

FINAL

**THIRD TAXING DISTRICT**  
of the City of Norwalk  
Commission Meeting  
January 8, 2018

**ATTENDANCE:** Commissioners: David Brown, Chair; Debora Goldstein;  
Pamela Parkington; Treasurer: Johnnie Mae Weldon

**STAFF:** Kevin Barber, General Manager; Cynthia Tenney, Executive Asst.

**OTHERS:** Matt Allred (Bliss Allred & Co.)

**PUBLIC:** Peter Johnson

**CALL TO ORDER**

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

**PUBLIC COMMENT**

No one from the public was in attendance to comment.

**DISCUSSION/ANALYSIS OF FINANCIAL STATEMENTS/KEY PERFORMANCE INDICATORS**

Mr. Allred reviewed the Financial Highlights and Footnotes with the Commission. Net Income was \$559,403, a decrease of 24% over last year. Net Income Before Rate Stabilization was \$430,801, an increase of 433% or \$560,032 over the previous year, which as (\$129,231).

Cash Balances continue to be in good shape. Operating Accounts are \$2,035,971, Construction WIP is \$29,681, Savings is \$515,737 and Capital Improvements Fund is \$987,755. The Outstanding Principal Balance with CMEEC continues to decrease and is currently at \$3,303,054.

KPIs – Mr. Allred reviewed the KPIs with the Commission. All items continue to be in line with the Industry Average.

PCA – The PCA still remains in over-collection.

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Mr. Allred presented a draft financial model to the Commission which would allow TTD to better forecast the CMEEC billable rate and the PCA. He explained how the model would work and showed the Commission different scenarios, i.e., what happens when you change the PCA or the CMEEC billable rate and the effect it will have on TTD's accounts.

Commissioner Goldstein asked when the model would be fully functional. Mr. Allred stated that it is about 95% complete and he will continue to work with it through year-end.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO SUSPEND THE RULES AND CHANGE THE ORDER OF THE AGENDA AND BRING THE GENERAL MANAGER'S REPORT TO POSITION #3.**

**\*\* COMMISSIONER BROWN SECONDED.**

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

### **GENERAL MANAGER'S REPORT**

#### **Audit Update**

Mr. Barber said that he had added the audit to the agenda just to let the Commission know it was completed by the end of December and confirmed that the Commission received a copy of the audit.

Commissioner Parkington asked Mr. Allred why the audit had not been completed in October as originally predicted. He responded that the process was interrupted by the Sales Tax Audit.

Commissioner Parkington asked Mr. Allred his feelings about TTD's internal controls and procedures. Mr. Allred stated that the internal controls are very good at TTD and continue to get better over time.

Commissioner Brown asked if there were any other questions with regard to the audit, as he would like to have a special meeting with Mr. Allred to review the audit in more detail. Since no one else had any other questions, Commissioner Brown will meet separately with Messrs. Allred and Barber on this matter.

#### **Cablevision Billing Issue**

Mr. Barber began by reviewing the history of the Cablevision matter.

At this time, Commissioner Goldstein wanted to go on record that AT&T is not approaching TTD for the first time. AT&T is approaching TTD because they now want something from TTD. She had asked the former General Manager to approach AT&T before they sold off the assets to Frontier. The former GM had made numerous calls to AT&T and they never returned

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his calls. Mr. Barber said that he would like to clarify off-line that both he and Commission Goldstein are talking about the same thing - Pole Attachment Agreement.

Mr. Barber continued by reviewing the history of how the current Pole Attachment Agreement was developed and executed in 2015. At that time, TTD manually back-billed Cablevision to 2012 (prior 3 years) and then billed them yearly going forward in calendar years 2016 and 2017.

When AT&T reached out to TTD to discuss a Pole Attachment Agreement, Mr. Barber went back to the Agreement with Cablevision to see if it could be used to create an agreement for AT&T. When Mr. Barber asked staff about Cablevision's billing, he received information that they were billing Cablevision through the billing system (Cogsdale) on a semi-annually basis. In December 2014, the account was changed (for an unknown reason) to being billed on a monthly basis using the semi-annual billing rate. Mr. Barber determined that Cablevision was being billed both manually and through the Cogsdale billing system.

After further discussion on the Cablevision double billing matter and how to handle the error, Mr. Barber will reach out to Cablevision to discuss the matter and see what options can be worked out for reimbursing Cablevision, i.e., work off a credit on their account or issue a check in full for the overpayment.

There was discussion about the manual billings in the system. Commissioner Goldstein would like all of these billings identified and reviewed on a semi-annually basis. Mr. Allred stated that a Miscellaneous Bill Procedure should be written up and followed.

### **MINUTES OF MEETING**

#### **December 4, 2017 Regular Meeting**

- \*\* COMMISSIONER GOLDSTEIN MOVED TO APPROVE THE MINUTES OF DECEMBER 4, 2017 REGULAR MEETING.**
- \*\* COMMISSIONER BROWN SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

Commissioner Brown confirmed with TTD staff if the two letters to Bruce Chimento advising him of the additions to the East Avenue Design Committee and the Walk Bridge Stakeholders/ Design Committee were sent. This was confirmed.

#### **December 18, 2017 Special Meeting**

- \*\* COMMISSIONER BROWN MOVED TO APPROVE THE MINUTES OF DECEMBER 18, 2017 SPECIAL MEETING.**
- \*\* COMMISSIONER GOLDSTEIN SECONDED.**
- \*\* THE MOTION PASSED UNANIMOUSLY.**

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**\*\* COMMISSIONER GOLDSTEIN MOVED TO SUSPEND THE RULES AND ADD TWO AGENDA ITEMS FOR DISCUSSION ONLY: CONSTITUTION PARK AND DOT STATE TAKING AND MAYOR'S DESIGN ADVISORY COMMITTEE WALK BRIDGE.**

**\*\* COMMISSIONER BROWN SECONDED.**

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

### **CONSTITUTION PARK AND DOT STATE TAKINGS**

Commissioner Goldstein asked Mr. Barber to confirm if he was able to contact the State for a new list of property takings for the Walk Bridge project. Mr. Barber replied that he was able to obtain a new list and confirmed that Constitution Park is NOT on the list.

### **MAYOR'S DESIGN ADVISORY COMMITTEE WALK BRIDGE**

Commissioner Goldstein confirmed with the Commission that they had received her email of December 18, 2017 which was a summary of the meeting she had recently attended.

Commissioner Goldstein's report is as follows:

Just a brief summary of what transpired at the Mayor's Walk Bridge Design Advisory Committee last week. The DOT engineer's objective for the meeting was to get consensus on two elements of the high tower design, to narrow the scope of design choices going forward.

It was either "chorded" which is straight on one side and narrows from bottom to top on the other or "straight" in which both sides run parallel to the top. And the machine room could be one level or two.

There were a lot of discussions about what the top of the high towers might look like, but the "prison guardhouse" look seen in the newspaper was discarded.

Ultimately the group decided that the straight design was preferable because it permits the stairways and the elevator works to be inside. And I believe they were okay with the two story design, given that more graceful architectural elements are being examined for the top, and for the latticework up the side.

Engineers also ruled out any other sort of latticework configuration on the horizontal span or the approaches, due to weight and structural support considerations (and also clearance in the right of way).

The one thing I am concerned about is that this committee appears to be making no effort to solicit outside feedback from the public at all, preferring to narrow the choices before presenting to the public.

The DOT has committed (subject to Metro North's rules) to allowing an infinite color palette choice for the color(s) the bridge can be painted and for digital lighting displays on the bridge.

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I am not sure East Norwalk will want another light display in our skyline at night on top of the digital signage that will be on the mall and the outdoor lighting for the commercial activities in Vets Park. Am wondering if it's worthwhile to have a discussion at a meeting to find a way to solicit feedback.

Next meeting tentatively scheduled for January 23rd 9:30am-11am.

Debra Goldstein  
Commissioner

Commissioner Goldstein explained the information in the report and discussion took place about the report and the design that was presented at the meeting. She would like to reach out to the East Norwalk community for their opinion/view about the lights they would like to put on the bridge. This could be done through the newsletter or a small survey.

### **INITIAL DISCUSSION OF ANNUAL MEETING PROCEDURES**

Ms. Tenney, on behalf of Mr. Scofield, asked the Commission if there were any procedures they would like to see added or modified for the upcoming Annual Meeting.

The following suggestions were made:

- Shorten the General Manager's report.
- Re-adjust the projection screens so that both the audience and Commission can easily see.
- Add a public session to the agenda. Possible title: "What's On Your Mind?" This would be an open session prior to adjournment for a maximum of 30 minutes. Any person speaking would have a maximum of 3 minutes/person to state their question and/or comment. Allowable topics would be listed on the packets. The Commission would reply to the questions/comments on an individual basis.
- Is there any other way to do the voting instead of holding up a card?
- Same microphone for Commissioner Brown as last year.

These suggestions will be taken back to Mr. Scofield and considered/initiated for the upcoming Annual Meeting.

More information about the Annual Meeting agenda and packet will be discussed at the next Commission meeting on January 29, 2018.

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### **PROJECT SUMMARY**

Mr. Barber reviewed the Project Summary with the Commission as follows:

- Chevy Bolt – The lease on the new Chevy Bolt came in less expensive than originally stated.
- Cost of Service/Rate Study for the security lights. Mr. Barber is going to see where this stands and whether or not an actual study was conducted and if so, what the results were, and if it was implemented.
- 18 Rowan Street Storage Facility – Gil & Gil is currently developing the bid packages which will be going out in the very near future.
- Norden Generators – The generators passed all testing performed – both Nox stack testing and a spot audit from CT DEEP.
- SCADA – Complete.
- Verizon Small Cell – A Master Lease Agreement has been finalized by the CMEEC attorney and Verizon. Other MEU's have executed the agreement with Verizon. An attachment rate is being developed that is in line with the industry.
- Commercial Lighting Retrofits – No customers have moved forward with any lighting retrofits.

### **ADJOURNMENT**

**\*\* COMMISSIONER PARKINGTON MOVED TO ADJOURN.**

**\*\* COMMISSIONER BROWN SECONDED.**

**\*\* 2 ACCEPTED; 1 OPPOSED.**

**\*\* THE MOTION PASSED 2 TO 1.**

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Cynthia Tenney  
Executive Assistant  
Third Taxing District

Third Taxing District  
of the City of Norwalk  
January 8, 2018