

**SECOND TAXING DISTRICT COMMISSIONERS**

Appeals Committee Meeting Minutes

November 15, 2016

Present:	Maria Borges-Lopez Mary Geake Mary Mann	Vice Chairperson
Absent:	None	
Also Present:	Paul Yatcko Lisa Roland Tom Villa	General Manager District Clerk Director Water Operations
Public Present:	Rafael & Sheree Galvan J. Norman LeBlanc Enrico Costantini, Esq.	Appellants Appellant Halloran & Sage LLP

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*The meeting was recorded in its entirety.*

**Call To Order:**

Commissioner Borges-Lopez called the Appeals Committee Meeting of The Second Taxing District to order at 6:00 p.m. on Tuesday, November 15, 2016. The meeting was held at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

*The District Clerk read the legal notice.*

1. Customer Appeal

1.1 Water Account / 07000

Paul Yatcko presented SNEW's Rules and Regulations first, and then the chronology of events leading up Rafael and Sheree Galvan's appeal regarding their very high water bills dated January and April 2016, for property located at 344 Rowayton Avenue.

Paul Yatcko cited, from SNEW's perspective, two fundamental issues against granting relief - the first being SNEW's long standing policy that customers pay for all water running through the meter whether for leakage or not; and second, the requirement in Article 38 of SNEW's Water Rules and Regulations that the property owner provide access to the meter at all times without prior notification.

The customer received two letters in 2015 (April & July) warning of a possible leak. The customer was again advised, this time in person, in August 2015. The customer investigated, found and replaced a leaking toilet. Subsequent to that leak, another leak occurred which went unnoticed by both the customer and SNEW until January 2016. At no fault of SNEWs, the quarterly read scheduled

for October 2015 was not performed due to mulch, brush and other debris making the pit inaccessible. A letter informing the customer of SNEW's inability to read the meter was sent on October 9, 2015. The next water meter read didn't occur until January 2016. In the interim, a second and larger break in the customer's system occurred and a substantial amount of water was leaked. As a result, the customer received very high bills for January and April 2016.

Rafael Galvan presented his case for relief. He contends that he is one of the few property owners that maintains the area around the meter pit free of grass and debris. He did not receive the letter regarding inaccessibility nor was he ever informed when stopping by at the State Street office. He believes that his meter pit was incorrectly identified as being inaccessible. When he was informed in person at the State Street office that there was a leak, he did not realize it was a second leak nor was he informed of the magnitude of the new leak. He contends that had SNEW read the meter in October 2015, he would have been made aware sooner of a (second) break in his system and had it repaired, thus mitigating his exposure to high water leakage and consequent high bills in the first quarter of 2016.

Rafael Galvan was informed that he would receive a decision from the Committee by mail. The Committee has 30 days to review the information and arrive at a decision.

(Rafael & Sheree Galvan left at 6:10 pm)

## 2. Appeals of Rules & Regulations

### 2.1 34 Meadow Street

Tom Villa made the presentation. The subject property, 34 Meadow Street, is a rear lot located behind 30 Meadow Street, opposite Novak Street. The owner is proposing it be subdivided into two lots – Parcels A & B. The owner/appellant is appealing Articles 29 (no water service pipe will be permitted to be laid in an easement across another lot) and 13 (a water main must exist or be extended across the full frontage of the property to be served) of SNEW's Water Rules and Regulations.

The owner/appellant, J. Norman LeBlanc, of 34 Meadow Street was present and represented by his attorney, Rick (Enrico) Costantini, at the meeting. The appellant is proposing water be provided to land locked Parcel B by utilizing the private road/right of way presently known as 6 Meadow Street. (Parcel A is already serviced by SNEW.) Joe Grasso, a member of Crystal, LLC which owns 6 Meadow Street, has given permission to use the private road for the purpose of ingress and egress, and more specifically, providing utilities, to the subdivision.

As required by subdivision regulations, the appellant has already received approval from the Norwalk Fire Department. Approval from WPCA has been

deferred to DPW Engineering and is in the works. The only hurdles remaining prior to appearing before Planning and Zoning are the waivers from SNEW regulations regarding water supply.

The entire property (34 Meadow) is currently being used as a junk yard. The owner wants to split the property in half. Approvals and applications for the specific use of the new parcel, Parcel B, would be the responsibility of the new owner and is unknown at this time.

Tom Villa indicated that he has no objections to the requests before SNEW so long as the Planning and Zoning Commission approve the subdivision. His initial issue was regarding the use of 6 Meadow, but that has been resolved.

Rick Costantini requested an expedited response from the Commission because his client, the appellant, is scheduled to meet with Planning and Zoning in early December and is his last opportunity to do so. He cannot request another extension. Rick Costantini provided additional backup documents and maps for the Commission's review and record.

(J. Norman LeBlanc and Rick Enrico left at 6:24 pm.)

**The Committee's discussion on the requested appeals followed.**

*Item 2.1      34 Meadow Street*

Commissioners Mann and Geake had questions regarding the use of the new parcel. Commissioner Mann asked if a condominium could be built on it. Paul Yatcko responded that the property is industrially zoned and a condominium would not be allowed without a variance from Planning and Zoning. Whatever the proposed use, Planning and Zoning would need to approve the application. At this point, the owner of 34 Meadow, L. Norman LeBlanc, is only looking to get approval from Planning and Zoning to subdivide the property. He must show Planning and Zoning the plot can get water service, and in order to do so, the appellant needs SNEW to waive its regulations. Tom Villa reminded the Commissioners that the new owner would still need to make an application for new water service and indicate the demand required. The line would then be sized appropriately.

Commissioner Mann made a motion to approve the requested waivers. All were in favor.

**The motion passed unanimously.**

(Tom Villa left at 6:28 pm)

The discussion moved to Item 1.

*Item 1.1      344 Rowayton Avenue*

The owners of 344 Rowayton Avenue were asking for relief of half of the combined total for January and April 2016 - i.e. half of approximately \$6500, or \$3250.

Commissioner Mann expressed, whether fair or not, that SNEW's policy is clear that the owner is responsible for paying for leaks. She was bothered that SNEW sent a total of 4 notices yet the appellant claims he only received one.

Commissioner Geake questioned the appellant's description of the location of the water meter. Neither she nor Paul Yatcko could conceive that the meter is located on top of a stone wall. Paul Yatcko expressed an interest in making a field visit to observe the location of the meter pit.

Paul Yatcko reiterated that an October 2015 letter warning the owner the water pit was inaccessible went unanswered. Additionally, no contact from the customer was received after high readings in January and April 2016.

Paul Yatcko asked whether it might be a good idea going forward to send notices via certified, return receipt mail. The Commissioners thought it might be a good idea to do so.

Although the Commissioners expressed empathy, they stood firm in following precedent. In appeals of these type, the precedent is to allow the customer to participate in a payment plan over time and to waive interest. No relief has been granted in the past.

Commissioner Borges-Lopez made the motion to waive all interest charges to date from January 31<sup>st</sup> as well as all interest going forward, and to allow the balance due to be paid in installments over an 18 month period. All were in favor.

**The motion passed unanimously.**

Motion to adjourn was made by Commissioner Geake, and seconded by Commissioner Borges-Lopez.

**Adjournment**

*The meeting adjourned at 6:41 p.m.*

Attest:

Lisa G. Roland  
District Clerk