

**SECOND TAXING DISTRICT COMMISSIONERS**

Regular Meeting Minutes

October 17, 2017

Present:	David Westmoreland Maria Borges-Lopez Harold Bonnet Mary Geake Mary Mann	Chairperson Vice Chairperson
Absent:	Sandra Stokes Martha Wooten-Dumas	
Also Present:	Paul Yatcko Lisa Roland Kara Murphy, Esq.	General Manager District Clerk Tierney, Zullo, Flaherty & Murphy
Public Present:	None	

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*The meeting was recorded in its entirety.*

**Call To Order:**

Commissioner Westmoreland called the Regular Meeting of The Second Taxing District to order at 7:03 p.m. on Tuesday, October 17, 2017. The meeting was held at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

1. Acceptance of the Minutes:
  - 1.1 Regular Meeting Minutes of September 19, 2017

Commissioner Borges-Lopez moved to accept. Commissioner Geake seconded.

**Minutes were approved unanimously. (2017-10-17-1.1)**

*Public Participation*

No Public was present.

**CONSENT AGENDA**

2. Quarterly Customer Electric Write-Offs – July 1, 2017 thru September 30, 2017
3. Keep Norwalk Beautiful – Thanksgiving Community Dinner – South Norwalk Neighborhood Association
4. Ratify Appeal Committee’s Decision / Appeal and Request for Interpretation of Employee Manual / Brian Edge

Commissioner Borges-Lopez moved to accept the items on the Consent Agenda. Commissioner Mann seconded.

**The Consent Agenda was approved unanimously. (2017-10-17-2.)  
(2017-10-17-3.)  
(2017-10-17-4.)**

**REGULAR AGENDA**

5. An Act Concerning Municipal Electric Utility Cooperatives and Establishing a Municipal Electric Consumer Advocate / Public Act No. 17-73

This was a carryover item from the last meeting. Paul Yatcko and Attorney Kara Murphy presented the latest developments concerning the implementation of the Public Act.

Paul Yatcko presented that the town of Groton is passing an ordinance to implement the provisions of the bill and, specifically, to have CMEEC pay the consumer advocate's stipend. This appears to be consistent with current practice whereby CMEEC currently pays stipends to non-employee board members. Furthermore, CMEEC is considering the alterations required to its by-laws to include the addition of rate payers as members of the board and to possibly provide for their stipends.

Kara Murphy, on the other hand, presented that the Public Act contains confusing and conflicting language regarding who is to pay the stipend. The old language allows for CMEEC to pay, while the new language suggests the participating municipal utility is responsible. Whatever the final outcome, she advocates consistency. SNEW should not compensate the rate payer if other municipalities require CMEEC to pay the stipend. At this time, she would advise SNEW to hold off to see how CMEEC revises its by-laws. She is concerned that CMEEC, being populated by mostly Eastern Connecticut municipalities, will approve a stipend too low for someone participating from South Western Connecticut. Paul Yatcko interjected that he believes the current stipend is \$500 per meeting for non-employee board members, while stipends for CMEEC participating municipality employed board members are credited to the municipality's purchase power bill.

Commissioner Westmoreland was surprised and not pleased to learn that, through the District's monthly charges paid to CMEEC, SNEW is paying for (a portion of) non-employee board member stipends.

Kara Murphy pointed out that no matter whether CMEEC pays the stipends, or whether SNEW pays the stipend directly to its rate payer consumer advocate, ultimately SNEW is contributing one way or another. Even if CMEEC pays the consumer advocates directly, the costs trickle down to the member municipalities anyway. Paul Yatcko pointed out that either way the impact on our budget is comparatively small.

Kara Murphy also brought up the fact that the statute allows the local legislative body to set the advocate's term length. Groton's ordinance sets the consumer advocate term to 3 years. She believes the term length should be consistent between member municipalities. Paul Yatcko did not necessarily agree there be uniform and concurrent terms amongst the advocates, and Commissioner Westmoreland agreed that staggered terms is better for the continuity of the group rather than having a large number of concurrent turnovers. Kara Murphy pointed out that the statute, and thus this Commission as legislative body for the Second Taxing District, allows for termination of an appointee with or without cause at any time within his or her term. Groton's ordinance also set some very specific requirements for its appointee which both Paul Yatcko and Kara Murphy feel will be difficult to fill.

The question was raised how reimbursement for mileage and gas will be handled. The old statute allowed CMEEC to pay for those expenses if the municipality did not. The Groton ordinance presumes that CMEEC will be paying the stipend as well as travel expenses.

Senator Somers from Groton sent a letter to Mayor Rilling instructing him how to implement the Public Act, and specifically to have the common council appoint the representative. This instruction was incorrect under both the Second and Third Taxing District Charters. (Senator Somers letter was accurate for some of the utilities involved, but not for the Second and Third Taxing Districts of the City of Norwalk whose structures are different from most municipal entities.) Kara Murphy responded to Senator Somers, on SNEW's behalf and with carbon copies to all members of the legislative delegation in Hartford, to clarify that it was not in the City of Norwalk's jurisdiction to make the appointment, and to reassure her that SNEW was aware, concerned and taking the implementation of the Public Act very seriously. Additionally, and also in order to protect the Second Taxing District's sovereignty, Commissioner Westmoreland reiterated this position with Mayor Rilling whom did not have an issue with SNEW's authority in this regard.

For the time being, SNEW is in a holding pattern while making preparations to act depending upon what changes CMEEC makes to its by-laws. The biggest hurdle for the Second Taxing District's appointment is the time consumption factor due to distance. Commissioner Westmoreland asked if the Commission should come up with appointee selection criteria or qualifications. Kara Murphy advised flexibility, and suggested that someone with business experience and either retired or with flexible work hours would be the best fit.

Commissioner Bonnet expressed his opinion that the appointee does not necessarily have to be a business owner, but rather an ethical individual with some understanding of money and willing to pay careful attention to detail.

6. Management Update

*Reservoir Status*

Capacity is currently at 46%, while normal capacity at this time of year is 60%. Consumption is at 5.8 million gallons per day being driven by unusually warm autumn weather and a relatively dry spell over the last 3 or 4 weeks. As such SNEW has reached its first drought trigger level in its Water Plan – Drought Advisory. Public appeal will be made with the goal of diminishing water demand by 10%. Billing inserts are not in the works at this time.

*Organization*

A candidate for the Director of Electric Operations will be interviewing shortly. The candidate list brought forth by the executive recruiter has been sparse because qualified potential out-of- state candidates are not interested in moving to Connecticut. Several factors adversely affecting SNEW's ability to recruit at a managerial level include the state's budget issues, the resulting instability in educational funding, and the loss of industry to other states.

*GGP/Mall*

The project is moving forward. Paul Yatchko will be working on rate structure.

**Adjournment**

Commissioner Borges-Lopez moved to adjourn. Commissioner Mann seconded.  
*The meeting adjourned at 7:40 p.m.*

Attest:

Lisa G. Roland  
District Clerk