

FINAL

THIRD TAXING DISTRICT
of the City of Norwalk
Special Commission Meeting
October 25, 2017

ATTENDANCE: Commissioners: David Brown, Chair; Debora Goldstein

STAFF: Kevin Barber, General Manager; Ron Scofield, Asst. General Manager;
Mike Adams, General Line Foreman

OTHERS: Atty. Steve Studer (Berchem Moses)

CALL TO ORDER

Commissioner Brown called the meeting to order at 4:00 p.m. A quorum was present.

PUBLIC COMMENT

No one from the public was in attendance to comment.

REPLY LETTER TO SENATOR SOMERS

The Commission reviewed the draft letter prepared by Atty. Steve Studer to Senator Somers in response to her letter to Mayor Harry Rilling dated September 20, 2017. The Commission asked that one revision be made to the third paragraph. They would like “events” be changed to “recent event.”

Discussion took place around the compensation for the prospective appointment of a ratepayer representative to CMEEC. To date, there has been no clear communication as to who will be responsible for the compensation, either TTD or CMEEC.

**** COMMISSIONER BROWN MOTIONED TO APPROVE THE LETTER TO SENATOR SOMERS AS WRITTEN AND SENT BY ATTY. STUDER AND AS AMENDED AT TODAY’S MEETING.**

**** COMMISSIONER GOLDSTEIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

POLICY REVIEW REGARDING HIRING OF COMMISSIONERS

Commissioner Goldstein stated that at the October 7, 2013 Commissioner meeting, while only two of the three Commissioners were present, there was an amendment made to the Third Taxing District of the City of Norwalk Policy Concerning Conflict of Interest. Item #6 of that Policy read as follows prior to the amendment:

“No Commissioner or former Commissioners, or member of his immediate family shall be hired or employed by the District within five (5) years of his termination of service as a Commissioner for the District.”

The amendment was to eliminate item #6 from the policy which required a five year wait before allowing ex-Commissioners to be considered for employment/ consulting. Discussion took place about the amendment and what effects it may have played in a recent situation where a current Commissioner applied for a position at TTD and whether or not the amendment should be restored or revised.

**** COMMISSIONER GOLDSTEIN MOVED TO HAVE THE POLICY RETURNED TO THE WAY IT READ BEFORE THE OCTOBER 7, 2013 MODIFICATION, WHICH IS “NO COMMISSIONER OR FORMER COMMISSIONERS, OR MEMBER OF HIS/HER IMMEDIATE FAMILY SHALL BE HIRED OR EMPLOYED BY THE DISTRICT WITHIN FIVE (5) YEARS OF HIS/HER TERMINATION OF SERVICE AS A COMMISSIONER FOR THE DISTRICT.”**

**** COMMISSIONER BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF BIDS FOR THE T3 TRANSFORMER

Mr. Adams informed the Commission that the T3 Transformer was in the 2017-18 Capital Budget that was approved by the Commission. He said that a Request for Quotes was sent out to four manufacturers. Only two responses were received, ABB Inc. and Niagara Transformer Corp.

At this time, it is Mr. Adams’ recommendation to select ABB for the transformer as it matches the current transformer that is currently in the station. The cost differential is approximately \$2,000. The lead time for ABB is approximately six weeks less than Niagara. As Mr. Adams is trying to complete this project within this fiscal year, the shorter lead time would help facilitate the timely completion. Preparations will be made prior to the arrival of the new transformer so it can be put into place immediately.

**** COMMISSIONER GOLDSTEIN MOVED TO APPROVE THE ABB BID RESPONSE IN THE AMOUNT OF \$333,150 +5% AS WRITTEN IN THE PACKET.**

**** COMMISSIONER BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

UNDERGROUNDING BY EVERSOURCE RELATING TO WALK BRIDGE

Commissioner Goldstein stated that this had been discussed in previous meetings as to whether or not the Commission wanted to take a position, make a formal communication or otherwise take some action in response to the undergrounding plan.

The Eversource undergrounding issue of an environmental review with regard to relocating the high tower lines is being evaded through a technicality. Commissioner Goldstein stated that the relocation of these lines are not part of the Walk Bridge project, but are impacted by the project and should have an EA (Environmental Assessment) performed. Commissioner Goldstein continued to review the events that took place.

Commissioner Brown asked Commissioner Goldstein where she wanted to go with this subject assuming that all the facts are correct. Commissioner Goldstein is asking whether or not the Commission wants to respond, take a position on the matter or take any action at all as a body.

Commissioner Brown would like to have the third Commissioner present in making this decision and asked that the agenda item be tabled to the next meeting.

**** COMMISSIONER GOLDSTEIN MOVED TO TABLE THE ITEM, UNDERGROUNDING BY EVERSOURCE RELATING TO WALK BRIDGE, TO THE NOVEMBER 8, 2017 MEETING.**

**** COMMISSIONER BROWN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ANNUAL RATEPAYER MEETING DATE CHANGE VOTING STANDARD

Commissioner Goldstein stated that there had been some very vocal objections about moving the ratepayer meeting date. The extraordinary circumstances were not met in order to change 2017's meeting date. Commissioner Goldstein thought that it should be discussed as to where this is appropriate, where it is not appropriate to even bring it up for discussion and whether the voting standard needs to be changed to a unanimous voting standard which was a suggestion from the public. Commissioner Goldstein talked about whether or not there needs to be a policy that follows parliamentary law.

Commissioner Goldstein talked about Mason's Manual of Legislative Procedure vs. Robert's Rules and indicated that Mason's Manual is typically used for elected bodies, whereas Robert's Rules would apply to the Ratepayer Annual Meeting. Discussion and comparison continued with Mason's Manual and Robert's Rules. She stated that there has never been a formal decision made as to what the Commission abides by.

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Commissioner Brown stated that the date for the next Annual meeting will not get changed no matter what the reason. Commissioner Goldstein asked Commissioner Brown where that statement is written.

Commissioner Brown consulted with Atty. Studer with regard to Mason's Manual vs. Robert's Rules. Atty. Studer stated that most of the political bodies his firm deals with use Robert's Rules. He could not state which was more preferable, but thinks that TTD should adopt one or the other. He suggested that TTD look at both in their totality and see what others in the area are using. He can consult with others in their law firm to get a better sense of it.

**** COMMISSIONER BROWN MOVED THAT THE RATEPAYER ANNUAL MEETING WILL BE HELD ON THE DATE AS DESCRIBED IN THE CHARTER AND WILL NOT BE CHANGED.**

**** COMMISSIONER GOLDSTEIN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

PRELIMINARY DISCUSSION OF AVAILABLE OPTIONS FOR FAILURE TO ATTEND MEETINGS

Commissioner Goldstein expressed her concern about the Commission's ability to carry on business and that the full Commission has every opportunity to deliberate all the items coming before them. There has been a Commissioner who has opted not to attend the last four meetings. He did not report his absence directly to the Chairman.

Commissioner Goldstein went on to say that this presents a problem should either one of the two remaining Commissioners have an issue should one of them not be able to attend a scheduled meeting. This leaves the Commission without a quorum. She said that this is hindering the Commission's ability to operate properly. Commissioner Goldstein stated that this Commission does not have a proper process in place to take any action.

Commissioner Goldstein stated that the Commission may need to start with obtaining guidance from legal counsel as to what right the Commission has as a legislative body and counsel may need guidance from the Commission as to whether or not the Commission will be using either Mason's Manual or Robert's Rules.

Commissioner Brown expressed that he was not upset over the situation and felt that the absence of the third Commissioner this evening did not hinder any of his decisions made during this meeting. For only four meetings, he does not have a problem, but should it go on longer, then it will become a problem. Commissioner Brown feels the District is being served well whether or not the third Commissioner is or is not present.

No action was taken at this time.

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Commissioner Brown asked Atty. Studer for his input about the situation, i.e., how long should the Commissioner let it go, or let it go forever.

Atty. Studer replied that he could not answer how long the Commission should wait. It is a decision between Commissioners Brown and Goldstein. Atty. Studer can look into available options on their behalf in order to have more information should they need to revisit the topic.

Commissioner Brown asked if there was anything in the District Charter that states the Commission has the right to terminate. Commissioner Goldstein replied, no. Atty. Studer believes there is no recall provision at the municipal level within the State of Connecticut. He believes the options are very limited, but can certainly check into it.

REPORT FROM GREYSKYE ON CITY BULB SWAP COMMUNICATIONS

Commissioner Goldstein stated that every time the City of Norwalk does a light bulb swap through Eversource, they advertise without making a distinction for TTD's ratepayers that they are not eligible. TTD ratepayers turn up at the event and get turned away because they are not an Eversource "electric" company customer. The ads do not differentiate between electric or gas customers. Commissioner Goldstein would like to have a counter-plan for our ratepayers or alert the ratepayers ahead of time.

Greyskye Marketing did communicate to as many of the ratepayers as possible by putting up a notice on the website and sending out an email blast. The staff put a notice in the lobby to the ratepayers. All communication efforts alerted the ratepayers to the fact that they were not eligible to participate, but to look forward to a free light bulb program in the spring.

In the meantime, TTD staff was recently put in touch with a contact at Eversource who handles their conservation programs. They will reach out to him and see if it would be possible to piggyback on the program this upcoming Saturday, October 28th and reimburse them for any light bulbs given out to TTD ratepayers.

TTD will be meeting with Eversource within the next couple of weeks to see how they can partner together for future programs throughout the City of Norwalk.

ADJOURNMENT

- ** COMMISSIONER BROWN MOVED TO ADJOURN.**
- ** COMMISSIONER GOLDSTEIN SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

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The meeting adjourned at 5:37 p.m.

Respectfully submitted,

Cynthia Tenney
Executive Assistant
Third Taxing District