

## **SECOND TAXING DISTRICT COMMISSIONERS**

Special Meeting

March 27, 2012

Electors Present: Mary Burgess  
Al Ayme  
Maria Borges-Lopez  
Mary Geake  
Sherelle Harris Arrived 7:10 p.m.  
Mary Mann  
César Ramirez

Public Present: Thursa Merritt

Also Present: John M. Hiscock General Manager  
Kevin Barber Director of Administration & Customer Service  
Gwendolyn Gonzalez Assistant District Clerk

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### Call To Order:

Commissioner Burgess called the Special Meeting of The Second Taxing District Commissioners to order at 7:00 p.m. on Tuesday, March 27, 2012. The meeting was held at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

### Legal Call:

Commissioner Burgess: "I will call the Special Meeting of the Second Taxing District, to the City of Norwalk called to order March, 27, 2012 at 7:00 p.m. And we only have one order of business and before we start to discuss this, may I say something?"

Mr. Hiscock: "You are the Chairman."

[Laughter]

Commissioner Burgess: "Well, I have read this proposal where you took into consideration everything everybody said and I agree that we have to tweak this Budget. I would suggest that we have completely forgotten about energy assistance for elderly people in South Norwalk who rely

upon oil because although there is a moratorium on shutting off electricity, there is no moratorium saying that the oil companies have to deliver. So I am hoping we can put some money back into that Energy Assistance Program and since the leadership of NEON has changed, I think we can be confident that our money will be well spent. Also, that money goes directly to our rate payers. I am suggesting we save some money by reducing the jobs program to the original \$10,500, which seemed to be sufficient for several years, until one of our Commissioners wanted to up it and reduce the Miscellaneous Projects to \$2,500 because most of them are below, that mount anyway, certainly below \$7,500. That would save \$10,000, which we could then give some money for our rate payers' energy assistance and it wouldn't change the bottom line in the Budget. That's just a suggestion from me. Now we can go on and discuss it. Sorry."

Commissioner Borges-Lopez: "Through the Chair. I was not at the Annual Meeting however, I know pretty much what happened at that meeting but one thing that I wanted to bring forth here is that the ad-hoc committee was put together and we met with Attorney Zullo on several occasions and it is our responsibility as well as Commissioner to uphold the Charter and according to the Legal Opinion Letter the funds that have been donated to different agencies should not be because they are not non-profit organizations. We are giving money to the City of Norwalk and for the youth program. We did not cut it in its totality but we just cut it considerably because in essence we are donating to a non for profit organization. What is the point of having a Charter?"

Commissioner Burgess: "Right."

Commissioner Borges-Lopez: "If we can't uphold the Charter. So based on the legal opinion letter from our attorney, I disagree with all of the amounts that are in this letter and I will vote against the Budget. It's the Commissioners choice to vote, however, my vote will strictly be by the legal opinion letter by Frank Zullo in upholding the Charter."

Commissioner Burgess: "Thank you. Mary?"

Commissioner Mann: "I think, yes we do have to uphold the Charter, but one of the things that is specifically stated in the Charter is that the Electors do have an opportunity express what their desires are for the community and no I was not at the meeting as well, but I believe from looking at the notes, that was definitely done. So, we have variable situations here and I think in upholding the Charter as long as we provide services to, within our community, in our area, we are doing just that per the legal letter."

Commissioner Ayme: "But, ok if I may, through the Chair?"

Commissioner Burgess: "Yes."

Commissioner Ayme: "First I would like to ask Commissioner Borges-Lopez, you spoke about the

projects and you spoke about the youth program, do you have any thoughts in terms of the assistance program from the defines of the ad-hoc committee?

Commissioner Borges-Lopez: "I am sorry but I didn't follow your question."

Commissioner Ayme: "The assistance, the \$25,000 assistance program do you have any thoughts on that?"

Commissioner Borges-Lopez: "The \$25,000 goes towards NEON. It is coming back to the public. It is going to a "for" profit organization, but it is coming back again to the public and that was the reason we determined we should do away with that. And I also asked Mr. Hiscock because I believe we also have what is called a hardship program right here whereby employees would determine, would take applications and determine those people that are in hardship and their electricity would not be turned off and I don't know, Mr. Hiscock could expand a little more on that as well."

Mr. Hiscock: "The individual's who qualify for this program, meet the income requirements to place them into the winter termination moratorium, which is from November 1 to May 1. It used to be April, it is now May. It's been extended. During that timeframe, we are not permitted to terminate electric service to any customer who meets those criteria. And certainly anybody who could obtain funds from SNEW administered by NEON meeting the criteria would make the criteria for the moratorium. They could not be terminated during the period November 1 to May 1. So that could not happen in the winter time."

Commissioner Burgess: "Right. But, are you finished?"

Commissioner Borges-Lopez: "I would like to ask one more question based on Commissioner Mann stating that the Charter can be changed by the Electors and I would like to know what can constitute change in the Charter?"

Mr. Hiscock: "True Charter revision requires the District Commissioners to seat a Charter Revision Commission in accordance with the Statutes. They hold hearings, they seek public input, they draft changes to the Charter. Those changes are then submitted to the District Commissioners for whether or not they go to the ballot. There are appeals and other sort of petition procedures to put things on the ballot, if the District Commissioners chose not to. Once it goes on the ballot, we publish the information. It goes on a formal ballot at an election. We have the choice of doing a special election or doing it at the regular election. If we do at the regular election there is no quorum requirement, no minimum vote requirement. If we do it at a special election, I believe and don't hold me to the number, but from the top of my head, I believe you need at least 10% of the Electors to show up and actually vote, regardless of the vote, if you don't meet that criteria. In our case I believe that amounts to about 400 Electors would have to come out to the special election."

So, in the three Charter revisions that the Second Taxing District has done, in 83, 95 and 2003, they were all done at the regular election and all done with the City election because of the B1 versus B2 so we always do it in an odd year. I think that sort of lays out how you would actually change the Charter.”

Commissioner Borges-Lopez: “Thank you.”

Commissioner Ayme: “My second question is directed to Commissioner Mann. In the reference that was made in terms of the Electors, may suggest that programs for the community, how you said that in terms of the youth program, we would have to be assured by the City of Norwalk, in the event that we continue as we are providing, because we did not eliminate the whole thing, providing funds for the City of Norwalk for the youth program in fact all of the youth that is being helped throughout the summer months are residence of South Norwalk.”

Commissioner Mann: “I have already been through that many years ago and it is allotted. I get names, address, whatever I want, every youth that is helped through SNEW is definitely a South Norwalk resident. That is not a questionable issue.”

Commissioner Ayme: “Thank you.”

Commissioner Burgess: “She still provides that information?”

Commissioner Mann: “I haven’t asked for it in about two years, I used to get it all the time but she will give it to me. It is not a problem at all. You know, we can get that at a moment’s notice.”

Commissioner Ayme: “And I believe that the amount that was allotted was \$4,500? Is that what we agreed on?”

Commissioner Borges-Lopez: “We said four children, four youths and I guess it is equivalent to about \$1,200 to \$1,300 per youth or a little over \$4,000.”

Commissioner Ayme: “\$4,800.”

Mr. Hiscock: “When I was first asked what the cost of four youths would be I had used an old number for the program and I had explained that to the Committee and once we got the brochure and did the budget it was \$4,950 for four. That was my mistake. I had a smaller number but I did modify the Budget to match the four based on the current price.”

Commissioner Ayme: “Ok”

Commissioner Burgess: “I would still like to plead that we consider those homeowners in South

Norwalk who, years ago, all heated by oil, now everybody heats by electric and they can't be turned off. Oil companies, once again I remind you, do not have to deliver. Some of those folks need our assistance and it worked well through NEON only because our staff works with the staff person at NEON. I still would like to plead the case for putting some money back into energy assistance, which goes right back either to the electric company or local oil dealers."

Commissioner Ayme: "If I may through the Chair?"

Commissioner Burgess: "Yes."

Commissioner Ayme: "As I understand it, the assistance program, they receive funding from the State?"

Commissioner Burgess: "Yes"

Commissioner Ayme: "And as I also understand it, they do not utilize all of the monies they receive from the State that some monies have been sent back to the State."

Commissioner Burgess: "Yes, may I speak on that?"

Commissioner Ayme: "Yes."

Commissioner Burgess: "In the Energy Assistance Program, the money that is given by the government is strictly income level. If you are one dollar over the income level than you can't get that money and it has to go back to the State."

Commissioner Mann: "20 cents."

Commissioner Burgess: "Our money..."

Commissioner Ayme: "20 cents?"

Commissioner Burgess: "Can help those people that are over \$1."

Commissioner Ayme: "Because our program is more flexible in that sense."

Commissioner Burgess: "Yes."

Commissioner Ayme: "Right. Ok."

Commissioner Borges-Lopez: "This program though and correct me if I am wrong here. I heard you

saying something and I just want a clarification on it. You are saying strictly to go to South Norwalk for oil and electric. But South Norwalk Electric and the amount of money that goes towards NEON comes back again only to SNEW, it does not go to any oil company out there.”

Commissioner Burgess: “Any what?”

Commissioner Borges-Lopez: “It doesn’t go to any oil company. It has nothing to do with oil right? It’s only the electricity. I just want to make sure I understood it correctly.”

Commissioner Burgess: “No, it is the oil company, isn’t it Mary?”

Commissioner Ayme: “No.”

Commissioner Borges-Lopez: “No, it does not go to an oil company. In the past it comes back to us.”

Commissioner Ayme: “It’s an electric service.”

Commissioner Borges-Lopez: “In the past...”

Commissioner Burgess: “Only electric. So it all comes back to SNEW.”

Commissioner Mann: “Absolutely.”

Commissioner Borges-Lopez: “It comes back to SNEW. It never goes to any oil company that is how it was established and I wanted to clarify that.”

Commissioner Burgess: “Ok, so every bit of it comes back to us?”

Commissioner Mann: “Yes.”

Commissioner Burgess: “It seems to make sense and these are older people that...”

Commissioner Borges-Lopez: “Well, we really don’t know. Mr. Hiscock do you have any list of the people that receive the subsidy?”

Commissioner Burgess: “Well they are older people because they are not wanting their kids to go into a jobs program. The ones, you know...”

Commissioner Borges-Lopez: “But I said that I don’t think we have a list of the people that receive the, you are saying older people so I am just trying...”

Commissioner Burgess: "Well, we can get one. We can get one."

Commissioner Aymes: "No, there are also families with kids."

Commissioner Burgess: "We can easily get one. Some of them, but Juanita can provide that."

Mr. Hiscock: "We have the list, it comes back to us and it comes back to us, but basically as constructive knowledge. In order for them to apply the money to the customer account, we have to have a list. Now, we have always said we really don't want to make decisions, with respect to this, we leave it up to the program, but we have rules. But, one thing is for sure, the money comes back to us and in a funny way, we audit the program. Because when they run out of money, we have the list, we know how much they spent, we know the money comes back to us, it is sort of a circular path, we issue a new check and it comes back around to us with a list of who to apply it to. So, we don't make the decision as to what accounts to apply it to that is done by NEON, but it is always applied to an account in our District. So the money goes nowhere and, maybe if you don't mind, I just want to make sure you all understand the rule is that if you get energy assistance for heating from NEON you can get an additional grant from the money we provide up to 50% of that grant. Example, if the State grant is \$800 in a year and I am using round numbers, and they get the \$800 from the State, they can get an additional \$400 from NEON which comes from our money. That is where it comes from. If you qualify financially for assistance but do not heat with electricity, NEON, under our program, is authorized to give you up to the same amount the State gives so that they pay their electric bill with that money. From a practical perspective, its money that could be used elsewhere, but is by the individual by displacement, but the money goes right back onto the electric account. I hope I have clarified it, I don't know."

Commissioner Geake: "Through the Chair?"

Commissioner Burgess: "Yes?"

Commissioner Geake: "One quick question. If we actually give cash to NEON, NEON then turns around and gives cash to one of their people."

Mr. Hiscock: "Gives cash to us back."

Commissioner Borges-Lopez: "It comes back to us."

Commissioner Geake: "Ok, so they would only have like, just for instance, they would have a paper saying they have \$200 for their electric bill so they can use it. They would never, ever see cash?"

Mr. Hiscock: "No one sees cash other than NEON and us. What comes back to us is a list with a

check and it says these 40 accounts, place this much on their account. So, we do that.”

Commissioner Borges-Lopez: “So you get account numbers?”

Mr. Hiscock: “And amounts.”

Commissioner Borges-Lopez: “And amounts, no names?”

Mr. Hiscock: “Well, we have the name because we know the person and we match them up that way.”

Commissioner Borges-Lopez: “Ok. So, you also said previously that NEON, when a person applies for energy with NEON, the criteria is based on the approval, based on the State.”

Mr. Hiscock: “On the State rules.”

Commissioner Burgess-Lopez: “So then if we go back and say that the person is 20 cents or \$1 dollar over they don’t get the subsidy, then SNEW will not give them the subsidy as well. Correct, because they did not meet the State criteria?”

Commissioner Mann: “No.”

Mr. Hiscock: “Based on the agreement that we signed about five years ago, Gwendolyn, do you remember?”

Gwendolyn Gonzalez: “Yes.”

Mr. Hiscock: “Somewhere in that range. It very specifically says that you have to meet the State criteria.”

Commissioner Borges-Lopez: “Ok so do we know...”

Mr. Hiscock: “I do not...”

Commissioner Mann: “There are more than one set of guidelines. Ok, there are State medium income guidelines for energy assistance, there are different programs and low income guidelines and I think for the energy program, I believe they use the guidelines for the State, Federal, I can’t give you the acronym, but it is a low income guideline, it just doesn’t happen to be the energy assistance guideline.”

Mr. Hiscock: “Ok.”

Commissioner Burgess: "Go ahead."

Commissioner Harris: "Through the Chair. It seems like a win/win situation because the money comes right back to us anyway. So, direct me if I am wrong, I see eyes over there."

Mr. Hiscock: "I am trying to think of a response."

Commissioner Harris: "Because if we are giving them the money, it is not like it is going out anywhere, it is coming back to us. So, I mean is that correct?"

Commissioner Ayme: "With one caveat."

Mr. Hiscock: "Well, while the money goes through that path, it costs us the \$25,000."

Commissioner Ayme: "Exactly."

Commissioner Borges-Lopez: "Correct."

Mr. Hiscock: "Ok, it's..."

Commissioner Harris: "But isn't \$25,000 coming back to us in the form of where we are applying it to an account of someone who's with SNEW? So, I guess I am not understanding."

Mr. Hiscock: "Well it is \$25,000 less revenue we would get if we collected all of the money that we billed out. Ok, because in essence we are simply, the bottom line is we are allowing NEON to tell us which \$25,000 worth of revenue to not bill. That is really what it amounts to."

Commissioner Harris: "Ok."

Mr. Hiscock: "So it is \$25,000, it does come back to us, it doesn't go anyplace else, it does come back to us, it definitely goes back to our customers."

Commissioner Mann: "Just a question. All the other utility companies have some sort of hardship or payment forgiveness or matching payment program within their organization and I have dealt with a number of clients and SNEW on different issues, whether it is electric or water, from the inside, recognizing that we are very stringent in our rules and in what we do. I guess my question would be, my thought is that there is a need to deal with people that are having extreme hardship cases. What would it cost us or would be an imposition within our organization to have one of our staff people handle a scenario like this because my feelings is that if we take it out of the community we have got to do something better on the inside and I have worked with the inside so

you know I understand what happens, ok, it is going to be an either or thing.”

Commissioner Burgess: “Ok can I say something? I think, Mary, when we set this up a long time ago, for the money to go to NEON, the reason was that Juanita, who does a very good job, worked with Joe Tamburri and rather than have one of our staff stressed out all the time doing what Juanita does, it was an easier situation for the two of them to work together and as I understand it, the money goes directly to Juanita in an account that she is in control of. Joe Tamburri is in contact with her.”

Commissioner Mann: “Oh yeah and I know the program works, it works, I guess my question is, you know we are going to need some program. If you take it out of the community from Juanita we are going to have to put something in place with SNEW because there are a lot of people out here...”

Commissioner Burgess: “Oh I know.”

Commissioner Mann: “Those are some hardship cases, especially security deposits and I just won’t bring that up, that we are dealing with and it is a time consuming type of situation, so do we want to bring it in house or do we want to use a system that works?”

Mr. Hiscock: “I am trying to figure out where I am with responding to all of these questions and comments. CL&P and UI, the two investor-owned utility companies in Connecticut along with the gas companies are required to have a DPUC approved low income, forgiveness program. The municipalities in Connecticut are not required to have that same program. I believe Norwich does, I do not believe the other municipalities do and I am talking electric. If you go back through the minutes of when this whole program started, which is about 25 pages long, I believe, we really talked a lot of these issues out one night and I actually think we talked at two different meetings about everything you talked about, one way or the other. If you go back through those minutes you will find my personal preference as manager was not to deal with it internally. Then there were discussions from there where to go external but certainly my preference was not to deal with it internally. We did not have anybody on staff who dealt with low income problems and were able to make, well they would be able to make those decisions, obviously educated, but we did not have anybody who was capable at that point in time of making judgments and running the program. I was the one who wanted it external for selfish staff reasons.”

Commissioner Mann: “Smart move.”

Commissioner Burgess: “Yes, Commissioner.”

Commissioner Ayme: “It has already been said that the applicants they have to have the same criteria as the State, am I correct?”

Commissioner Hiscock: "I am sorry sir?"

Commissioner Ayme: "The applicants to the program, they have to comply with the same criteria as the State? So my question is; can someone explain to me, what is the leeway, what is the difference?"

Mr. Hiscock: "I can't, I don't know."

Commissioner Mann: "Which Federal guidelines they use and I can get that information."

Commissioner Ayme: "Yeah."

Mr. Hiscock: "I do not know specifically what the programs are or what the differentiation would be."

Commissioner Ayme: "My point is that if they have to use the same criteria and they get a substantial amount of money from the State and some of that money goes back to the State, what is the leeway with our money? It was said that we have some leeway, where if they get denied by the State then. No, that is not how it works?"

Commissioner Borges-Lopez: "I will explain that. What I want to mention here is that NEON also gets approximately \$1.6 to 1.8 million a year and in 2010 going over the amounts, and I think that is why you are bringing it up, 2010/2011 program not all of the monies were used but rather than NEON reimbursing the money to the State, what the State will do is reduce the amount for the prior years' program by the amounts that was not used. In 2010/2011 it was an amount close to I believe it was \$160,000 to \$170,000 that I had discussed with the Chief Financial Officer there that was reduced. It wasn't because I questioned the program, and why was it lower, he said it's not that it was really lower, we didn't use the entire amount this year, so the program was reduced by that amount. It was over \$150,000 that was what I mentioned here and was trying to bring forth that \$25,000 is not all the monies are received by NEON for their energy program; that do receive up to \$1.6 to 1.8 million a year for the energy program."

Commissioner Burgess: "Ok, anyone else. Go ahead, go ahead."

Commissioner Ramirez: "With all due respect tonight, it is very interesting when I listen to all of you folks in a time that we are spending for such a very interesting, unique and healthy programs for our community. I firmly believe that the youth program should remain as it is, with the \$15,500. I can justify how much difference this program can make for a lot of children in our community. The children are from our own families that are actually our own customers. The children are from this community itself and not from the outside and I do believe that if you request the numbers,

specifically as a Commissioner, those numbers can be provided to you. I have no problem at all to see that it is so simple, even the Electors have spoke in pertaining to see how important it is. Even if you have one person that is shorted in this program, and that person goes out and commits a crime or gets involved with something else, I don't know how I would feel in saying yes to cut that child's budget and now he or she might be in trouble. But for \$25,000 I do believe, it is very well needed and very well utilized, it is within our community, it comes back in a different shape or form to our community, I mean our company, our District I should say, it is something that I am looking for and am very sensitive. The \$7,500 for utilization of the community services, it is a proven fact that it has been very well utilized in the past. I can see that every penny that has been given to our community, has been utilized properly, legally and for our receivers and it was also explained by the attorney at the meeting, that yes the Charter said one thing, but it also falls within the municipality and if I heard correctly, and correct me if I am wrong John, it still falls within a municipality. It even says here municipal utility system that also allows us to display within reason, by the Commissioners to give something back to our community. It allows, legally, I am not here to promote anything out of the legal terms, it has to be within the legal terms, that will allow us to utilize help within common sense of reasonable Commissioners and I highly respect all of you, and to be sensitive to give back to our community at a very low price that would not make any affect at all, as far as I understand. I even asked this question before to John. If this would make any difference to the budget, to the financial status quote from the organization and he said 'no'. If it would make any big impact or perhaps caused a crisis, I would be foolish to continue and sponsor this but it is very reasonable, it is within the budget, will not have any strong affect on the budget and therefore, my last statement is that it should be given back to our community preciously as the numbers remain \$15,500 for the youth and \$7,500 to community projects and \$25,000 for the electrical services."

Commissioner Ayme: "If I may, if you are finished?"

Commissioner Ramirez: "Yes go ahead."

Commissioner Ayme: "If I may, through the Chair. You make up a case and it is the human aspect which I fully understand. I fully understand and that's one side of the coin. The other side is, as Commissioner Borges-Lopez pointed out is that we are prohibited by Charter to do what we are doing. Now, how do we address that?"

Commissioner Ramirez: "I have already explained, you were here at the meeting."

Commissioner Ayme: "What meeting?"

Commissioner Ramirez: "The Electors Meeting. The attorney explained that we are a municipality and a municipality and the statutes, what was the number of the statute if you recall...?"

John Hiscock: "No"

Commissioner Ramirez: "No. Ok that allows the Commissioners the executive power to provide, to give back within reason, to give back to the community."

Commissioner Ayme: "And that's exactly right, but you see my point right now..."

Commissioner Ramirez: "So the charter itself, yes, it does not say so, right."

Commissioner Ayme: "Bear with me for a second here. That's exactly my point, if we and I agree that the youth program, as an example, is a great program. I fully agree with that."

Commissioner Ramirez: "Absolutely."

Commissioner Ayme: "But what you're saying and you're agreeing with me in the sense that we cannot give this money to the City of Norwalk. We would have to run the youth program in our community in order to comply with the Charter."

Commissioner Borges-Lopez: "According to Frank Zullo, we can only give to a non for profit organization within the Second Taxing District. Not to a public organization, an individual or [addressing Mary Geake] Mary what did you understand from the meeting?"

Commissioner Geake: "That is exactly what I understood. That is the reason I came up with what I came up with because that is what he said."

Commissioner Borges-Lopez: "Ok. To a not for profit organization within South Norwalk, within the Second Taxing District I should say, sorry, within Second Taxing District."

Commissioner Ayme: "So it has to be an organization within the Second Taxing District."

Commissioner Borges-Lopez: "Correct and it has to be a not for profit organization and it can't be a public organization or an individual."

Commissioner Ramirez: "How can we clarify this John?"

John Hiscock: "There is only one group that can clarify this and that is the Superior Court. You have an opinion that has been transmitted to all of you from legal counsel and if you read through it, you go through it and it is very specific, you can't do this, you can't do that however, we are a municipality and municipalities can do the following from a section of the Statutes that clearly spells out that you can contribute to certain organizations, the list appeared to be historic, old, it didn't appear to be a modern list, but that is ok and based on that our legal counsel, who we pay

for legal opinions, and this was a formal, signed legal opinion, in fact by two attorneys in the same firm concluded that if it was for a non-profit, community based situation we could contribute funds. And basically it now becomes opinion.”

Commissioner Ayme: “Non-profit.”

Mr. Hiscock: “Well attorneys fight all the time over opinions.”

Commissioner Burgess: “Yes.”

Commissioner Mann: “If we were to put stipulations on the City that any youth that is receiving the funding from SNEW, must work for a non-profit organization would that take care of the Charter issues?”

Mr. Hiscock: “I am not qualified to answer that Mary. I am really not.”

Commissioner Mann: “Ok.”

Thursa Merritt: “Can I make a comment now or do I have to wait? I will wait.”

Commissioner Ayme: “We will have public participation in a few minutes.”

Thursa Merritt: “Ok.”

Commissioner Burgess: “Yes.”

Commissioner Harris: “When we originally agreed to give money for the Summer Youth Program, did we not seek legal counsel? Did they not tell us we could do this?”

Mr. Hiscock: “We did not seek formal opinion; we did not seek formal opinion. We have had a community service budget in one form or another for a substantial time period as I think I have indicated to you in the past, it started with services in-kind for the Community Beautification, one of which was actually outside the District and it grew from there, as the Commission was approached. I do not recall specifically the year that we were approached with the Summer Youth Program. It had to be seven or eight years ago now. I really can’t recall but it is in that timeframe and it started out with a small number and that number grew. Up until this year it was \$10,500 for about three or four years, prior to that I don’t even know the number. I didn’t do that kind of research to figure out exactly how it changed or grew.”

Commissioner Burgess: “Yes.”

Commissioner Geake: "I wanted to ask one question, just for the record what does a meeting like this cost for us to have and then what is the meeting for the Electors, what does it entail, I mean as far as personnel, notice in the paper, a round-a-bout figure, just so that I know."

Mr. Hiscock: "The notice depending on the size of the notice for any Commission Meeting is in the \$400 to \$500 range. If we do a display ad for a district electors' meeting, which we usually do, that is twice that price and then the other issue is simply the transcription of the minutes, which is labor and you can add another couple of hundred dollars for that. So, the meeting range from \$800 to \$1200, just a rough guess and they vary widely depending on how long they last and transcription is by the hour and the ads vary by size."

Commissioner Burgess: "Yes Commissioner Harris."

Commissioner Harris: "Could we go back to counsel because there seems to be two different interpretations of what he said. Would it be possible for you to go back to him to ask him if we could possibly put the stipulations in that Commissioner Mann had suggested?"

Mr. Hiscock: "We could but you run into the situation now where you are parsing his opinion, trying to define it and roll around the edges of it and you could create a ton of what if's and forcing him to do that becomes somewhat problematic. It's possible, we could recess this meeting to a different date and time and have counsel come back and you could ask questions obviously."

Commissioner Harris: "Ok, John but, I guess in your opinion, your interpretation would be that we cannot?"

John Hiscock: "No, I have no interpretation nor can I make a legal interpretation. I cannot counter a formal, written legal opinion by somebody who is admitted to the Bar. I cannot. Ok, I am not an attorney."

Commissioner Harris: "What about opinions. Can we change it to opinion? It just seems that there are two different interpretations and I am not trying to be a troublemaker, I am just trying to understand."

Mr. Hiscock: "I don't know if there is two different interpretations, I mean I think it runs the gamut of do nothing to do anything the Commissioners vote for and the Electors approve. I don't see one or the other, based on all of what you said here tonight. Everybody has a slightly different feeling about it and that feeling comes out in the discussion."

Commissioner Harris: "Well it seems to me that there's one opinion that we cannot do it because it's not necessarily in South Norwalk, the other opinion is that we can do it if we put a stipulation on it that the money, whoever we give it out to, it has to serve the people in South Norwalk."

Mr. Hiscock: "I am trying to figure out if I have access to that opinion now, but I don't believe so because it is locked up in the vault unless one of you has a copy of it. I don't have it with me."

Commissioner Ramirez: "I think we should try to reach him by phone. He cannot be reached by phone right now?"

Mr. Hiscock: "I don't have Frank's cell phone number. No I don't, your choices are, if we are going to go down this road, is to go and discuss this with counsel and your best choice is to bring him here because otherwise you are not going to agree with anything that is on paper because everybody is going to, and don't take this as a derogatory statement, but you get into the what if? And I can't answer the 'what if' from a piece of paper to what is going on here this evening."

Commissioner Ramirez: "That is what I strongly suggested before, that everything we do here has to be within the parameters of the law and if we have made a mistake and that is the case by giving, and I do not believe we have but if we have any doubt about it, we have to make sure that we are correct in our decision and it has been administered properly, it is an excellent program, I truly believe, and I do believe it should be given back to the community. The legal process and these are good questions, there is no doubt about that, but it would be a good way to bring him in and ask as many questions as we can."

Mr. Hiscock: "Again, any attorney is going to tell you the ultimate decision is the final court of law and they all have different opinions. If you put two attorneys in a room they could fight all day and they both would think they were right. Well, the only one who says they are right is the judge, the ultimate judge in the case so you only have one attorney's opinion here. It's not the law, it is his opinion of what the law is and that is a different issue."

Commissioner Ramirez: "Commissioner Mann made a very strong and very reasonable suggestion. If it seems to be an issue with it not being a non-profit organization and the stipulation she just mentioned, I think is very reasonable. It would be up to the attorney to believe in his legal understanding of the meaning of the law to explain to us if it could be done or not. Commissioner Al, what do you think?"

Commissioner Ayme: "Well, I would like to make a motion to table this until we have legal counsel present. Not to extend it too long, perhaps a week or something."

Commissioner Ramirez: "I would say as soon as possible wouldn't you?"

Commissioner Ayme: "As soon as possible."

Mr. Hiscock: "I am trying to remember if I noticed the meeting for..."

Commissioner Burgess: "The Electors Meeting."

Mr. Hiscock: "The Electors Meeting. We talked about it and we set a date. The 11<sup>th</sup>, April 11<sup>th</sup>."

Commissioner Ramirez: "Can we have a meeting at the beginning of next week. Would that be within a reasonable time?"

Mr. Hiscock: "If the meeting was noticed and I don't believe it was noticed."

Thursa Merritt: "I know the date of the meeting."

Mr. Hiscock: "Excuse me?"

Thursa Merritt: "I know it is the 11<sup>th</sup>."

Mr. Hiscock: "Oh no, it has to be formally noticed 10 days in advance by law."

Thursa Merritt: "Oh no, it is just on your agenda I guess."

Mr. Hiscock: "Yeah, no, no, the notice I am speaking of is the formal legal notice in accordance with the Charter. If the meeting has not been noticed and I don't believe it has there were three notices in the paper this weekend and one was for the Appeals Committee, one was for this and one was for the CMEEC Contract. I do not believe we've noticed this meeting for the Electors. So, if we don't run into that problem because then we got to pay for the notice, then pay for the cancellation, then pay for a re-notice."

Commissioner Ayme: "So nothing has been sent out right?"

Mr. Hiscock: "So, if you want to meet again, with counsel present that is a decision for the Commission but ultimately you are all going to have to vote, no matter what he says."

Commissioner Ayme: "My motion to the table stands."

Commissioner Burgess: "Does that need a second John?"

John Hiscock: "Yes."

Commissioner Burgess: "Is there a second?"

Commissioner Borges-Lopez: "Second."

Commissioner Burgess: "Yes. All those in favor of tabling?"

Commissioners Unanimously: "Aye."

Commissioner Ayme: "With counsel."

Mr. Hiscock: "I don't know if the Clerk got a vote there. Who said aye, please raise your hand. Ok, my fault, I did not realize it was unanimous. Ok."

Commissioner Mann: "Would you like to set a date depending on legal counsel?"

Mr. Hiscock: "I need legal counsel first of all and then I need to have the Commission polled so let me do two things, if you don't mind, with respect to this issue, it might make it a little bit easier for all of us. Ok. Today is the 27<sup>th</sup>, the earliest this could occur would be the 29<sup>th</sup>, which is the coming Thursday night and we would have to know that now, wait a minute, today is the 27<sup>th</sup>, no can't do it because by the time we get the notice in the paper, we can't get it in on time. So, the meeting would have to occur on the 3<sup>rd</sup> or the 4<sup>th</sup> of April or the 10<sup>th</sup> of April to get this done before the Electors' Meeting on the 11<sup>th</sup>. Considering what I have heard this evening, I think it is dangerous to schedule an Electors Meeting until you have come to a final conclusion.

Commissioner Ramirez: "Why don't' we go for the third, depending on counsel."

Commissioner Ayme: "Yeah, the earliest that we could possibly do it."

Mr. Hiscock: "How is everybody on the 3<sup>rd</sup>?"

Commissioner Borges-Lopez: "I am fine with the 3<sup>rd</sup>."

Commissioner Ayme: "We will be here."

Commissioner Mann: "I am good with all of the dates except the 10<sup>th</sup>."

Mr. Hiscock: "Except for the..."

Commissioner Mann: "10<sup>th</sup>."

Mr. Hiscock: "Thank you."

Commissioner Harris: "What day is the 3<sup>rd</sup>?"

Commissioner Burgess: "I won't be here the 3<sup>rd</sup>."

Mr. Hiscock: "The 3<sup>rd</sup> is a Tuesday." Next Tuesday, one week from tonight."

Commissioner Harris: "All Tuesdays."

Commissioner Geake: "I am here until then."

Mr. Hiscock: "You are here until then. Ok, you are the only one not able to attend right?"

Commissioner Burgess: "Right. "Ok, can we hear from the public now?"

Thursa Merritt: "I am sorry I am the only public tonight."

Commissioner Geake: "Sometimes there is no public."

Thursa Merritt: "I know you are worried about giving money out, but despite what Mr. Zullo said, it is under law and I am not a lawyer, something very old fashioned, you have been giving money to the youth program, to energy assistance and for other projects forever. You are grandfathered. Zullo could defend you under any court of law, if some Electors sued you for giving money to public institutions. It is grandfathered. I am getting old and I have lived in South Norwalk for a long time, you have been giving that stuff out for over thirty years, trust me when I tell you, under law you are grandfathered to give it. Be sure to ask Mr. Zullo when you talk to him. I am appealing to you and an Elector to please give the money out like you always do. Times are tough and more people are asking and as far as the youth program goes, that nice lady that coordinates the youth program told us at the last meeting 70% in the young people in that program are from South Norwalk. You don't have to tie it up with chains and handcuffs, 70% comes back down here to us. That's kids that are not busting your lights, kids not sawing down your poles, kids not cutting your wires, kids not dumping garbage in front of the water department, because they hate us. Nobody is busting a window down at the water department either but 70% of the kids, and by the way folks, I always kick a little in for the homeless Thanksgiving dinner and it's not just the homeless anymore. In case you don't read the Norwalk Hour, the food banks are crying for food, crying, maybe once or twice a year we used to read that in the Hour, about every quarter they are saying please donate food, we haven't got enough food. Thank God volunteers asked me for food, people that used to come down there and stock the shelves and pass the food out. This is not a fractured fairy tale, this is reality. The unemployment rate is atrocious, where do you think a kid is going to get a job this summer? I remember how hard it was to get my first job when I was 16. I must have gone up and down practically every business in here Norwalk, knocking on doors, asking them if they would give me a start, would you give me a start, would you show me how to do this? The kids need the jobs, if there was ever a summer they needed the jobs, this is one of those summers. Everybody's lost money; everybody had to say we can't afford this. All, I will tell you something that you have not

come up with to cut the budget, will you stop fertilizing the parks? All that does is help the weeds grow. When you put fertilizer down and it doesn't rain, you are going to burn the parks and there is no way you are buying that in bulk. For all of the parks you are taking care of what do you think, \$30 a bag? Stop fertilizing, put the money into the kids program, I don't care if you put it into the turkey program; put it to the energy assistance. You don't have to tell me he is not buying it in bulk, I know he's not. You don't have enough parks to take care of to buy in bulk so you are down there buying it a bag at a time and, believe me, it is one of the first things that goes, stop fertilizing. You know what the best thing is you don't the mow the lawn as often."

[Laughter]

Thursa Merritt: "Now only do you have that money that you were spending on fertilizer for other stuff, you don't have to mow as often because the grass doesn't grow as high. So, stop fertilizing put that money back in one of these other programs but I am telling you are grandfathered. You should ask Mr. Zullo that fact, he is one of the sharpest lawyers you can every hire."

Commissioner Ramirez: "He is a good man."

Thursa Merritt: "But I am sure you are grandfathered. I am appealing to you to put those programs back in place."

Commissioner Burgess: "Thank you."

Commissioner Ayme: "Thank you very much."

Thursa Merritt: "I am sorry."

Commissioner Ayme: "No, no problem at all."

Thursa Merritt: "I also have to tell you I am board member of the Shorefront Park Improvement Association and if you don't, you get to see us all because we have an association meeting on Sunday and this is going to be discussed so you will see the association, not just one representative. So, please protect it, please. Thank you all for your time."

Commissioner Ramirez: "Thank you for coming."

Commissioner Burgess: "Motion to adjourn?"

Commissioner Harris: "I motion."

Commissioner Mann: "Second."

Commissioners Unanimously: "Aye."

*Adjournment*

*The meeting adjourned at 7:58 p.m.*

Attest:

Gwendolyn Gonzalez  
Assistant District Clerk

*Transcribed by: Lisa Roland*