

FINAL

**THIRD TAXING DISTRICT**  
of the City of Norwalk  
Commission Meeting  
October 1, 2018

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

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

**OTHERS:** Peter Johnson (CMEEC Ratepayer Representative) (arrived 7:03 p.m.)  
Georgette Wirth Salander (Wirth Salander Home)

**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.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO SUSPEND THE RULES AND  
CHANGE THE ORDER OF THE AGENDA AND MOVE ITEM #2 TO #4.  
\*\* COMMISSIONER BROWN SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

At 7:03 p.m., Commissioner Brown needed to be excused from the meeting for a short period of time and instructed Commissioner Goldstein to take over as Chairperson until he returned.

**MINUTES OF MEETING**

August 6, 2018 Regular Meeting

Commissioner Goldstein questioned an action item on Page 7 with regard to Norwalk 2.0 attending an upcoming Commission meeting. Mr. Barber informed her that Norwalk 2.0 has not been scheduled as yet to come to a Commission meeting, but will do so.

FINAL

Commissioner Goldstein questioned an action item on Page 8 with regard to the Strategic Planning meeting being rescheduled. Mr. Barber informed her that Commissioner Brown has not provided instruction to date.

**\*\* COMMISSIONER PARKINGTON MOVED TO APPROVE THE MINUTES OF AUGUST 6, 2018 REGULAR MEETING.**

**\*\* COMMISSIONER GOLDSTEIN SECONDED.**

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

September 18, 2018 Special Telephonic Meeting

**\*\* COMMISSIONER PARKINGTON MOVED TO APPROVE THE MINUTES OF SEPTEMBER 18, 2018 SPECIAL TELEPHONIC MEETING.**

**\*\* COMMISSIONER GOLDSTEIN SECONDED.**

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

At 7:06 p.m., Commissioner Brown returned to the meeting.

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

Mr. Barber reviewed the Financial Highlights with the Commission. Total Income was \$1,609,851, an increase of 5.13% over last year. Total Expense was \$1,717,631, an increase of 1.54% over last year. Other Income is \$151,124, a decrease of 38%. Net Income Before Rate Stabilization was \$43,344, a decrease of 48%. Net Income was \$65,260, a decrease of 64% over the previous year.

Cash Balances continue to be in good shape. The Outstanding Principal Balance with CMEEC continues to decrease with a current balance of \$3,147,547. Current Fiscal Year Capital Additions to date is \$415,570.

Mr. Barber reviewed the P&L Previous Year Comparison footnotes with the Commission.

Discussion took place around the ice rinks not coming back to Veteran's Memorial Park and Marina this year and how it might impact revenue. Mr. Barber also informed the Commission that he has reached out to Atty. Studer about an agreement made between The Rinks at Veterans Park LLC and TTD for the lighting retrofit conservation funds that was paid out to The Rinks at Veterans Park LLC. The agreement had a stipulation that if they ceased to operate or return, TTD could potentially recoup their conservation funds at a rate of 10% per year. Mr. Barber will keep the Commission informed once he hears back from Atty. Studer.

KPI's – Mr. Barber reviewed the KPI's with the Commission. Most numbers are on track at this time.

FINAL

PCA –Mr. Barber reviewed the current PCA and the forecast with the Commission. The current balance in the Rate Stabilization Fund is \$4,117,685. The target is to get it decreased to approximately \$3 million.

### **CALF PASTURE BEACH MURAL DONATION REQUEST**

Ms. Salander addressed the Commission and talked about the uncompleted mural at the beach. To finish it off they will be putting two lines of text around the mural. She has been working to obtain donations for the text which would be names of donors. She is asking Third Taxing District if they would be interested in purchasing tiles which would incorporate the name and the lighthouse from the logo.

Discussion took place about the project and Ms. Salander explained the project in more detail and how it would help to beautify the community. Sign Smarts, a district business, would be doing the graphic work for the mural. The cost would be \$400 for the tiles.

**\*\* COMMISSIONER BROWN MOVED TO APPROVE THE DONATION REQUEST IN THE AMOUNT OF \$400 FOR THE CALF PASTURE BEACH MURAL TILES.**

**\*\* COMMISSIONER PARKINGTON SECONDED.**

**\*\* TWO IN FAVOR, ONE OPPOSED (COMMISSIONER GOLDSTEIN).**

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

### **PURCHASE REQUEST FOR NEW DIGGER DERRICK**

Mr. Barber told the Commission that staff had developed specifications for a new digger derrick truck. Bids were solicited from six different manufacturers and only two responded. He also reminded the Commission that this project was included and approved in the 2018-19 Capital Budget in the amount of \$200,000.

The bids received were from Altec and Terex. After reviewing the bids and demoing the equipment from each manufacturer, staff selected the Terex C4047, built by James A. Kiley Co. of Summerville, MA. The cost of this truck is \$215,405, which is over the budgeted amount.

Mr. Adams told the Commission that both manufacturers were brought on-site to review the current truck and discussed any changes that staff would like with the new truck. An Altec unit was brought on-site for a week for staff to demo. Since James A. Kiley Co. did not have a truck that they could bring on-site to demo, staff went to a UI yard to demo the Terex model.

Commissioner Goldstein raised the point of whether or not the Terex logo will be on the truck and if so, TTD should be compensated. Mr. Adams will broach the subject with them.

FINAL

The Commission is asking staff to define where the overage of \$15,405 will be funded from within the budget. Mr. Barber informed the Commission that there are available funds as the budget had an ending balance of over \$8 million. Mr. Barber said that the upcoming paving project will be under budget by approximately \$7,000. It is expected that there will be other projects that will be under budget which will offset the overage.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO APPROVE THE PURCHASE OF THE DIGGER DERRICK TRUCK IN THE AMOUNT OF \$215,405 WITH A CONTINGENCY NOT TO EXCEED 2.5% (\$5,385.13) OVER THE VALUE OF THE QUOTE.**

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

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

### **PENSION COMMITTEE REPORT**

Mr. Barber reminded the Commission that last November when they approved changes to the pension, the Pension Committee would report back to the Commission twice a year. The Committee will be meeting February and August of each year and report back to the Commission in March and September. The first report of June 7, 2018 is included in the Commission packet.

Commissioner Goldstein asked if any of the recipients have encountered any problems since the transition. Mr. Scofield said that a few of the retirees have used it and have not encountered any problems. There have been no problems with the monthly disbursements.

### **CMEEC RATEPAYER REPRESENTATIVE – CLARIFYING RESOLUTION**

Mr. Barber said that a request was received at the August 2018 CMEEC Board Meeting from Robin Kipnis, CMEEC General Counsel, that each Municipal Legislative body pass a clarifying resolution relating to the appointment of the Ratepayer Representative to the CMEEC Board of Directors. The intent of the clarifying resolution is to meet the requirements set forth in Public Act 17-73.

The following is the resolution being put forth to the Commission for approval:

Be it resolved that the Third Taxing District Commission hereby resolves, pursuant to Public Act 17-73, "AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITY COOPERATIVES AND ESTABLISHING A MUNICIPAL ELECTRIC CONSUMER ADVOCATE," the appointment of the Ratepayer Representative, Peter Johnson, to the Connecticut Municipal Electric Energy Cooperative (CMEEC) Board of Directors. The Ratepayer Representative shall receive compensation from CMEEC in the manner and amount set forth in the CMEEC Bylaws.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO AMEND THE RESOLUTION TO INCLUDE THE ORIGINAL TWO YEAR TERM OF PETER JOHNSON'S**

FINAL

**APPOINTMENT AND SUGGESTS INSERTING AFTER PETER JOHNSON, “FOR A TERM OF TWO YEARS,”.**

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

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

The following is the modified Resolution:

Be it resolved that the Third Taxing District Commission hereby resolves, pursuant to Public Act 17-73, “AN ACT CONCERNING MUNICIPAL ELECTRIC UTILITY COOPERATIVES AND ESTABLISHING A MUNICIPAL ELECTRIC CONSUMER ADVOCATE,” the appointment of the Ratepayer Representative, Peter Johnson, for a term of two years, to the Connecticut Municipal Electric Energy Cooperative (CMEEC) Board of Directors. The Ratepayer Representative shall receive compensation from CMEEC in the manner and amount set forth in the CMEEC Bylaws.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO ACCEPT THE RESOLUTION AS MODIFIED.**

**\*\* COMMISSIONER PARKINGTON SECONDED.**

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

**\*\* COMMISSIONER GOLDSTEIN MOVED TO SUSPEND THE RULES AND ADD AN AGENDA ITEM, DISCUSS POSSIBLE ACTION WITH REGARD THE JOINT MEETING OF PUBLIC WORKS COMMITTEE AND RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE ON OCTOBER 2, 2018 RELATING TO THE EVERSOURCE UNDERGROUNDING PROJECT FROM THE WALK BRIDGE.**

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

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

**JOINT MEETING OF PUBLIC WORKS COMMITTEE AND RECREATION, PARKS AND CULTURAL AFFAIRS COMMITTEE**

Commissioner Goldstein stated there had been an ad hoc joint meeting with the Shellfish Commission and the Norwalk Harbor Management Commission which had expressed concerns about the undergrounding of the Eversource cable that needs to come off the Walk Bridge. They’re going to do horizontal directional drilling. It’s going to go through the harbor and shellfish beds. It will also go through the recently refurbished visitor docks. There is concern that the right of way around the electric cable is going to prohibit the City from doing anything with the docks in the future, i.e., repairs, expansion or relocation without their permission. There are further concerns about the horizontal drilling going through Veterans Park which is known to have previously been a landfill. It is not clear whether or not the land has been adequately tested.

Third Taxing District sent a formal letter to Eversource, City of Norwalk, Shellfish Commission, Harbor Management Commission, Army Corps of Engineers, CT Siting Council and CT Port Authority. The one major approval that was outstanding was a “No Objection” letter from the

Third Taxing District  
of the City of Norwalk  
October 1, 2018

FINAL

City of Norwalk on the Army Corps of Engineers Section 408 permit. There were verbal assurances from the Mayor that they were not going to provide the “No Objection” letter without further discussion of the concerns of both the Shellfish and Harbor Management Commissions.

It has come to Commission Goldstein’s attention that there is an agenda item on the October 2, 2018 meeting of the Public Works Committee to authorize the Mayor to sign said letter and move it up to the Council. There has also been a joint meeting of the Public Works Committee and Recreation, Parks and Cultural Affairs Committee scheduled prior to the Public Works Committee meeting in which Eversource will present the new plan which the Shellfish and Harbor Management Commissions will not receive until late October or early November, which will be well after the Council approving that the Mayor sign the “No Objection” letter.

Due to the short notice, there is no time to craft another letter. It is the intention of Commissioner Goldstein to be at the meeting and would like to be able to speak on behalf of the Third Taxing District Commission to recirculate the original letter to all the Council members. Her intention is to speak as herself, but may be asked questions in which she would need to speak on behalf of the Commission.

**\*\* COMMISSIONER PARKINGTON MOVED TO APPROVE COMMISSIONER DEBORA GOLDSTEIN REPRESENT THE THIRD TAXING DISTRICT AT ALL CITY COMMITTEE MEETINGS BEING HELD ON TUESDAY, OCTOBER 2, 2018.**

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

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

### **CONCERT EVALUATION AND PROPOSAL**

Mr. Scofield told the Commission that he believed this past year’s concert season was a good season, enjoyed by many with good weather and good crowds. Mr. Scofield, in his memo to the Commission, made some recommendations that he would like the Commission to approve, including the following:

- Removal of Tuesday nights and go back to all Sundays (eight in total).
- Secure dates, book the groups and then present the confirmed schedule to the Commission. Two groups will always be grandfathered in – The Fairfield Counts and Summertime.
- Flexibility to choose the bands and different types of music based on feedback received from various concert-goers.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO APPROVE MR. SCOFIELD’S RECOMMENDATIONS FOR THE CONCERT SERIES AS PRESENTED.**

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

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

### **BATTERY STORAGE RFP**

Mr. Barber reminded the Commission that at the time of the approval for the solar photovoltaic (PV) system for the East Norwalk Library, staff would be proceeding to develop an RFP for a battery storage system that would operate in conjunction with the PV system.

The RFP was developed and sent out for bids. Only two bids came in for the project - Moore Energy and Ross Solar. The two systems were close in size, but the costs differences were very much different, with Moore Energy being approximately \$24,000 more expensive. After reviewing the proposals, both companies were interviewed. Mr. Barber is recommending Ross Solar for the Battery Storage project.

The funding for the battery storage will be in part from the Renewable Resource Investment Fund (RRIF) and any remaining funds that will be needed to be taken from the Conservation & Load Management Fund (CLMF).

Mr. Barber explained to the Commission how the battery storage would work in conjunction with the PV system, as well as help TTD reduce their peak by discharging the batteries in the evening. This, in turn, will help to reduce TTD's power cost over time.

Commissioner Goldstein is recommending that once the projects at the Library are complete, that there be full blown press around the announcement, including the educational aspect.

Mr. Barber said that the installation of the solar panels is underway, but that it may not be until Spring when the batteries would be installed.

**\*\* COMMISSIONER GOLDSTEIN MOVED TO APPROVE THE RECOMMENDED SELECTION OF ROSS SOLAR AT AN APPROXIMATE COST OF \$31,225 AND NOT TO EXCEED AN ADDITIONAL 10% OF THE BID COST AND WILL APPROVE THE DEPLETION OF RRIF AND DRAW THE BALANCE FROM THE C&LM FUND.**

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

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

### **DISCUSSION OF MECA'S ANNUAL PUBLIC FORUM**

Commissioner Goldstein stated that pursuant to Connecticut Public Act 17-23, last year one of the items that was required by the legislation was for the Municipal Electric Consumer Advocate (MECA) to be funded by CMEEC. Other requirements were that the Advocate hold at least one public forum each year and that he issue public quarterly reports on his activities. He has advised that he has scheduled his yearly forum for Wednesday, October 10, 2018 at 7:30 p.m. to be held at the office of CMEEC, 30 Stott Avenue, Norwich, CT.

FINAL

It was not clear from the legislation whether he's required to notify individual ratepayers. CMEEC's legal counsel has taken the position that the way it is written he only has to inform the five-member utilities. Because the notice came out too late in September, TTD could not put notice in their September billing and have it received by every ratepayer of the District due to the way the billing cycle works.

Commissioner Goldstein believes the Advocate is more focused on the upper portion of the State and not the lower Fairfield County area, as his press does not appear in the Norwalk papers. He does, however, post his reports online.

Mr. Barber stated that TTD will post the meeting on their website, as well as send out an email blast informing the ratepayers of the upcoming forum.

### **PROJECT SUMMARY**

**\*\* COMMISSIONER GOLDSTEIN MOVED TO TABLE PROJECT SUMMARY TO MONDAY, OCTOBER 15, 2018.**

**\*\* COMMISSIONER PARKINGTON SECONDED.**

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

### **EXECUTIVE SESSION**

- Personnel – Performance Review

**\*\* COMMISSIONER GOLDSTEIN MOVED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL – PERFORMANCE REVIEW.**

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

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

The Commissioners, Treasurer, General Manager and Assistant General Manager entered into Executive Session at 8:50 p.m.

The Commissioners, Treasurer, General Manager and Assistant General Manager returned to public session at 9:14 p.m.

**\*\* COMMISSIONER BROWN MOVED TO APPROVE THE GENERAL MANAGER, KEVIN BARBER, TO CONTACT LABOR COUNSEL, CHRIS HODGSON, TO PREPARE AN ADDENDUM TO MR. SCOFIELD'S EMPLOYMENT CONTRACT REFLECTING AN INCREASE OF 3% TO HIS ANNUAL SALARY AND ADDING A ONE YEAR EXTENSION TO HIS EMPLOYMENT CONTRACT, THROUGH JUNE 8, 2021.**

**\*\* COMMISSIONER GOLDSTEIN SECONDED.**

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

FINAL

**ADJOURNMENT**

**\*\* COMMISSIONER GOLDSTEIN MOVED TO ADJOURN.  
\*\* COMMISSIONER PARKINGTON SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Cynthia Tenney  
Executive Assistant  
Third Taxing District