

THE SECOND TAXING DISTRICT COMMISSIONERS
Appeals Committee
Meeting Minutes – July 22, 2014

Present:	Mary E. Burgess Maria Borges-Lopez Mary Mann	Chairperson
Also Present:	John M. Hiscock Lisa Roland	General Manager District Clerk
Public Present:	Richard Matthews Marlene Gaylinn Ira Gaylinn	Appellant Appellant Appellant

Call To Order:

Commissioner Mary E. Burgess called the Appeals Meeting to order at 5:59 p.m. on Tuesday, July 22, 2014. The hearing took place at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: “One minute of six, ok I will call the Second Taxing District of the City of Norwalk Appeals Committee meeting to order Tuesday, July 22, 2014 at one minute to 6 p.m. and I gather the person from Witch Lane has asked to go first since he has another...are you the person?”

Richard Matthews: “Yes.”

Commissioner Burgess: “Well, can I have a motion to put that first on the agenda?”

Commissioner Borges-Lopez: “So moved.”

Commissioner Burgess: “Second?”

Commissioner Mann: “Second.”

Commissioner Burgess: “All in favor?”

Commissioners Unanimously: “Aye.”

Customer Appeal – 131 Witch Lane

Commissioner Burgess: “Ok, you can come up here.”

John Hiscock: “Yes you can pull up a chair and come up.”

Richard Matthews: "I don't need the microphone if that is ok."

Commissioner Burgess: "Alright."

Richard Matthews: "I really don't."

John Hiscock: "It's because it's a public meeting, it's actually recorded."

Richard Matthews: "I know, I got you. I think my letter is pretty self-explanatory I don't really have anything to add to it other than the fact that since the economy went south, finances have been tighter. So, that was as much a reason for requesting relief as the actual circumstances. I have talked to enough staff people to know what your policies are. So, I am not...you don't need to educate me about that. But I know from dealing with...I do public relations, I know from dealing with customer service organizations that many will on a one-time basis issue a credit in a situation like this just as a one-time courtesy to a customer. So, before I filed this, the hope was that was possible. If there is never any exceptions, its rare and this isn't the circumstance you normally would make that exception, it is disappointing but the second thing that was suggested I ask for was, since the customer service department is not very flexible, maybe you could direct them to be more flexible in terms of working out repayment terms if there is no way you can grant relief. Someone suggested that I bring that up. People don't normally ask for that. Your customer service department are not easy to deal with. The supervisors were actually much, much, much easier to deal with and much friendlier. The initial line of people who answer the phone not...I would give them a C minus. I deal with a lot of marketing PR circumstances and I have dealt with enough customer service organizations that they are not overly friendly and I don't want you to think there is much flexibility when it comes to anything. They are kind of like...that is just a little feedback that it's not a customer friendly...yes if you get to a supervisor than it is a whole different game. I just...you know..."

Commissioner Burgess: "Mr. Hiscock do you have anything to add?"

John Hiscock: "No, I think that the information is clear. It is part of the record. There is no dispute with respect to any of the information here. Because we are a municipal government form we are sort of in the same difficult position as the tax collector's office over property taxes. This is a municipal tax lien by statute and that really creates a very difficult situation for us. That is not to speak to the issue of customer service but it speaks to the issue of the legal status of the bill."

Richard Matthews: "There is not a lien that has been placed on it?"

John Hiscock: "No, there has not been a lien placed on your property and you would get well advanced notice and that doesn't happen for a fairly long timeframe down through the process. So that hasn't occurred."

Richard Matthews: "Right."

John Hiscock: "I haven't signed a lien for this and I am the one who signs them. So that has not happened. If there are notes on the account with respect to the account, it has a significant bearing on that issue. I just wanted to let you know that."

Richard Matthews: "Ok."

John Hiscock: "If you got a letter that indicated that we were doing that, it would be possibly a form letter, immediately call the office...immediately call the office, do not ignore it. Ignoring it is a problem like with city taxes, you just don't do that. Ok, so it's a while before that occurs. I haven't looked at the account from a dollar perspective."

Richard Matthews: "Right. Is it possible to get the customer service department, can they be directed to be more flexible in working out repayment terms?"

John Hiscock: "The repayment terms are usually a little bit more flexible. The interest..."

Richard Matthews: "Not as much as you would think."

John Hiscock: "The statutory interest is not however. That is the real issue that they are faced with."

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

Richard Matthews: "Not really, no. I mean I think...I mean it is a situation where obviously had we known about the leak, we would have addressed it faster. I don't know what else to say. It seems unfair to us to have to pay anyway but you know, other than that I really don't have anything else to add."

Commissioner Burgess: "Ok, Thank you. John do you have anything else to add?"

John Hiscock: "No."

Commissioner Mann: "No questions."

Commissioner Burgess: "Did we get you out of here on time?"

Richard Matthews: "Yes. I am good, thank you. I appreciate it. Thank you very much."

[Laughter]

Richard Matthews: "Take care, bye."

Commissioner Burgess: "Ok, do you want to talk first on this one?"

John Hiscock: "No."

Commissioner Burgess: "Alright, do you want to come up here?"

Customer Appeal – 35 Maher Drive

Marlene Gaylinn: "I am sorry my hearing aid is not working too well. Do you want me to say anything?"

John Hiscock: "Normally what happens is the Commission takes a look at the information in the file, which you have seen, we sent you a copy of that information. And then you have the opportunity to explain to the Commission why you believe that you should be granted relief and then if the Commission has any questions they will ask you. The Department makes a statement and we have already done that in writing. There is really not much to say in the particular case and the Commission may ask questions of the staff, myself and that is really the process."

Marlene Gaylinn: "Do you want me to say...can I something?"

Commissioner Mann: "Yes."

John Hiscock: "Absolutely."

Marlene Gaylinn: "Ok, my husband and I have been living in Norwalk since 1962 in the same house and we have always paid our bills on time, we have had no complaints or trouble with the water department and everything was fine. Then all of a sudden we get this tremendous bill and we didn't understand what happened. We are only two people. Our children have left the house. We have no pets. We have no parties, we have no swimming pool, no Jacuzzi, nothing that we could explain about what happened to have such a large water bill and consumption of water. So, I am asking, we paid a certain amount of money because we felt we should pay something because we paid the same average every month and we really can't afford to pay this very high bill that we can't explain, that we did anything wrong. So, we are asking for your help, we are appealing for your help in settling this problem for us. We were willing to pay a certain amount as I said and what could we say, we are asking you for your understanding as to what happened and that is it."

Commissioner Burgess: "Do you have anything to add Mr. Hiscock?"

John Hiscock: "No, essentially the Department's position is similar to as in past cases, the Department's rule is clear. The customer is responsible for the water that goes through the meter. Sometimes the leakage is rather small and in this case it actually is. I went through and calculated it yesterday, if it was for the full 90-day period it would a third of a gallon a minute which is fairly small. Usually, and I can't say in this particular case, but usually when that happens it is a toilet leak of some sort whether it's a stuck float or a flapper valve that just doesn't quite seat all of the time. I can't make a determination. I will indicate that what the customers says is clear. The bill has been

consistently in recent times around a hundred dollars and prior to our last rate increase it was in the \$80 to \$90 range. It has always been consistent and obviously the customer has always paid, you can see that from the file that I sent you. But, that is all I really have to say about the issue.”

Ira Gaylinn: I am Mr. Gaylinn and I have a little something to say. We have a small residence, split level with two toilets and we were home, we weren't on vacation during that time when we had this excessive water bill, which is around three times the normal amount. Usually if the toilet leaks or there is a flapper hung up or something, you could hear it. The house is not that big and like my wife said we didn't have parties and stuff but during that time period we didn't have anything that was unusual and you could hear if the water runs until it shuts off. I cannot explain why it is so high, just that after...since 1962 all of a sudden we got this drastic bill and we are asking for relief because we can't explain it and I know there wasn't any water leak or flapper hung up because you could hear it when that happens. The water keeps dripping or running and all was quiet and the mice in the house were not disturbed. So, everything was quiet. That is it.”

Commissioner Burgess: “Do you have anything else you would like to add?”

Marlene Gaylinn: “That's it, thanks.”

Commissioner Burgess: “Thank you. Now, they are aware that we then have to meet on this?”

John Hiscock: “Yes, what happens is that the Commission meets and discussed this. A draft of their decision will be sent to you. When you see the draft decision you will need to understand that this draft decision goes to the full seven member Commission for review at the next public regularly scheduled meeting. If you disagree with the decision of the Appeals Committee you do have the right to attend the full Commission meeting, which is the third Tuesday of every month. So, the next step is you will get a draft decision.”

Ira Gaylinn: “Via mail?”

John Hiscock: “Via mail.”

Ira Gaylinn: “Ok.”

Marlene Gaylinn: “Thank you for hearing us.”

Commissioner Mann: “Thank you.”

Commissioner Burgess: “Ladies we don't need to come back for another meeting. You want to discuss this now right?”

Commissioner Mann: “Yes.”

Commissioner Burgess: "Ok.

Commissioner Borges-Lopez: "We should do it now. By Charter employees can't waive the interest is that what was said before on Witch Lane?"

Commissioner Burgess: "I am sorry?"

Commissioner Borges-Lopez: "This is the interest?"

John Hiscock: "This is the 131 Witch Lane?"

Commissioner Borges-Lopez: "Yes."

John Hiscock: "Yes, that is the interest that is applied monthly to the account and the residential accounts are quarterly accounts so that you get a bill quarterly but if there is an outstanding balance the interest is posted at the end of each month. You get a reminder notice. That is how it actually works from a billing perspective."

Commissioner Burgess: "Now, I have to do what to get out of this meeting?"

John Hiscock: "Well, certainly there...if relief is going to be granted it needs a motion, a second and a vote. If no relief is going to be granted, it's not required to take a vote because the status quo exists, the bill exists or you have the third choice would be to indicate by vote that no relief will be granted by motion and vote. Those are the three choices."

Commissioner Burgess: "I don't know how the other feels, my feeling is that certainly with this man, it is very clear this wasn't our fault. I think it is pretty clear with the other one that it went through the meter so I don't see either one of them getting relief, although I do feel badly about the second one, but if anyone else has some idea how we could make it easier?"

Commissioner Borges-Lopez: "The only thing I can see here is what they requested was a payment term, but I can't see granting any type of relief at all for either one of them because if you go by the Rules & Regulations that we have applied in the past for other cases, we have to maintain the same standard for everyone. So if it's not SNEW's fault and the meter and we know it is working properly and the water went through and the conditions of which the water went through the meter it is hard for us to..."

Commissioner Burgess: "Is it possible John for somebody to leave the water on inadvertently and have this kind of problem?"

John Hiscock: "It's possible. I don't think..."

Commissioner Burgess: "Because I am an old person and I have left water running."

[Laughter]

John Hiscock: "But you would have to leave it running for a considerable time period for that to occur; in the day's range. A faucet runs at...the average faucet wide open runs at five gallons a minute and there are 1440 minutes in a day. So that would only be 6,000 gallons and in the case of the Maher Drive customer."

Commissioner Burgess: "It has stopped now, it has gone back to normal right?"

John Hiscock: "I was just looking for that and..."

Commissioner Mann: "We only have it up until May."

John Hiscock: "We only have it until April."

Commissioner Mann: "Ok, yes April."

John Hiscock: "And I don't know. Because of the way the...hang on one second. Steve Carter went to the house. Steve is the Manager of Metering and he would have checked to make sure...if there was a continuing problem he would have indicated that and found out what the problem was."

Commissioner Borges-Lopez: "Yes, he said that..."

John Hiscock: "Once Steve goes to the house that is it."

Commissioner Borges-Lopez: "He said that the water usage has since returned to normal. That was in his letter."

Commissioner Mann: "Or was that just a..."

John Hiscock: "That is in my..."

Commissioner Borges-Lopez: "In your letter."

John Hiscock: "That is in my end, it was based on Steve Carter indicating that. Now, since Steve has gone and I don't know, we will find out...I might be able to...what is it the 22nd of the month? In the morning remind me to just make sure it is likely that the meter read is in for July because it appears that it is a July reading. Let me just make sure. Yes, it would be a July reading. So it has probably been done. I will check in the morning or have somebody check in the morning just to make sure it's not an ongoing continuing problem or it has not reoccurred."

Commissioner Burgess: "Well, in the meantime does anyone want to make a motion on what they would like to do?"

Commissioner Borges-Lopez: "You said no motion is needed if the consensus is..."

John Hiscock: "No motion is necessary if you don't grant relief."

Commissioner Mann: "The consensus is no relief even though we feel sorry them..."

Commissioner Burgess: "I know I don't see...none of this I can see is our fault."

John Hiscock: "No, no."

Commissioner Mann: "Believe me, I am compassionate and very sympathetic but I am also very much afraid that if we..."

Commissioner Burgess: "Open the flood gates."

Commissioner Mann: "Yes, we will end up with major problems down the road. I think we have to be as she said, very consistent with these decisions that we make."

Commissioner Borges-Lopez: "We have had other cases in the same position."

John Hiscock: "And generally significantly larger than these."

Commissioner Mann: "Yes."

Commissioner Borges-Lopez: "So then there is no need for a vote? The consensus is no relief for both cases."

Commissioner Burgess: "Yes."

John Hiscock: "We will just simply indicate that the Commission did not grant relief. The bill stands."

Commissioner Borges-Lopez: "So, motion to adjourn?"

Commissioner Mann: "Second."

Commissioner Burgess: "All in favor?"

Commissioners Unanimously: "Aye."

Adjournment:

The meeting adjourned at 6:40 p.m.

Attest:

Lisa Roland
District Clerk