

THE SECOND TAXING DISTRICT COMMISSIONERS

Appeals Committee

Meeting Minutes – November 13, 2012

Present:	Mary E. Burgess Maria Borges-Lopez	Chairperson
Also Present:	John M. Hiscock Kevin Barber Lisa Roland	General Manager Director Administration & Customer Service Acting District Clerk
Absent:	Al Ayme	Vice Chair
Public Present:	None	

Call To Order:

Commissioner Mary E. Burgess called the Appeals Meeting to order at 6:12 p.m. on Tuesday, November 13, 2012. The hearing took place at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: “I will call the Appeals Committee of the Second Taxing District to order Tuesday, November 13, 2012 at 6:12 p.m. I will turn it over to you.” [Directed to John Hiscock]

Customer Appeal – David Anspach, 140 Water Street, Norwalk, CT

Mr. Hiscock: “Ok. In your book, the blue book is the notice of the meeting for October 16th and we didn’t go forward. He indicated to us that he was not available on the 16th. As you know, we rescheduled it to November 1st? The 1st... no? I am trying to remember?”

Lisa Roland: “No it was the 30th.”

Commissioner Borges-Lopez: “The 29th.”

Mr. Hiscock: “The 29th ok and the storm messed that up on us so we didn’t go forward with that. In the blue book you will find my comments as of, after the green folder, my

memorandum of October 15th to the Appeals Committee explaining the situation and speaking to the issue of Mr. Anspach's position that the volume of water during the time period in question is impossible. Well that's not correct. We calculated it out. It came out to 3.86 gallons per minute. The building, as far as we know, is unoccupied. It has been previously occupied in a very low intensity use for a sports shop who have since left and that was the position that we forwarded to the Commission along with the consumption and if you look at the consumption on the second page you will see it varies widely and while 161,200 gallons is the highest ever it is only three times the consumption in February of 2011. So that is somewhat contrary to his comments that it has never been that high and certainly it has never been that high but not to the degree that he has indicated in his letter. In addition to that you will see a letter dated today, 'to whom it may concern' regarding the bill, that we are proceeding with the hearing and he is unhappy with that and you can read it and we certainly will submit that for the record. He came in and delivered this. He delivered it first by I believe email and then again in person. He did talk briefly to Lisa at the front office and she advised him that he should be here. The tone of the letter seems to be the same thing. The building is unoccupied therefore they couldn't have used the 165,000 gallons. He was going to have witnesses, plumbers. I really don't know whether or not they would have been here or not. And then he goes on to indicate that he offered to split the bill with the water company as time is expensive and he wanted to expedite the matter. This matter's dragged on since January/February timeframe of 2012. He has made repeated calls to the Department. He has talked to Gwendolyn, he has talked to Jane, he has talked to Customer Service and the same position he seems to indicate it is impossible and therefore he is not going to pay. So we go from there. Behind that you will see his appeal of September 14, 2012 simply indicating he wants to appeal that there are no tenants, there is no water usage or plumber hired to repair anything in the building for the whole year of 2012. That is the only written communication we had from this gentlemen other than the letter of today. You will find another, and Kevin is here for this purpose, you will find another interesting document and Kevin will explain it to you, is an email from Lisa Roland to Mr. Anspach dated October 15, 2012 at 9:38 a.m. This is an important issue for you to understand. And it has to do with the October 15th from Lisa Roland, 'this letter is to reconfirm your appeal with respect to Account Number 1292 that is scheduled to be heard on Tuesday, October 16th at 6 p.m. The meeting will take place at SNEW, One State Street. As previously stated, enclosed please find the Staff Position Memorandum'. That is the memorandum where I talk about the toilet leak and 3.86 gallons per minute and sometimes they run 5 to 7 gallons a minute and attached to that was the notice for the October 16th meeting, which he didn't attend and he told us he couldn't. And then there is the October 4th of the original notification to him, which he did claim he didn't receive. However, we are not so sure of that. Also, the September 17th confirmation letter from Lisa Roland to Mr. Anspach and the rest of the information, in the letters back and forth. Ok, Kevin has a document that he is going to hand out to you and we only give this to you as a matter of curiosity. You haven't seen it before I don't believe. It shows a transaction register for the customer and it shows some recent usage for this building that he claims is unoccupied. You will see a meter reading

on September 25, 2012 showing 11,550 gallons and then you will see an October 25th read date showing 57,000 gallons. Sort of contrary to his position that in fact nobody is in the building therefore there can be no water use. And if you look at that transaction register you are going to see the consumption varies widely from month-to-month. It varies widely, from nothing to 500 to 300 to 600 to these very large numbers occasionally. And it sort of matches the history. And as you go back below say the beginning of 10, you start to see some normal consumption for a lightly occupied building. Behind that is a graph that shows water use on a daily basis based on our new meter reading system. Because what we do, when we get a problematic customer, we immediately go out and install a radio read module and read the meter hourly so that we have some additional information with respect to the account. If you look at this, you can see use from the beginning of October approximately, to the smaller bar on October 15th. The same day we sent the letter telling him by email that our position that it was probably a toilet leak. You see very little consumption since that date. You see three little tiny blips widely spaced. The next document I am going to let Kevin explain to you so you can take a look at it, the fold out sheet and he can give you a better indication of exactly what this is. I can do it too but Kevin is here so he can speak.”

Kevin Barber: “Ok, the large spreadsheet that I created earlier today is taking what is called an interval consumption or usage from the meter as Mr. Hiscock indicated. We do read the meter on an hourly basis. So what this chart is showing is the gallons consumed at this account each hour of each day and what I did was create a spreadsheet starting September 20th because that was the first day we saw this problematic usage all the way through the 12th of November which was yesterday. What is very interesting about this sheet is it shows that each hour beginning at the hour of the 14th hour, which is between 1 and 2 o’clock on September 20th, all the way through the 10 o’clock hour on October 15th this account had continual usage. You will see that on that 14th hour it started with a reading of 5. Well that is actually the incremental register reading, which does not include the multiplier for the meter. So to understand exactly how many gallons we used in that hour you would have to multiply that by 10 because the meter that is installed here has a multiplier of 10 for determining the usage. So you will see from that beginning point until the end, this account used a minimum of 100 gallons per hour for about 25 /26 straight days. This clearly indicates that there was usage at the property, which could have easily been a toilet leak or some other usage but something did occur that caused water to go through the meter and this clearly shows the increment that was used. And I did find it very interesting that on the 15th of October approximately within an hour or two of an email that was sent to the customer the usage stopped. Could it be a coincidence? Probably, but I find it very unlikely.”

Commissioner Burgess: “Peculiar is a nice word.”

John Hiscock: “The other thing that you need to look at is if you look at the tables it’s either 10 or 15, 10 or 15. This was a constant, absolute 724 usage at exactly the same flow rate for entire

time period. Well, either somebody turned the faucet on and forgot to turn it off or somebody flushed a toilet and the float got hung up and the toilet ran. He has made comments about you would have to fill a swimming pool to take that much water, where is the water? Well, the water, if it was a toilet leak, goes right down the toilet to the sewage treatment plant so there would be no visible sign of water in the building. It is our opinion that this is clearly a classic toilet leak and/or a faucet left on in a sink both of which go down the drain and there would be no evidence of water in the building other than if you walked in and found the toilet flow hung up or the faucet left on. And we believe that that's been the problem in this facility all along but once it was no longer occupied and maybe even when it was occupied, it was better because you know, you all know what a toilet leak sounds like; you hear it. So you jiggle the handle and if jiggling the handle doesn't work you get a plumber. This appears to me to be so clear and obvious, based on the data, that it is hard to understand his argument that he didn't use the water because no one was in the building. It is probably exactly the opposite of that. It's probably because nobody was in the building and they weren't aware of what was going on. And that is really the basic case and the basic information we have. It also shows the value of the hourly regular readings for a water system and that is really all there is to this file. I can answer any questions or Kevin can answer any questions related to it. I really think Kevin has more to say."

Kevin Barber: "The usage in that time period that we are looking at on this chart is about 1.9, 1.8 or 2 gallons per minute. Well, which could easily be a toilet leak and it doesn't take a lot of water falling out of the sink for 2 gallons to emit."

Commissioner Borges-Lopez: "He is mentioning in his letter that he has three witnesses, plumbers, how can a plumber basically attest to the toilet leak unless you are looking at the leak at the moment."

John Hiscock: "I have no idea how a plumber would do that and that is why when I read a letter like this I am somewhat skeptical of the statements that are made."

Commissioner Borges-Lopez: "Of the witnesses, ok."

John Hiscock: "About the only thing a plumber could say, I never repaired the plumbing and I went into the building and the toilet wasn't running at that point in time. What else is he going to say? And, John Anselmo and for a minute Lisa you are going to have to put on your executive assistant hat, you have had some discussion with him, or Anselmo, the guy who is involved in with the building who you said you either had contact or..."

Lisa Roland: "I did have contact with him before the last meeting was cancelled."

John Hiscock: "Right, so sometimes he speaks through the building manager or whatever he

calls the individual, he is a building manager and maybe that individual is in charge of the building and maybe he saw the letter and ran down to the building and did something. It is just; Kevin was nice about stating whether or not it was coincidence that the statistical chances of this occurring this way are almost non-existent.”

Commissioner Burgess: “Well from here, this latest letter while he was going to call witnesses he testified that they have not serviced any plumbing problems. I guess they hadn’t but I don’t know what that adds to our deliberations.”

John Hiscock: “And from my position in summary, nothing has changed from the Staff Position Memorandum I sent on October 15th that the meter functions properly, the water went through the meter, the owner is responsible for the plumbing inside the building and the request for relief should not be granted.”

Commissioner Burgess: “Maria [directed at Commissioner Borges-Lopez] do you just want to continue and make a decision?”

Commissioner Borges-Lopez: “I think we should. It is the focus of the meeting, we should come to a decision and we should move forward with it, right?”

John Hiscock: “What?”

Commissioner Borges-Lopez: “I would support that.”

John Hiscock: “I am sorry?”

Commissioner Borges- Lopez: “What did you say? We should move forward with the decision tonight.”

Commissioner Burgess: “So we can do this now.”

John Hiscock: “Yes.”

Commissioner Burgess: “Ok. Well personally I would not rule in favor but I don’t know how you feel [directed at Commissioner Borges-Lopez]?”

Commissioner Borges-Lopez: “I motion that we do not waive the charges of \$571.81?”

Commissioner Burgess: “I vote yes to that.”

Commissioner Borges-Lopez: “I have another note here that says \$714.99 so I would say that

we would not waive the charges. I want to make sure that I have two numbers so, my motion is that we deny the request for a waiver.”

John Hiscock: “Alright, if you have voted at this point than we adjourn.”

Commissioner Borges-Lopez: “I make a motion to adjourn.”

Commissioner Burgess: “I second. Adjourned.”

Adjournment:

The meeting adjourned at 6:32 p.m.

Attest:

Lisa Roland
Acting District Clerk