

**The Second Taxing District
Appeals Committee Meeting Minutes
July 26, 2012**

Present:	Mary Burgess Maria Borges-Lopez	Chairperson
Also Present:	John M. Hiscock Gwendolyn Gonzalez Denis McCarthy Robert Burgess	General Manager Asst. District Clerk Fire Chief Norwalk Fire Department

Call to Order

Chairperson Burgess called the Meeting to order at 6:05 p.m. on Thursday July 26, 2012. The hearing took place at South Norwalk Electric and Water, One State Street, South Norwalk Connecticut.

Mr. Hiscock: “Okay for the record procedurally I will give a brief description of what the appeal is about, then the appellant who’s the Fire Department will have an opportunity to make any statement or correction of something I miss stated or we disagree on. At that point the Commission can ask questions and at the end of that portion of the proceeding the Commission can (inaudible) decision. The decision will be in draft form and once the Appeals Committee agrees that the draft decision represents fairly their position it’ll get forwarded to the appellant which is the Fire Chief Denis McCarthy and it’ll be place on the agenda at the next Commission Meeting on the consent agenda portion. That’s sort of where we are at. Now...”

Commissioner Burgess: “Would you like him to move forward?”

Mr. Hiscock: “Absolutely, I was going...”

Commissioner Burgess: “Rather than yell at you.”

Mr. Hiscock: “Quite simply this is an appeal of the Department’s rule that a meter is required on every consumptive use of water in our system. And the situation here is somewhat an unusual one, there is a fire hydrant adjacent to, well it was adjacent to the old building and it’s going to be close to the new fire station and we’ve had some issues off and on over the years, with the Fire Department using the hydrant for some extended duration in flowing a significant amount of water. That is not recent history and what I mean not recent history, it hasn’t happened that way in a very, very long time. The Department use to be extraordinarily sensitive to this because we use to have dirty water problems when we had flow disruptions, and our new flushing program, new ten or twelve year old flushing program, has seemed to eliminate most of the dirty water problems with

respect to significant changes in flow. So our Department has a little less sensitivity to flow than we use to. Talking to the Chief he has indicated that most of the training that has occurs and you can see that in the letter, that occurs is simply hooking up to the hydrant, turning the water on charging the hoses and making sure everybody understands how to put all that together and there's not much room on the site to do full fire flows, head of hoses and do that kind of training. When the consultant met with our staff, our staff being cautious and careful applied the rule and indicated a full flow meter was required. There's two issues the full flow meter is expensive and the other issue is the full flow meter has a extraordinarily large monthly charge in the thousands, because they're designed for situations where you're using large industrial water. We have very few customers that have large full flow meter. The other problem to take that into account for sprinkler systems we have what is called detector checks that meter a portion of the water that goes through it but that's for firefighting purposes, so we don't have an issue with that. So even placing a detector check on this would create internal problems because it would generate bulk bills and letters to the fire department telling them they are violating the other portion of the rule with respect to detector checks. So after hearing from the Chief about this situation I suggested that the most appropriate way to deal with the situation would be to be to appeal the Commission as opposed to having staff either look the other way or grant a waiver that the really don't have the authority to, including myself to grant."

Commissioner Burgess: "Thank you."

Mr. Hiscock: "So...well, we are going through that proceeding this evening and you have a letter from the Chief indicating, essentially what I've said here and that they are not intending to use full flow fire training, in fact they are not going to be spraying hoses all over the place and its mostly for the purpose of charging the hoses and checking the regulators and all of the other equipment on the trucks that I really don't understand much about."

Commissioner Burgess: "Can we hear from the Chief?"

Mr. Hiscock: "Yes, this is the point."

Chief McCarthy: "And I thank John for you know, I learned more about the Water Company and some of the regulations that affect use of the water and the pressure that you're under in complying, especially in when rate setting and not metering all of the consumption other than firefighting water so, I think we both came to a better understanding of the needs of both Departments. Obviously there is a financial impact if we were forced to meet the requirement, but there's also logistical challenge if we needed the existing hydrant that's on the site. We would have to do extensive digging on Connecticut Avenue and that has its own cost associated with it. The most economical engineering solution put a second hydrant that's metered right next to the hydrant that's there and it's just from an aesthetics point of view having two hydrants side by side one that's on the meter and one that's not. One it doesn't seem to make sense, it's expensive and probably would defeat the purpose of having a metered hydrant in the first place. Our use the Assistant Chief and I spent some time trying to calculate how much water we use in a year and we are hard pressed, given the way John described, our use on the site it is very limited. We do specific training drills, charging lines, pump operator training, how to run a fire pump and some

incidental use of the hydrant for open house, where if kids come in and we flow very minimal amount of water for that. Partly because and, it's compounded by the site characteristic, it's not great drainage on Connecticut Avenue so we can't flow a lot of water because it has no place to go. So I appreciate the opportunity to appeal to the District for relief from the requirement and with that as I told John we are, I think the history between the Department and the District goes back many years and there have been some disagreements about how to notify the District if there is large consumption or we were not sensitive in the past to the impact of our use of your water and hydrants and its effect on your customers. I think that's all past history and there's a great working relationship and certainly we are respectful of the demands that are placed on the District and are respectful of that so I think we can be good partners in this process."

Commissioner Borges-Lopez: "Thank you."

Commissioner Burgess: "Thank you, may I ask one question?"

Mr. Hiscock: "Yes."

Commissioner Burgess: "Do you have any difficulty if the waiver specified requirements for low flow utilization only? Do you any difficult with that being included?"

Chief McCarthy: "For, when you say low flow what is the implication? Because let me just tell how we would use the hydrant and it is low flow but it is not exclusively low flow, I think our total consumption is less than 50,000 gallons a year. Whether that is very low flow for the majority of the time but a couple of spikes when you know we have a deck gun it and okay teach the firefighter how to run a deck gun which could potentially flow a 1,000 a minute 1,500 a minute, again that's large flow for a very short period of time. I mean that's how it typically would get utilized, so I don't want to misrepresent the position of the Department or the needs of the Department and say yes when there may be some spikes in our use. It is very rare that we would use a deck gun at Connecticut Avenue, we would go down to South Smith Street and train down there where we have more drainage and more private location less disruptive, but there may be occasions from time to time, unless that creates a problem."

Mr. Hiscock: "No I think if we put something in that says it should not routinely be used for full flow use would be sufficient, I mean..."

Commission Burgess: "Okay."

Mr. Hiscock: "If it's very rare it's not an issue, something that occasionally occurs, we just don't want training in that zone constantly. It is a pressure zone that requires pumping and does put a load on our pumping system in the summertime if it were used all day long or something like that in an extensive training session, and it appears that's not what the Chief is talking about."

Chief McCarthy: "No, I think that language is predominately low flow use, I mean as long as it has a caveat in there that represents the true picture of what our use is there may be some spikes in use but again short duration."

Commissioner Burgess: "But you wouldn't object to that?"

Chief McCarthy: "No, I wouldn't."

Commissioner Burgess: "Thank you."

Mr. Hiscock: "And you have my memorandum of no objection from the staff."

Chief McCarthy: "Which is not support?"

Mr. Hiscock: "We don't support appellants."

Laughter

Chief McCarthy: "Got it."

Mr. Hiscock: "Unless it's something that beneficial to the Department but violates the rules."

Chief McCarthy: "Understood."

Mr. Hiscock: "So if the Department is basically ambivalent having no objection to what's..."

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

Chief McCarthy: "Nope, that's it."

Commissioner Burgess: "Well thank you very much."

Chief McCarthy: "Thank you, nice meeting you. Am I excused?"

Mr. Hiscock: "Yeah. You can..."

Chief McCarthy: "Maybe I can make the Saint Ann's Festival."

Laughter

Commissioner Burgess: "Maybe."

Chief McCarthy: "Maybe I'll just go home. Thank you very much, good seeing you, and I'll try to work on that wii fi."

Ms. Gonzalez: "Thank you."

Commissioner Burgess: "Do we have to put the public out if the two of us meet?"

Mr. Hiscock: "No, in fact no, you're suppose to make this decision on the record so."

Commissioner Burgess: "I did talk to Al, he read everything and has no objections to waiving that. I don't so I need to know how you feel."

Commissioner Borges-Lopez: "Why don't we put it for a vote right now, you know. I make a motion that we waive, that we grant the waiver and with the specification of the requirements. That's how you want it?"

Commissioner Burgess: "And I'll second it. Now that does it for tonight? Now you can report back to the Commission."

Mr. Hiscock: "What will happen I will write a draft decision as you can tell it is going to be quite brief and I will send it to all three of you, and if no one believes the draft decision is incorrect, I mean if you think its incorrect let me know. Presuming that you concur with what is written it'll just be placed on the agenda for the next Commission meeting."

Commissioner Burgess: "Thank you. Well that was fairly painless."

Mr. Hiscock: "It's nice to painless appeals occasionally."

Commissioner Burgess: "The next one won't be."

Commissioner Borges-Lopez: "You know something I don't?"

Commissioner Burgess: "No."

Commissioner Borges-Lopez: "Move to adjourn."

Commissioner Burgess: "Second."

Adjournment

Meeting Adjourned at 6:20 p.m.

Attest: Gwendolyn Gonzalez
Asst. District Clerk