

SECOND TAXING DISTRICT COMMISSIONERS

Regular Meeting

March 9, 2010

Present: Mary E. Burgess Chairperson  
Al Ayme Vice Chairperson  
Maria Borges-Lopez  
Mary A. Geake  
Mary Mann  
Cesar A. Ramirez

Also Present: John M. Hiscock General Manager  
Candace Pampoukidis District Clerk  
Arthur E. Miller District Counsel

Public Present: None

Absent: Sylvester Maultsby

Call To Order

Chairperson Mary E. Burgess called the Regular Meeting of the Second Taxing District Commissioners to order at 7:00 p.m. on Tuesday, March 9, 2010. The meeting was held at South Norwalk Electric and Water, One State Street, South Norwalk, Connecticut.

Acceptance of the Minutes

Commissioner Burgess: "We have a quorum, and I will call the Second Taxing District... No, I will call the Commission meeting to order, February 9<sup>th</sup>, March 9<sup>th</sup>, 2010. Alright I need a motion to approve the minutes of February 16, 2010."

Commissioner Borges-Lopez: "So moved."

Commissioner Mann: "Second."

Commissioner Burgess: "Okay, thank you."

Commissioner Ayme: "One abstention."

Commissioner Geake: "Madam Chair, I have a question. On page 15 of the minutes, about half way down you'll see the number 16.388 or 389 million, and I'm not sure, but something seems wrong there."

Mr. Hiscock: "Page 15."

Commissioner Ayme: "Page 15?"

Mr. Hiscock: "Yes."

Commissioner Geake: "Yes, and so I figured it's just a typo, but I didn't know the difference. It starts out with the line 'will see that our expenses are estimated to be, or budgeted to be \$16...'"

Mr. Hiscock: "Oh, you know what that is? I said 16.388 or 389."

Commissioner Geake: "Oh, oh, okay."

Mr. Hiscock: "Okay?"

Commissioner Geake: "Okay. Okay."

Mr. Hiscock: "And it doesn't type well because of the way I said it."

Commissioner Geake: "Oh, okay."

Mr. Hiscock: "I was sort of correcting myself because I probably looked down and saw the numbers."

Commissioner Geake: "Okay, because I didn't understand. I'm so sorry. Thank you."

Commissioner Burgess: "Okay, are there any other comments on the minutes?"

[No remarks]

Commissioner Burgess: "All in favor of acceptance?"

Commissioners simultaneously: "Aye."

Commissioner Ayme: "One abstention."

Commissioner Borges-Lopez made a motion to accept the regular meeting minutes of February 16, 2010. Commissioner Mann seconded and the motion passed with five Commissioners voting in favor and none opposed. Commissioners Ayme abstained.

Receive and Recommend to the Electors the Proposed Consolidated District, Water and Electric Budget for Fiscal Year 2010-2011

Commissioner Burgess: "Now, item three."

Mr. Hiscock: "Item three is the 'Receive and Recommend to the Electors the Proposed Consolidated District, Water and Electric Budget for Fiscal Year 2010-2011'. The only change that we made since the presentation of about 3½, 4 weeks ago was we added the \$5,000.00 to the Youth Summer Employment Program, and changed it from \$10,500.00 to \$15,500.00, and we rearranged one line in the budget to take the Extraordinary Maintenance Expense in the Water utility and place it into the normal O&M, and that's something we always do. So it doesn't change the numbers at all, it just takes a number and divides it into other sections further up into the budget. And the

reason we present the budget to you that way is so you can see the item, but from a practical perspective, when it's accounted for, it's accounted for in the regular O&M budget."

Commissioner Burgess: "Commissioner Ayme?"

Commissioner Ayme: "I have one question."

Mr. Hiscock: "Yes?"

Commissioner Ayme: In regards to the same item of \$5,000.00 that was approved at the last meeting, I'd like to know, do we always get from the City an itemized notification, and itemized report if you will..."

Mr. Hiscock: "No [responding to Commissioner Ayme]."

Commissioner Ayme: "...regarding how the money was spent, and how it was used?"

Mr. Hiscock: "No. We make a donation to match the budgetary amount directly to the City of Norwalk. We write the check to the City of Norwalk, and it just becomes part of their fund, which is a consolidation of everybody's contributions, including the City's. They take that lump sum and they hire the students based on... correct me if I'm wrong, but it's \$1,500 per student I think is what it amounts to."

Commissioner Mann: "Something like that [responding to Mr. Hiscock]."

Mr. Hiscock: "Yes, and it... just so that... and in this case it will pay for 10 students."

Commissioner Ayme: "The reason I'm saying that is because there has been prior discussions regarding the hiring of the youngsters for work, and that we... it was mentioned that a necessity for this money to be used specifically to the youngsters in South Norwalk. Is there anything that will be put in writing as a pre-condition to releasing the funds that we get something from the City stating that the funds will be used that way?"

Mr. Hiscock: "We used to have those kind of discussions with the City when this program first started, and I think as we got into it we realized that from a practical perspective there was little or no doubt that 8 or 9 kids came from the community, because that's all we were funding previously. And I think there's little or no doubt in anybody's mind that out of the program at least 10 of them will come out of the community in South Norwalk, so I just don't think... it didn't seem like a logical thing to try to pursue, because on its face it simply appeared that it was going to be that way."

Commissioner Ayme: "Two things..."

Commissioner Ramirez: "May I...?"

Commissioner Ayme: "Two things if I may continue."

Commissioner Ramirez: "May I cover that?"

Commissioner Ayme: "If I may continue [directed to Commissioner Ramirez]?"

Commissioner Ramirez: "Just... okay, go ahead."

Commissioner Ayme: "When I'm finished [responding to Commissioner Ramirez]. The City, I know exactly what you're saying, and I hear what you're saying, but the City has no obligation to direct the funds to what we're talking about, to specifically target South Norwalk. They're under no obligation to do that, because there are no preconditions on that."

Mr. Hiscock: "That is correct."

Commissioner Ayme: "Okay..."

Mr. Hiscock: "In previous years we have not done that."

Commissioner Ayme: "...my second point. My second point is that previously, if I'm correct, Darlene Young used to... we used to get some kind of breakdown from Darlene Young from the City before as to how the money was utilized. It may have been informally. It may not have been..."

Commissioner Burgess: "She... well, I can explain it, she... because I had asked in the beginning of this, she would provide us with no names, but people, the number of people who were helped in the Second Taxing District, balancing out the amount of money we gave, but she always did show me that."

Commissioner Ayme: "Is there, is there any...?"

Commissioner Burgess: "But it wasn't a formal thing."

Commissioner Ayme: "No, I know."

Commissioner Burgess: "It was just because I asked."

Commissioner Ayme: "Right. Is there a possibility that we could get the same thing from the City, because she's no longer..."

Commissioner Burgess: "I know [responding to Commissioner Ayme]."

Commissioner Ayme: "...in that position."

Commissioner Mann: "Yes she is [responding to Commissioner Ayme]."

Commissioner Ayme: "She is?"

Commissioner Ramirez: "I think... yes, she is."

Commissioner Geake: "Yes."

Commissioner Ayme: "She is?"

Commissioner Mann: "Yes."

Commissioner Geake: "Yes, she is."

Commissioner Ramirez: "I'll go through... I believe, ladies first. Commissioner, you have an answer, and then I'll follow [directed to Commissioner Mann]."

Commissioner Mann: "Yes, Darlene [Young] is in that position. I always ask. I want to say, please do not quote me exactly, but I believe 60, something like 67%, of the youth last summer were from our District."

Commissioner Ramirez: "That's correct."

Commissioner Mann: "I am pretty sure if we request you know how many were from our District they would have no problem giving us that information, but there is no doubt whatsoever whether or not they're from the Second Taxing District because the majority of them are."

Commissioner Ayme: "Okay."

Commissioner Ramirez: "And I strongly, personal... through the Chair, I have observed, yes, that a very high percentage, a majority, are actually coming from South Norwalk."

Commissioner Mann: "Yes [responding to Commissioner Ramirez]."

Commissioner Ramirez: "Matter of fact last year, or the year prior to, there was a line of students, okay, there wasn't even enough money, okay, to provide these young kids with a simple job, a summer job, that a lot of kids, they need, didn't really even get one. So that's why I really... it was very serious suggestion for these Commissioners to approve a little, you know, the \$5,000.00. I believe this \$5,000.00 is very little though, compared to what our clients really assist this organization. So I think this is basically every year that we go by, and there is no doubt in my mind, believe me, and I'm very picky when it comes to financials, that this is going for a good deed."

Commissioner Ayme: "I was under the impression that Darlene's position had been eliminated."

Commissioner Ramirez: "But anyway, that's another fact..."

Commissioner Ayme: "No?"

Commissioner Borges-Lopez: "No, she's in that position. I'm on that Board."

Commissioner Ayme: "Oh, you are."

Commissioner Borges-Lopez: "I serve on that Board. Yes, I do."

Commissioner Ayme: "Oh, okay, good."

Commissioner Ramirez: "I believe if we request it, they would be glad to provide it, but there's no doubt in my mind that yes, most of the... the majority of the kids come from downtown."

Commissioner Burgess: "I don't think, by the way, it's unreasonable to want to know if our donation is spent on our kids. I don't think that's unreasonable."

Commissioner Ramirez: "Nope, it's very well..."

Commissioner Burgess: "Darlene always provided to me, as I say, not the person's name, but the fact that all of our money went to pay for South Norwalk, for Second Taxing District kids. I don't think she'd mind... I don't think she has problem providing that."

Commissioner Ramirez: "That's fine."

Commissioner Burgess: "But I don't think it's an unreasonable question either. Okay, any other discussion on the budget?"

Commissioner Ramirez: "No [responding to Commissioner Burgess]. Do you need a motion?"

Mr. Hiscock: "Yes, we need a very specific motion. It is..."

Commissioner Burgess: "Recommend to the electors, right?"

Mr. Hiscock: "Behind the tab three you'll see action required, and..."

Commissioner Burgess: "We need to recommend to the electors."

Mr. Hiscock: "Right."

Commissioner Burgess: "Right?"

Mr. Hiscock: "So if somebody will make that a motion, and then second it."

Commissioner Borges-Lopez: "I move to recommend to the electors the proposed consolidated District, Water, and Electric budget for fiscal year 2010 and 2011."

Commissioner Geake: "I second it."

Commissioner Ramirez: "I second."

Commissioner Burgess: "Okay, is there any... no more discussions. All in favor?"

Commissioners simultaneously: "Aye."

Commissioner Burgess: "Opposed?"

[No opposed]

Commissioner Burgess: "Abstentions?"

[No abstentions]

Commissioner Borges-Lopez made a motion to recommend to the electors the proposed consolidated District, Water and Electric budget for the fiscal year 2010-2011. Commissioners Geake and Ramirez seconded, and the motion passed unanimously with all six Commissioners present voting in favor and none opposed.

#### Select Auditors for FYE June 30, 2010

Commissioner Burgess: "Item four, selection of auditors."

Mr. Hiscock: "Item four is simply the selection of the auditors. Staff's recommendation is we use the auditor that we used last year. Last year was the first year that we used them in the three-year bid cycle that we go through. And we always say it's a one-year engagement, but as long as everybody is pleased with each other and the fee does not change significantly we always go for the next two years. The fee did not change significantly. Staff is pleased with their work. They're happy to work with us. There is a new letter of engagement in the tab, and the way this works from a Charter perspective is the Commission chooses the electors... the auditors, but the electors have to ratify the choice at the budget meeting. They don't get to choose. They can only ratify or not the District Commissioners' selection recommendation, so..."

Commissioner Ayme: "So moved."

Mr. Hiscock: "Okay."

Commissioner Burgess: "Is there a second?"

Commissioner Ramirez: "I'll second it."

Commissioner Burgess: "Okay, there should be no discussion of this hopefully. All in favor?"

Commissioners simultaneously: "Aye."

Commissioner Burgess: "Opposed?"

[No opposed]

Commissioner Burgess: "Abstentions?"

[No abstentions]

Commissioner Ayme made a motion to approve the firm of Hope & Hernandez to perform auditing services for the Second Taxing District for the fiscal year ending June 30, 2010. Commissioner Ramirez seconded and the motion passed unanimously with all six Commissioners present voting in favor and none opposed.

#### Public Participation

Commissioner Burgess: "Public participation."

Commissioner Ramirez: "We're moving along fast. Very nice."

Commissioner Mann: “Wow.”

Commissioner Burgess: “Do you want to pretend Arthur [Mr. Miller]?”

Commissioner Ramirez: “Do you want to pretend [laughing]?”

Commissioner Borges-Lopez: “State your name please [laughing].”

Commissioner Geake: “For the record.”

#### New Canaan Property Boundary Agreement

Commissioner Burgess: “Item six.”

Mr. Hiscock: “Okay.”

Commissioner Burgess: “We have to...”

Mr. Hiscock: “Item six is a simple discussion that we need to move to executive session for. It’s with respect to a potential land sale that we want to discuss in principal with the Commission; no specific concrete ideas at all this evening. And Arthur [Mr. Miller] will explain why we need to do that. I will tell you, however, that the New Canaan land transaction abandoned roadway documents were finalized, signed, executed and I assume not delivered, but close.”

Mr. Miller: “Delivered, but not recorded.”

Mr. Hiscock: “Delivered but not recorded. So that matter is closed in accordance with what we did at the last Commission meeting. There were no particular issues that cropped up that the attorney had to deal with. It was just a straight, everything went as anticipated.”

Commissioner Burgess: “So you want a motion to go into executive session?”

Mr. Hiscock: “That would be good, and the purpose is to discuss a potential land sale negotiation.”

Commissioner Ramirez: “I put the motion to go into executive meeting.”

Commissioner Burgess: “Second?”

Commissioner Borges-Lopez: “Second.”

Commissioner Burgess: “All in favor of going into executive session?”

Commissioners simultaneously: “Aye.”

#### EXECUTIVE SESSION

The District Commissioners moved into executive session at 7:14 p.m. The purpose of the executive session was to discuss a potential land sale negotiation.

Present in executive session were Commissioners Burgess, Ayme, Borges-Lopez, Geake, Mann, and Ramirez; General Manager, John M. Hiscock; District Counsel, Arthur Miller; and District Clerk, Candace Pampoukidis.

REGULAR SESSION

The District Commissioners returned to regular session at 7:57 p.m.

Mr. Hiscock: "Okay, now somebody needs to indicate for the record..."

Commissioner Burgess: "Right."

Mr. Hiscock: "...since we're back that no action was taken."

Commissioner Burgess: "We're back from executive session, and no action will be taken or was taken as a result of the executive session."

Commissioner Mann: "I make a motion for adjournment."

Commissioner Ayme: "That's a good one."

Commissioner Borges-Lopez: "Second."

Adjournment

The meeting adjourned at 7:57 p.m.

Attest:

Candace Pampoukidis  
District Clerk