

FINAL

**CITY OF NORWALK  
THIRD TAXING DISTRICT COMMISSION  
REGULAR MEETING  
APRIL 1, 2013**

**ATTENDANCE:** Paul Kokias, Chair; Charles Yost, David Brown

**STAFF:** James Smith, General Manager

**OTHERS:** Atty. John Bove, District Council; Atty. Arthur Miller,  
Maplewood Senior Living Counsel; Scott Bento

**CALL TO ORDER.**

Commissioner Kokias called the meeting to order at 7:00 p.m. A quorum was present.

**PUBLIC COMMENT.**

Atty. Arthur Miller, the Maplewood Senior Living attorney, came forward and introduced himself and Mr. Thomas Gaslin. Atty. Miller said that currently, through an error, the facility was receiving their electrical service from the Third Taxing District. Most of the property and the building is located north of the Third Taxing District boundaries. Only five of the units in the building are actually in the Third Taxing District. The transformer is on the north side of the building, and the underground wiring is also located there. Atty. Miller said that he was requesting a letter from the Third Taxing District about this issue in order to obtain service from CL&P.

Atty. Miller then reviewed the details of the agreement with CL&P with the Commissioners.

Commissioner Kokias said that this was a legal issue. He also pointed out this was the first time the Commission had heard the presentation. Without Atty. Bove's counsel, the Commission could not vote on the issue. Atty. Miller said that he understood. The facility is mainly located in the Fifth Taxing District. Commissioner Yost said that he needed time to read it and consider it. Commissioner Kokias said that the Commission needed time to do its due diligence and would put this on the next agenda. Atty. Miller thanked the Commission for their time.

Mr. Scott Bento came forward and introduced himself and his wife. He said that he inherited a parcel at 18 Rowan Street. He said that the parcel was up for sale and said that he would like to make the Commission aware that the property was available. He and his family will be moving out of state. The house is rentable for two businesses. It is a neighborhood business zone with a one ton vehicle rating. Discussion followed. The Commissioners thanked Mr. and Mrs. Bento for letting them know about this.

FINAL

**MINUTES OF THE MEETING MARCH 4, 2013.**

Page 3, under **PURCHASE OF VACUUM BREAKER FROM EATON CORP.**, paragraph 1, line 2: please replace “that the air circuit breaker” with “that it was a circuit breaker”

Page 3, under **PURCHASE OF VACUUM BREAKER FROM EATON CORP.**, paragraph 3, line 2: please replace “reason the this was “ the only reason that this was”

Page 4 under **CMECC REFINANCING OPTIONS**, paragraph 1, line 1: please replace “Refinancing of the bonds had been done in April.” With “Refinancing of the Millstone nuclear plant bonds had been done in April.”

Page 5, under **DISCUSSION OF 215 EAST AVENUE ROOFING BIDS**, paragraph 3, line 1: please replace “be repaired at all that that why he” with “be repaired at all and that was why he”

Page 5, under **APPROVAL OF LANDSCAPING BIDS**, after the vote, please insert the following sentence: “Commissioner Brown commented that Mr. Chris Burr frequently works on maintaining the cemetery.”

Page 6, paragraph 3: please delete the following sentence: “Commissioner Brown commented that Mr. Chris Burr frequently works on maintaining the cemetery.”

**\*\* COMMISSIONER BROWN MOVE TO ACCEPT AS AMENDED.**

**\*\* COMMISSIONER YOST SECONDED.**

**\*\* THE MOTION TO APPROVE THE MARCH 4, 2013 MINUTES AS AMENDED PASSED UNANIMOUSLY.**

**GENERAL MANAGER'S REPORT.**

**Update on Fitch St. / Cervalis Projects**

Mr. Smith updated the Commissioners on the status of the project. Eaton is finalizing the design and has ordered the equipment.

The Cervalis contract is signed. The manhole work is almost completed. Work continues on the poles up on Strawberry Hill Avenue. The transformer has been off-loaded and is being stored at Rowan Street.

Mr. Smith spoke about potentially building racks for the transformers in the future at Rowan Street.

Cervalis has requested temporary service. Third Taxing District will be renting a generator to them to provide the service.

City of Norwalk  
Third Taxing District Commission  
Regular Meeting  
April 1, 2013

FINAL

Commissioner Brown asked if the various contracts had been signed. Mr. Smith and Atty. Bove said that all the legal documents had been completed.

### **CMEEC Regional Competitiveness Graphs**

Mr. Smith reviewed the graphs that were distributed at the CMEEC regional meeting with the Commissioners. He also indicated that one of the graphs contained five year wholesale cost projections for CMEEC and CL&P.

### **Maplewood - Electric Service at 73 Strawberry Hill**

Mr. Smith said that this item had been included on the agenda before he learned that the Maplewood representatives would be in attendance. Mr. Smith said he wished to note for the record that Maplewood had not paid the third installment of their agreement. A brief discussion followed.

### **DISCUSSION/ANALYSIS OF FINANCIAL STATEMENT.**

Mr. Smith reported that February had been a good month for revenue. He proceeded to give an overview of the various figures on the report. Commissioner Yost had several questions about the storm-related expenses, which Mr. Smith reviewed with him. Commissioner Brown had some questions about the financial details. Mr. Smith explained that the financial details all flow up to the summary statement.

### **APPROVAL OF CMEEC MEMBERSHIP, BYLAWS AND CREATION AGREEMENT.**

Mr. Smith said that there had been a March 26th memo that had been sent to the Commissioners. There are three agreements: a membership agreement, a bylaws agreement and creative agreement. He recommended that the Commission approve authorizing him to approve the three agreements.

**\*\* COMMISSIONER KOKIAS MOVED TO ACCEPT MR. SMITH'S RECOMMENDATION TO AUTHORIZE MR. SMITH AS THE GENERAL MANAGER TO SIGN THE RESOLUTION APPROVING THE FOLLOWING THREE PROPOSED AGREEMENTS: THE MEMBERSHIP AGREEMENT; THE BYLAWS AGREEMENT AND THE CREATION AGREEMENT.**

**\*\* COMMISSIONER YOST SECONDED.**

**\*\* THE MOTION TO AUTHORIZE MR. SMITH AS THE GENERAL MANAGER TO SIGN THE RESOLUTION PASSED UNANIMOUSLY.**

Commissioner Yost asked about the details of Schedules A, B & C as outlined on pp. 28-30 of the information packet. Mr. Smith did so. Discussion followed regarding the Third Taxing District equity, the debt and the indebtedness to CMEEC.

City of Norwalk  
Third Taxing District Commission  
Regular Meeting  
April 1, 2013

**DISCUSSION OF WEBSITE/MARKETING/BRANDING PROJECT.**

Commissioner Yost had raised the issue of updating the website along with improving the marketing and branding at the last meeting. Mr. Smith spoke with several different firms and the proposals were included in the Commissioners' information packets. Mr. Smith recommended Jumar Marketing on East Avenue and listed his reasons for this. Discussion followed.

**\*\* COMMISSIONER BROWN MOVED TO RETAIN THE SERVICES OF JUMAR MARKETING FOR THE WEBSITE AND OTHER BRANDING TASKS FOR TWELVE MONTHS NOT TO EXCEED THE SUM \$27,500 AND AUTHORIZE THE GENERAL MANAGER TO APPROVE ANCILLARY SERVICES AT \$125.00/HR IF NEEDED.**

**\*\* COMMISSIONER KOKIAS SECONDED.**

**\*\* THE MOTION TO RETAIN THE SERVICES OF JUMAR MARKETING FOR THE WEBSITE AND OTHER BRANDING TASKS PASSED UNANIMOUSLY.**

**DISCUSSION OF PATRIOT BANK FINANCING PROPOSAL.**

Mr. Smith reported that he had received the requested extension to April 2nd. Mr. Yost, Mr. Scofield, and the Third Taxing District accountant met with the bank officials about the bridge loan for Fitch Street and Cervalis. Mr. Smith then gave a summary of the bank terms sheet to the Commissioners. Atty. Bove said that the rates were very favorable for the Third Taxing District. Discussion followed.

**\*\* COMMISSIONER YOST MOVED TO ENTER INTO AN AGREEMENT WITH PATRIOT BANK AFTER REVIEW BY ATTY. BOVE.**

**\*\* COMMISSIONER KOKIAS SECONDED.**

**\*\* THE MOTION TO ENTER INTO AN AGREEMENT WITH PATRIOT BANK, AFTER REVIEW BY ATTY. BOVE, PASSED UNANIMOUSLY.**

**MINUTES OF THE MEETING MARCH 4, 2013, CONT'D.**

**\*\* COMMISSIONER BROWN MOVED TO REOPEN THE REVIEW OF THE MINUTES OF THE MEETING.**

**\*\* COMMISSIONER KOKIAS SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

A discussion followed on where the shut-off notification was located on the back of the bill. Mr. Smith indicated where the reference was for the Commissioners.

The following clarification was noted:

FINAL

Page 6, paragraph 1, line 4: please change the following from: "Mr. Smith said that it was printed on the back of the bill." to "Mr. Smith said that the process for the shut-off notices is referred to on the back of the bill."

- \*\* COMMISSIONER BROWN MOVED TO AMEND THE MINUTES WITH THE ABOVE NOTED CLARIFICATION.**
- \*\* COMMISSIONER KOKIAS SECONDED.**
- \*\* THE MOTION TO AMEND THE MINUTES AS NOTED PASSED UNANIMOUSLY.**

**EXECUTIVE SESSION.**

- \*\* COMMISSIONER KOKIAS MOVED TO ENTER INTO EXECUTIVE SESSION.**
- \*\* COMMISSIONER BROWN SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

The Commission, Atty. Bove and Mr. Smith entered into Executive Session at 8:48 p.m. They returned to public session at 9:10 p.m.

**ADJOURNMENT.**

- \*\* MR. YOST MOVED TO ADJOURN.**
- \*\* MR. BROWN SECONDED.**
- \*\* THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services