an enormous leak in the docks and as soon as we turned the water on we realized that was the problem and fixed it. I am being totally honest. We had some minor spraying type leaks and I think it would take two years of that leak to come to this consumption."

John Hiscock: "I don't know the configuration of the building. I am presuming that from some place in the building the line goes out to the docks or is it all in the ground and just a section comes into the building?"

Jurek Antoszewski: "Yes, it is underground from the street into the building and then it goes from the building underground."

John Hiscock: "So you have a valve in the building that shuts the docks off."

Jurek Antoszewski: "Yes and we do have an irrigation system but we didn't even run that in the summer never mind in this period. So as I said I have no explanation."

Commissioner Burgess: "Any questions Commissioners?"

Commissioner Borges-Lopez: "No, no questions."

Commissioner Mann: "No."

Commissioner Burgess: "Do you have anything else you would like to present?"

Jurek Antoszewski: "Well, my only question is there a possibility that there is a metering issue and I am not saying there is, it's a question because that is the only thing that could explain it?"

Commissioner Burgess: "Mr. Hiscock do you have any more questions?"

John Hiscock: "No, metering...we didn't change the meter, we did put a module on this one also. Meters running fast, it just doesn't happen. This is a positive displacement meter and it just doesn't work that way. We have dealt with some of these before. That is the least likely scenario that I could think of occurring here. We weren't on the property so other than I guess...Steve Carter met with you and talked to you a little bit and also put a module on."

Jurek Antoszewski: "I don't think the module is on yet or if it is I haven't been told it's been put on."

John Hiscock: "Is the meter outside or inside?"

Jurek Antoszewski: "The meter is in a pit outside."

John Hiscock: "Yeah, you wouldn't even know. It doesn't even look any different. The actual module fits underneath the meter lid."

Jurek Antoszewski: "I haven't been notified. There is a little disc on top, would that be it?"

John Hiscock: "Yeah that is the same looking disc whether we come up and touch it or whether or not there is a module on it."

Jurek Antoszewski: "So anyway I haven't been notified whether there is a module or not. Whether it is there or not, I don't know."

John Hiscock: "Possibly. I think one or the other thing I checked the other day and I can't be sure it was this one. I will have to go into the computer system and look. I believe Steve has put a module on this but only recently."

Jurek Antoszewski: "Could we go onto a monthly billing system because my other billings are monthly billings and that would..."

John Hiscock: "In the old metering system we wouldn't go to a monthly read for the account, it is too small. The cost of reading would exceed the amount of the bill you paid and that was why we historically done quarterlies. There is no difference to us now because readings are all done by radio and once the module is on there, the cost to read is virtually non-existent, it is just the cost of hardware."

Jurek Antoszewski: "You are reading next door once a month and you are driving by."

John Hiscock: "Actually we are doing more than driving by, we are actually coming up and touching that round disc."

Jurek Antoszewski: "Thirty feet apart probably."

John Hiscock: "You had that little round disc that we touched prior to this incident and I believe that Steve Carter put a module on it this spring so it is probably being radio read. Is your computer up? [Directed at Lisa Roland] It will take me about a minute to find out if there is a module on it."

Commissioner Burgess: "Do you have any other questions?"

Commissioner Mann: "No, I don't."

John Hiscock: "Ok, it does have a module on it now."

Jurek Antoszewski: "It does?"

John Hiscock: "Yes and she is going to grab the transaction history. It will take a minute to print it. We have an April read for this in the billing system. Even though we read it now daily, I have to go to a different system to read it. They are not fully integrated yet. Once this all works, we can sit here with a lap top and bring the account up and look at the daily consumption."

Jurek Antoszewski: "The April billing is perfectly normal?"

John Hiscock: "Yes."

Jurek Antoszewski: "But the water was not turned on until May."

John Hiscock: "Yes, your dock water was turned on sometime in May. Yeah, the April was 7,600 gallons."

Commissioner Borges-Lopez: "Can I see it?"

John Hiscock: "The payment, billings and then the gallons are to the right hand column. There is not much history there."

Jurek Antoszewski: "But the 288,000 does rather jump out at you."

John Hiscock: "It does, it does."

Commissioner Burgess: "Is there anything else you have to add?"

John Hiscock: "No."

Jurek Antoszewski: "Thank you very much for your time."

Commissioner Burgess: "Thank you."

Commissioner Borges-Lopez: "Thank you."

Commissioner Mann: "Good night."

John Hiscock: "And I assume you heard the procedure for this?"

Jurek Antoszewski: "I did yes thank you."

Commissioner Burgess: "Do we stay so we can figure this out now?"

John Hiscock: "Yes, there is no sense in coming back. You have the fact. They are both pretty clear."

Appeals Decisions (to be ratified by the District Commission)

John Hiscock: "Just from a staff perspective, my comments to you have been pretty much the same on every one of these. Their plumbing is under their full care, custody and control and the other comment that I have always made to you especially in the ones where the meter is outside in a meter pit, there is no noise. Positive displacement meters that are in the building go tick, tick, tick when a lot of water goes through them. I don't mean you can hear it throughout the whole building but you can hear it if you go into the basement or anywhere near the meter you can hear it. When it is out in a meter pit unfortunately you can't hear it. You have no idea and you never know until you get the bill."

Commissioner Burgess: "How does everyone feel about this?"

Commissioner Borges-Lopez: "I agreed with her. She had a responsibility and I don't think we should write-off the total amount."

Commissioner Burgess: "You believe we do share responsibility?"

Commissioner Borges-Lopez: "Well we don't share responsibility but I believe in some form of...no, we don't share any responsibility in their pipe being defaulted, no."

Commissioner Burgess: "No right."

John Hiscock: "And there is no way for us to know either. We are in the same position the customer is in. We don't see it until we get the 90-day read."

Commissioner Mann: "Right but on the Old Boston Road, they had a new irrigation system put in, a pipe got crushed would that not be the contractor's responsibility?"

John Hiscock: "It would be if you could determine that he was the one who put the rocks there or he wasn't, we didn't go through this whole deal as to who installed it. The house is about 14 years old. We didn't go through who installed the irrigation system or how old it was. We just really talked about what it was when we viewed it. In theory it would be the contractor's responsibility..."

Commissioner Mann: "That is exactly what happened."

John Hiscock: "If in fact..."

Commissioner Mann: "They moved the rocks."

John Hiscock: "They put the rocks on top of it. The burden of proof on that is impossible."

Commissioner Burgess: "It also sounds like from what she said, they are in the parameter of the property and we put decorative rocks on top of it. Well if you put a decorative rock on top of something."

Commissioner Mann: "You can crush something."

John Hiscock: "You know it is an irrigation system, not to take the customer's side here but they are installed by a contractor. They are back filled, they are buried, they are in a lawn they are anywhere from six inches to a foot and a half or so deep, maybe more in this case and if there was a different landscaping contractor than an irrigation contractor, they wouldn't have even known."

Commissioner Mann: "Which one did what?"

John Hiscock: "Who did what to who? Was it a bad installation or was it an excess load from a large rock? I can't tell."

Commissioner Burgess: "I just can't see where SNEW did anything wrong."

Commissioner Borges-Lopez: "No."

John Hiscock: "We did nothing wrong."

Commissioner Mann: "No, I don't think we have done anything wrong but \$4,000 is extreme. Would it be reasonable and I don't have a problem with the shared responsibilities, but the percentage of the shared responsibilities. My thought process would be more like 25%, that we would assume 25% of the bill just because, out of good faith."

John Hiscock: "That would drop the bill to about \$3,000."

Commissioner Mann: "That is just my thought."

Commissioner Burgess: "Well, do you want to take a vote on this? We have to take a vote on this."

John Hiscock: "You have to make a decision."

Commissioner Mann: "Yes, we have to make a decision and here is one of the reasons why. Because if we assume say 50% shared responsibility on this particular situation and two months from now we come up with the same scenario, new irrigation system, the pit was running for a couple of months, are we going to start going back in?"

John Hiscock: "That what makes it so difficult."

Commissioner Mann: "Yes."

John Hiscock: "That is the issue here."

Commissioner Mann: "I just see \$4,000 and that is kind of extreme."

John Hiscock: "Yeah, well you have two here in the exact same night. Two with exactly the same circumstances. Both situations with meters outside in pits and in both situations with extraordinarily high bills. One way higher than the other."

Commissioner Burgess: "Neither one of them appear to be poor people."

Commissioner Mann: "Under no circumstances, the second one was out of the country for a while and that was why he couldn't make the meeting. In regards to Rowayton Avenue he is saying that the plumber did locate a number of small leaks. So if the leaks were that small they would not have caused it. Is there any logical explanation for this bill?"

John Hiscock: "There are many possibilities here."

Commissioner Mann: "Ok."

John Hiscock: "And this is where we are at. This bill was from October 16<sup>th</sup>, which is the virtual end of the boating season. Some of the marinas might go into very early November, but most of the marinas understand that once you get to November, if you don't have the water off it is going to freeze and split and leak. This bill was from October 16<sup>th</sup> to January 17<sup>th</sup>. If I could have been totally divorced from what he said and I am not going to comment about what he said, how he said it or anything else. If I looked at this and tried to think logically about what happened, I can think of two scenarios. One the drain valve, because they all have drain valves, you have to drain them out or sometimes they blow them out with air, sometimes the drain valves are left

open but the inlet valve to the dock was also left open and it just ran for months and they discovered it when they got the bill or in fact they forgot to winterize it, forgot to turn it off. It froze, split and ran at a gallon a minute for 90 days from when they got the bill. And I am not saying that is what happened here but without his comment and not speaking to his comment, those are the two logical things that I would have thought of. I had a boat in a marina for thirty something years and I know exactly what we all go through in the marinas. That is the only logical explanation I can come up with other than if they shut it off in the building way back in October and November and it was truly shut off there is no way this could have happened and that was why I asked if it was occupied. That was my point. If the building was occupied you probably would have heard it. Now, the meter again is outside so you wouldn't hear the meter noise. But, in a small building, I don't know."

Commissioner Burgess: "I don't expect somebody to come in and say we might have forgotten to shut it off."

Commissioner Mann: "Of course they are not going to say that."

Commissioner Borges-Lopez: "It's clear that basically SNEW has no responsibility whatsoever on whatever happened that is clear. It was through the meter, it wasn't SNEW. But now what they are looking for is some relief on the two bills. So I guess we have to make a decision. Do we want to discount it, how much are we willing to discount? And I think if we discount one by 25% we would have to be conscientious and do the same on both. And if it is 30, if it's 40, that is what we need to decide on."

Commissioner Burgess: "I don't see that we have any responsibility with either one of these."

John Hiscock: "No, I think the last time that you granted relief was one where we missed the meter reading and it went for six months."

Commissioner Mann: "Yes, that was our fault."

Commissioner Burgess: "Right."

Commissioner Borges-Lopez: "Right."

John Hiscock: "So, on that basis we accepted some responsibility for failure to read, even though we had a real good reason. We couldn't get at the meter due to the weather but nonetheless we did not make the standard quarterly read and that made the problem way worse that it would have been. In each of these cases these were standard meter reads in a standard timeframe just like we read everything and he was certainly astute enough to say why don't you change it to monthly and that way...you know."

Commissioner Mann: "Ok, my position has to be if we are going to be consistent in our policies because if we relieve one and then we have to relieve the other one and then we have to relieve all future. And I don't know if we necessarily want to get into that."

John Hiscock: "Not to go back in history but one of the former Chairman here would always ask the question on the record if in fact you were going to grant this relief why is it different and should you be changing the rule if you are going to routinely grant relief. You heard him a million times."

Commissioner Burgess: "Yes, I certainly did."

John Hiscock: "Not to name that former Chairman but..."

[Laughter]

Commissioner Mann: "While I sympathize with the people with the \$4,000 bill I must remain consistent and say that we should not grant them relief unless we are going to change the rules."

Commissioner Burgess: "I am not into granting any relief for either one of them because I don't see where we really bear any responsibility. I can't in my mind work that out."

John Hiscock: "Yes, the only solution is to avoid these going forward because they are troublesome. They are a pain in the neck. Everybody gets the shocker. We could certainly and I am not suggesting this because it takes a little bit of discussion back and forth. You could end up taking the DPUC rule for investor owned utilities in which the owner gets a onetime shot, no harm; no foul. In essence then you wipe out the entire abnormal bill once. But that then becomes what does once mean? Is it once in a year, once in five, once in ten or once in somebody's life time? And that just encourages people not to pay attention at all. Because why should I pay attention to my plumbing and the first time it happens, oh well I am getting a freebie anyway then I will worry about it from then on out. This was all put in place to force people to pay attention to their plumbing. Albeit a lot of this plumbing is not obvious anymore because water deliveries have changed over the years. I really don't know what else to tell you."

Commissioner Borges-Lopez: "Ok, so what is the consensus here? No relief?"

Commissioner Mann: "No relief."

Commissioner Burgess: "Well, I haven't heard from you yet."

Commissioner Borges-Lopez: "I would adhere to the Rules & Regulations of the agency."

Commissioner Burgess: "No relief then."

Commissioner Borges-Lopez: "Yes, and if we need to change these rules then we will have to have a meeting to change those rules and until we do, I guess we have to abide and adhere by the rules."

Commissioner Mann: "Yes."

Commissioner Burgess: "Alright do we have to formally vote on it?"

John Hiscock: "You do."

Commissioner Burgess: "Ok."

John Hiscock: "One at a time."

Commissioner Burgess: "Is there a motion?"

Commissioner Mann: "Mary Mann no relief."

Commissioner Burgess: "Is there a second?"

Commissioner Borges-Lopez: "I second no relief."

Commissioner Burgess: "All in favor?"

Commissioners Unanimously: "Aye."

Commissioner Burgess: "Opposed? Abstentions? Ok, a motion to adjourn?"

Commissioner Mann: "So moved."

Commissioner Burgess: "Second?"

Commissioner Borges-Lopez: "Second."

Commissioner Burgess: "All in favor?"

Commissioners Unanimously: "Aye."

Adjournment:

*The meeting adjourned at 7:10 p.m.*

Attest:

Lisa Roland  
District Clerk