

SECOND TAXING DISTRICT COMMISSIONERS
Special Meeting
June 23, 2009

Present:	Otha N. Brown Mary E. Burgess Al Ayme Maria Borges-Lopez Mary Mann Sylvester Maultsby	Chairman Vice Chairperson
Also Present:	John M. Hiscock Candace Pampoukidis Frank Zullo Arthur Miller	General Manager District Clerk District Counsel District Counsel
Public Present:	Ruby Watkins	Friends of Ryan Park
Absent:	Cesar A. Ramirez	

Call To Order

Chairman Otha N. Brown called the Special Meeting of the Second Taxing District Commissioners to order at 7:04 p.m. on Tuesday, June 23, 2009. The meeting was held at South Norwalk Electric and Water, One State Street, South Norwalk, Connecticut.

Acceptance of the Minutes

Commissioner Brown: "I call this meeting to order, the regular meeting... I guess this is regular, or special?"

Mr. Hiscock: "This is a special meeting because we requested a date change."

Commission Brown: "It's a special meeting actually, right, special meeting. And I ask, what is your pleasure with regard to the minutes?"

Commissioner Burgess: "I will move acceptance of the minutes of the regular meeting of May 19, 2009."

Commissioner Borges-Lopez: "I second."

Commissioner Ayme: "Second."

Commissioner Brown: "Will you remark? Any discussion?"

[No remarks]

Commissioner Brown: "If not, then all those in favor say aye."

Commissioners simultaneously: "Aye."

Commissioner Brown: "Those opposed say nay."

[No opposed]

Commissioner Brown: "And so ordered."

Commissioner Burgess made a motion to accept the regular meeting minutes of May 19, 2009. Commissioner Borges-Lopez seconded and the motion passed with all five Commissioners present voting in favor and none opposed. There were no abstentions.

[Commissioner Maultsby was not present at the meeting during the acceptance of the minutes]

Chairman's Remarks

My remarks will be very brief. I have just returned from a conference of the American Water Works Association in San Diego. This will mark my 25th time I believe that I have attended, and apparently I'm conspicuous about my absence and also conspicuous by my presence. I think the Clerk... did you provide some things at each one...?"

Ms. Pampoukidis: "Yes [responding to Commissioner Brown]."

Commissioner Brown: "So you have those, and I won't take the time to give you the report, but I've written I, and if you have any questions be sure to feel free to call me or to get in contact. These days I need all of the consultation I can get. But it was a great conference. I had rather broad participation in the program, and it will be reflected in my notes to you. Those of you who have not ever had the opportunity of doing so should talk to John [Mr. Hiscock], and John, like a magic wand can make arrangements for any of you to attend one of our meetings. I know he went to a power meeting. I don't know what it is, to get more power or what, but we're glad to see him back. My other remarks, as you recall at the last meeting, I guess it was the last meeting, Mr. Murray made a presentation concerning the pictures and so on that he took, and from what I heard it was very well received. So he wanted me to tell you, to thank you very much for your reception of it. As you know he had to leave and go to a meeting, I think at the Fire Department. But just to make sure, to reiterate with regard to the minutes, he did submit a bill for the pictures that were taken at the library, and then there was some discussion, and it was finally decided by vote that, that... not to remunerate him for the reason that's indicated in the minutes. I'm glad to report to you that that's all been settled. The Chairman has made arrangements for him to be well settled, and he wanted to thank all of you for your reception. And the final thing is that I want to just reflect again about the matter of committees. This committee business will be ad nauseum I suppose because I understand that there are some who are not in favor of having committees. I want to indicate that we do have committees. If they're not functioning, the Chairman will do cognizance of that, and that we will try to see as to how we can resuscitate any committees that are not operating, and get somebody who will operate it. I know how to do it, and I will do it. And, which brings up a good point. As you notice, at the last meeting also we had the Manager's report regarding regulations of... rules and regulations, and as a result indicated that he would need to have those approved by the June meeting. The Chairman indicated that it would be necessary for the appropriate committee to go

over that and to make its recommendation at the June meeting so that it will be on the agenda. I did not get that. It is not on the agenda. It will not be on the agenda until the time that we are able to conform to that, and I will... I've talked with the Manager about that and he has counseled me with regard to the rules and regulations of the Board. And by the way, if you have any questions about that you can ask him, but I will not prolong this meeting for that, because there are some options, and those options can obviously be taken by the Board, and the Chairman will certainly entertain that when it is appropriate. I will still wait for perhaps the Chairman, uh... for the Manager, to make some remarks on that as to how we can get out of this quagmire of our own rules and regulations as a Board, and how we can be able to satisfy what we've done for many, many years, is to approve the rules and regulations of the... that's required by the Manager in his operation. I understand tomorrow night, those of you who are here, we have another committee that is to meet, and that is the committee on appeals. As far as I know we will be meeting for that one, and hopefully, I understand it's been off a couple times, and we'll be able to put that to rest on the appeals. I'm glad to see the counsel here, because all the counsel I can get these days is highly welcome. Some things he won't be able to counsel me on, because I am going to win this (inaudible) counsel. That's the other thing. And if I don't, then I'll know where I can go. And that can be recorded [directed to Ms. Pampoukidis]. The other... I will then go into the... another Charter requirement. By the way, again, let's just make sure we reflect on the fact that these are the rules that were adopted by the Board, that the Chairman will have the responsibility. Not the duties, the responsibility, of the agenda, and we have some specifics in regard for that to happen. And by the way, I entertain anyone who has other ways in which it can be done, will be done; and there are some. And talk with the Manager. I'm sure he can help you out, he kind of acts as our sergeant at arms, even though he doesn't have any club or anything around to do it. So I'll go to the next item, which is number four, Charter Requirement. And there are now, I understand, two vacancies on the Charter... what is it called, the Charter... the Ethics Commission. We were told last time that we had to get to work to make sure we had... to fill the vacancy, but there has been another vacancy, and the Manager will speak about that. He's much more aware of that. I haven't been around so much on some of those things. So John [Mr. Hiscock], would you like to make some comments about that?"

CHARTER REQUIREMENT

Ethics Commission Vacancy

Mr. Hiscock: "Okay, we have two vacancies on the Ethics Commission. Both of those vacancies were created by republicans who have left the Commission. One by death, Mary Rogers passed away and she's no longer on the Commission, and a second republican issued a statement of resignation to myself on May 21st, and that is Stacy Parrigin, and she has also... she has resigned as of May 21st, 2009. The Charter is very specific with respect to filling vacancies on the Ethics Commission. They are to be filled by the District Commissioners, and they are to be filled by a person from the same party that essentially created the vacancy. I can't remember the exact words in the Charter. So in this case two republicans need to be put on the Ethics Commission to replace the two vacancies from republican individuals. There is no procedure other than that, except that if they are unaffiliated individuals they obviously need to be replaced by unaffiliated individuals."

Commissioner Brown: "How is that done?"

Mr. Hiscock: "It is done simply by the Commission. This is not like Commission vacancies that are filled by the Ward Committee of the various parties, depending on... an example: if this was a

District Commissioner that created the vacancy, then you would get a recommendation within 30 days from the Ward, or actually from the Town and City, but only those members in the Ward voting, and we transmit paper back and forth, we ask for the vote, we ask for certification of the vote, we make sure it's all in accordance with the Charter. That is not the case for Ethics. This is simply a decision of the District Commission."

Commissioner Brown: "How is brought before the District Commission?"

Mr. Hiscock: "I'm presuming it comes to the District Commission based on the Charter. The Charter very specifically states the Commission shall fill a vacancy."

Commissioner Brown: "And how do they do that?"

Mr. Hiscock: "I would assume by motion and vote. It's the only thing I can think of that will take care of that issue."

Commissioner Brown: "So that means that we would have to wait for someone to present a name?"

Mr. Hiscock: "I am presuming that somebody... somebody can or will make a motion to fill the vacancy, and if it gets a second, then discussion and vote. There's no other procedural way other than that."

Commissioner Brown: "Yes [acknowledging Commissioner Borges-Lopez]."

Commissioner Borges-Lopez: Mr. Chair, I am prepared to make a motion and to appoint two people today; Heather Schroder and Joe Mastrianni to fill the vacant seats of the Ethics Commission..."

Commissioner Brown: "Let me just make sure in terms of procedure. That can be done now?"

Mr. Hiscock: "I believe so. The item is on the agenda, and I believe it's appropriate procedurally, and if there's any question, counsel is here, but I believe it is appropriate."

Commissioner Brown: "Is that true, Mr. Counsel [directed to Mr. Zullo]?"

Mr. Zullo: "Well the section is very clear, Mr. Chairman. 'The vacancy shall be filled with an elector from the same political party of the vacating member.' Therefore it's up to the Commission, and by vote of the Commission, by motion made, it can be filled here. [Commissioner Maulsby arrived at the meeting] If it were a Commissioner, John [Mr. Hiscock] is also right, then it would go to the Town Committee of that political party and they would recommend within a certain period of time. Failing to recommend it in that period of time, then the Commission could make their own appointment. Now the Commission can make their own appointment relative to these two vacancies, and it should be the same political party, and can be handled by a motion by a Commissioner and a vote of the Board."

Commissioner Brown: "So does what we're doing here now, is appropriate and...?"

Mr. Zullo: "I presume."

Commissioner Brown: “Yes.”

Commissioner Burgess: “And I would second her motion.”

Commissioner Brown: “Any... will you remark? Any discussion?”

[No remarks]

Commissioner Brown: “It’s been moved and seconded that the two names indicated, that meet the standards to the Ethics Commission, and it’s been duly done. All those in favor say aye.”

Commissioners simultaneously: “Aye.”

Commissioner Brown: “All those opposed say nay.”

[No opposed]

Commissioner Maultsby: “Abstain.”

Commissioner Brown: “And one abstention, so ordered.”

Commissioner Borges-Lopez made a motion to appoint Heather Schroder and Joe Mastrianni to fill the two seats on the Second Taxing District Ethics Commission, vacated by the death of Mary J. Rogers and the resignation of Stacy Parrigin. Commissioner Burgess seconded and the motion passed with five Commissioners voting in favor and none opposed. Commissioner Maultsby abstained.

GENERAL MANAGER

GASB 45 / OPEB Trust / Counsel

Commissioner Brown: “The General Manager.”

Mr. Hiscock: “Okay. We have another step in the GASB 45 OPEB Trust procedure, and this evening I’ve asked counsel to come to the meeting to discuss this issue. There is, in your tab 5, just a brief narrative explaining what needs to occur, and then a fax and a document from Frank Zullo to myself regarding a recommendation to employ as special counsel, under the Charter, Allan S. Friedland of the firm of Jackson and Lewis of Hartford. Jackson and Lewis is a law firm that specializes in benefits and employee matters, and Mr. Friedland came to us recommended by the firm of Hooker and Holcombe, who did the original GASB evaluation. I’ve discussed the issue with Counsel Zullo, and after discussing it we have come to the conclusion that special counsel would be the most expeditious way to move forward on the OPEB Trust. Counsel is here to answer any questions. We have a letter of engagement that you’ve seen in the packet. And if there are any questions about the OPEB Trust in general, we can respond to those, but it’s certainly my recommendation that we employ special counsel through general counsel for the purpose of setting up the trust and to work with staff, general counsel and the Commission to choose the appropriate methodology and the appropriate form of trust.”

Commissioner Brown: “Okay. Yes [acknowledging Mr. Zullo].”

Mr. Zullo: "If I can... I believe John [Mr. Hiscock] has indicated that there's a letter in all of your meeting packets, and if you just look at that letter, which is a proposal from the attorney, dated June 10, 2009, to me. We see that OPEB means Other Pension Employment Benefits, and it's the purpose of irrevocably funding the Taxing District's post-retirement group health benefit obligations under its current retirement plan and benefits. The reason we're going to a specialist, it's a specialty tax situation under the Tax Code, which there are few people that have expertise as, and Jackson firm is one of those experts, and so we reached out to them. They suggest there are three type trusts we could use; what they call a 115 Trust, another they call a Voluntary Employee Benefits Association, and the third is a 401H Trust. But the attorneys recommended to John [Mr. Hiscock] and I that the Section 115 is generally the least expensive and complex to adopt, and it's easier to maintain than the VEBA [Voluntary Employee Benefits Association] Trust. And they then suggested the 115 Trust is the one most frequently used by government entities for this purpose. They also indicate however that the agreement will have to be executed, and its call a Health Benefit Arrangement. And there are also some administrative duties that we have to undertake; such questions as 'Who will serve as Trustee?' 'Who will provide the investment advice?' 'Who will retain custody of Trust assets?' 'Who will be responsible for making distributions from the Trust?' and 'What prices will be forwarded to allow for proper use of the... what process will be followed to assure proper use of trust funds?' 'Will a fiduciary insurance be provided to protect the Taxing District employees?' In other words, will the people handling this be insured so that if something goes wrong they're protected and the District's protected. 'Does the Taxing District intend that the funds be held by the Trust serve as the sole source against which current or future retirees may make a claim for benefits?' and lastly, 'What flexibility should the Taxing District retain should the Trust become overfunded?' and things of this nature. So it requires an agreement, it requires an arrangement between the District and the Trust, and it requires working together with the General Manager, myself, or this counsel to achieve all of these purposes. As you can see from the letter, there... he estimates that the fee will be between \$4 and \$6 hundred thousand... excuse me, \$4,000.00 and \$6,000.00, his hourly rate is \$410.00, and his associate's rate is \$390.00, and they think they can do it all with the agreement and the afterward work for a total of \$10,000.00. So we recommend this firm to do these things, and I'd be happy to... John [Mr. Hiscock] and I would be happy to answer any question you might have relative to the proposal."

Commissioner Ayme: "Through the Chair?"

Commissioner Brown: "Yes [acknowledging Commissioner Ayme]."

Commissioner Ayme: "The \$10,000.00, is that the fee being paid to the attorneys?"

Mr. Zullo: "Not the attorneys, to him."

Commissioner Ayme: "To him?"

Mr. Zullo: "Yes."

Commissioner Ayme: "To the consultant."

Mr. Zullo: "That's right. He's giving a ballpark figure, 'However, we would not expect the cost of the entire project to exceed \$10,000.' He also is going to give us a 10% discount on the \$410 and the \$390 rate that you see in the letter."

Commissioner Ayme: "But we are also having Jackson Lewis on behalf of the...?"

Mr. Zullo: "On behalf of the District."

Commissioner Ayme: "On behalf of the District."

Mr. Zullo: "Yes."

Commissioner Ayme: "How much are we paying the attorneys?"

Mr. Zullo: "Well that's the Jackson Lewis proposal."

Commissioner Ayme: "Oh, that's inclusive?"

Mr. Zullo: "That's the proposal."

Commissioner Ayme: "All inclusive?"

Mr. Zullo: "In other words, I'm counsel to the District. So I hire the assistant, and he's giving this letter to me and giving us a 10% discount, but this is your authorization for me and John [Mr. Hiscock] to hire their firm to do this Trust agreement for the District."

Commissioner Ayme: "And the hiring of the consultant, does that go through a bidding process?"

Mr. Zullo: "No, it doesn't, because they're professionals, and normally you don't bid pro... you don't bid architects, or attorneys, or things of this nature. Doctors, they're professionals, you don't bid."

Mr. Hiscock: "Yes, the individual, Mr. Friedland, is a member of the firm, so it's not another consultant."

Commissioner Ayme: "Oh, okay."

Mr. Hiscock: "He is an attorney with the firm of Jackson Lewis."

Commissioner Ayme: "Oh, okay."

Mr. Zullo: "And he was one of the three or four that was recommended by our consultant."

Mr. Hiscock: "He was one of the three that were recommended by the consultant, who was actually hired by a competitive process."

Commissioner Ayme: "Oh, okay."

Mr. Zullo: "So we went to the three recommended by the consultant, because these are complicated tax pension things..."

Commissioner Ayme: "I understand. I understand."

Mr. Zullo: "...and you have to get to get someone that does it all the time, and is up to date on all tax laws and what have you. And again, it's OP... Other Benefit Employment... what is it?"

Mr. Hiscock: "Other Post Employment Benefits."

Commissioner Burgess: "Have you worked with these people before?"

Mr. Zullo: "I have not, but I know that through our firm they have a good reputation. The firm has a good reputation. In fact one of the persons who is counsel to our office, her husband who is also a CPA and an attorney; she's a CPA and an attorney also, speaks highly of their ability to do this, as (inaudible) others too."

Commissioner Brown: "What is your pleasure?"

Commissioner Ayme: "We need a motion?"

Commissioner Brown: "Yes [responding to Commissioner Ayme]."

Commissioner Borges-Lopez: "Yes [also responding to Commissioner Ayme]."

Commissioner Ayme: "Alright, so moved."

Commissioner Borges-Lopez: "Second."

Commissioner Burgess: "Second."

Commissioner Brown: "Will you remark? Discussion? Any questions?"

[No remarks]

Commissioner Brown: "Hearing none, all those in favor say aye."

Commissioners simultaneously: "Aye."

Commissioner Brown: "Those opposed say nay."

[No opposed]

Commissioner Brown: "And so ordered."

Commissioner Ayme made a motion to engage Attorney Allan S. Friedland from the firm of Jackson Lewis as special counsel to consult on the creation of an OPEB Trust. Commissioner Borges-Lopez seconded and the motion passed unanimously with all six Commissioner present voting in favor and none opposed. There were no abstentions.

Water Rate Adjustment

Commissioner Brown: "We have Water Rate Adjustment. John [Mr. Hiscock]?"

Mr. Hiscock: "In your board book under tab 6 we have a Water Rate Review and Proposed Increase. This is something that we've been doing annually in recent times. I previously indicated to the Commission that we would be better off going forward, since all of our major projects are completed, to do small increases on an annual basis based on the CPI, and that was the original intention. And when we discussed all of this, and decided this was an appropriate way to go, the CPI was predictable, the economy was predictable, things were moving along smooth, and I had anticipated coming in here this evening and saying 'Well, the CPI is 3.5% or so, and let's just move on and increase by 3.5%.' As you all know water rates are very, very inexpensive and generally paid by property owners, not tenants, so that if your quarterly water bill was \$100.00, which is somewhat high, you would be in a position where you'd pay an extra \$3.50 per year. Well obviously the economy hasn't cooperated with that theory at all, and if you look at the CPI included in the report, it's actually about .75%. And based on my previous comments to the Commission, we would have rounded that up to 1%, and the recommendation would have been 1%. However, that is not, from my perspective, from a cash flow basis, a very doable thing because we just finalized our debt schedule for the filtration plant. We finalized the loan. We have a very set principal and interest payment to make every year, and we'd originally budgeted about 3.5%, and I'm actually recommending that we simply choose, even though it's more than the CPI, a 3% increase in water rates effective July 1. Our computer billing program is set up to do that, because we know we have quarterly billing, so you hit bill for three months at once, but the system actually pro rates it. You give it the date, and it pro rates before and after, so you get the old rate and the new rate blended depending on your billing cycle. The other thing I want to comment a little bit about in the report, I mean it's very similar to last year's report. We changed some of the language, the tables are different, but this is really a very... an ongoing process where we just simply update the document every year. If we go to... towards the back of the document, we have a five year cash flow analysis."

Ms. Pampoukidis: "The last two pages [directed to Mr. Hiscock]."

Mr. Hiscock: "Oh, the last... okay, thank you."

Commissioner Maulsby: "The one that's in color?"

Mr. Hiscock: "No, black and white. It looks very similar to our budget, by the way, if you're used to seeing our budget. It's a five-year budget projection in which we've indicated where we think the Department's going to go without any modifications. We're in the process of looking very carefully at these numbers. But if you look at the second page, without some significant modifications to the way that we manage the water utility, by the year 2014 we would have a significant negative balance in the water utility reserve fund; negative \$1.8 million. Okay, I wanted to point that out to you. It's part of the report. If we continue to raise rates based on the CPI, presuming the economy recovers at some point, that deficit will be significantly different. We're also in the process of negotiating for better electric rates. Right now we're on the CL&P standard rate schedule for Rate 56, which is a time-of-use rate, and we haven't gone to a secondary supplier because we didn't have a good, what's called a load curve. We now have the load curve. We know what the plant uses during the year. We know the timeframes in which it uses it. So we're expecting to cut significantly into the power bill. The power bill is a big number for this plant. It's \$300,000 per year. The power plant uses a lot of power. We're hoping to cut \$30,000 to \$40,000 off of that. So as we make all of these changes going forward, the projected negative amount will not occur. It simply won't. As you know, when we talk about all of these things we project very conservatively, and as we move towards the schedule certain things occur. Certain (inaudible) are

put in place, other things change, and we don't ever put ourselves in a dangerous position like that. But I did want to point it out to you, that if we continue the way we are, and don't increase rates, we simply would end up in a very negative position. We don't want to be there. And that's sort of my way of saying to you that it would be nice to increase by 1%, but I don't think it's practical based on the principal and the interest on the \$24.75 million debt for the filtration plant. Other than that, I think the report is similar to past years. It's very easy to read, self explanatory, and that's the recommendation I have."

Commissioner Brown: "And I'd indicate, this I think is my 27th year, which is rather short, this has been basically a pro forma operation that all of this work is done. And by the way, if anybody has anything to add to this, with all of these figures and everything else, a great deal of work has gone into it, and so we can have that now, and then we can ask for a motion."

Mr. Hiscock: "You can see there are tables in there. Our rates still compare favorably. We're in the, about the 33 percentile for municipal utilities inside the District, and about the 50 percentile state-wide in the out-of-District. So our rates are still favorable. Unfortunately, in our end of the State we have two very inexpensive water utilities, the First Taxing District, which has done a very good job over the years, and Danbury; both of which are extraordinarily low rates. Other than that we're in the ballpark of all of the other utilities; and we still operate in Fairfield County, which is expensive."

Commissioner Brown: "Again I say we are quite fortunate we can come under these circumstances, because in my earlier years it was not exactly like that, unfortunately, but John [Mr. Hiscock] does a great job. He knows his way in this area. I hope that we can facilitate this. What is your pleasure?"

Commissioner Brown: "Yes [acknowledging Commissioner Burgess]."

Commissioner Burgess: "I would move any increase in water rates effective July 1st, 2009 of 3.0% across-the-board on water sales for residential, commercial, industrial customers, and private fire protection."

Commissioner Borges-Lopez: "Second."

Commissioner Brown: "It's been moved and seconded. Will you remark?"

[No remarks]

Commissioner Brown: "If not, then all those in favor say aye."

Commissioner simultaneously: "Aye."

Commissioner Brown: "Those opposed say nay."

[No opposed]

Commissioner Brown: "So ordered."

Commissioner Burgess made a motion to approve a water rate increase of 3.0% across-the-board on water sales for residential, commercial, industrial customers, and private fire protection, as

recommended. Commissioner Borges-Lopez seconded and the motion passed unanimously with all six Commissioners voting in favor and none opposed. There were no abstentions.

Public Participation

Commissioner Brown: “You don’t look like public [laughing], but maybe this is a good time to make sure that everybody knows that you’re not a spy or something [laughing]. So will you just indicate... I think I know, but...”

Mr. Miller: “Okay, for the record, I’m Arthur Miller with the firm of Tierney, Zullo.”

Commissioner Brown: “Not the writer [laughing]?”

Mr. Miller: “No, unfortunately not.”

Commissioner Brown: “Okay [laughing], very well.”

Commissioner Burgess: “He’s more fun than I think the writer was though.”

Commissioner Brown: “Not with Marilyn Monroe [laughing], bless her in peace wherever she is. The... anything, anybody in the public have something on their minds that they would like to present to the Board at this time?”

Ms. Watkins: “Yes.”

Commissioner Brown: “If you would give your name, and address, and so on.”

Ms. Watkins: “Yes, my name is Ruby Watkins. I’m a citizen here in Norwalk. I work for John Glover Insurance Agency. I’m a Friend of the Ryan Park Butterfly Park. And I’m here to get some suggestions, ask for some help on getting some water. We’ve been getting water from St. Paul’s church across the street. They’re very kind enough to allow us to use...”

Commissioner Maultsby: “Ma’am, would you come a little closer please?”

Ms. Watkins: “How’s that? Okay? My name is Ruby Watkins, and I’m a citizen here in Norwalk. Friends of the Ryan Park, the Butterfly Park, and we have no means of getting water. I think I called you, you’re probably so busy, and left my name and phone number.”

Commissioner Brown: “I recall. I hope you remember what I said. If not, I’ll reiterate.”

Ms. Watkins: “I... don’t really.”

Commissioner Brown: “Yes, well okay, I’m glad you came.”

Ms. Watkins: “Thanks.”

Commissioner Brown: “I asked you to be sure to come, and...”

Ms. Watkins: “Thank you. Thank you.”

Commissioner Brown: "...at any time, and tell whatever's on your mind."

Ms. Watkins: "Yes, sure. We've been getting water from St. Paul's church across from the park there, Ryan Park, have been allowing us to use a hose to get water from the church, but... and at one point, I think the Nursery allowed us to get water one day, the first day we were there, but we've actually had to carry water in pails to water the plants. And so we... I just want to know if there's anything here, if we can... if anyone has any ideas of how we can get water. Someone said there was a hookup at the Washington Village on one of the villages outside, but it had been shut off; that the City had shut the hookup off. I've looked for it. I can't find it. What happens in the other parks? I mean, do they have water, or... how is it that Ryan Park doesn't have any... you know, anyway to get water? And is there anything that you guys can do to help, or any suggestions you have, or whatever Departments of the City that I might go to, to find help?"

Commissioner Brown: "Thank you very much for coming before us. May I just say that in terms of our operation, is that this matter would have to be brought up by a Commissioner, and the Commissioner then, at that time that item could go to the appropriate committee to make a recommendation. The recommendation would come back to the Board, and the Board would make a final disposition. So I hope you will talk to any of the Commissioners who may be more familiar with this..."

Commissioner Ayme: "Well, if I may, Mr. Chairman, what...?"

Commissioner Brown: "...and that they could bring it before, but not tonight."

Commissioner Ayme: "What committee would that be?"

Commissioner Brown: "I will defer to the Vice Chairman, but we would definitely advise the person, the Commission."

Commissioner Burgess: "Again, excuse me, I think something like this, the whole Commission should be involved, not merely a committee."

Commissioner Brown: "Nothing in the rules..."

Commissioner Burgess: "Well, my belief is that I don't want to have a Committee meeting and a couple of Commissioners vote on something and bring it on the consent agenda. I'm not comfortable with that. I've told you this now for three meetings. I'm uncomfortable with it."

Commissioner Brown: "Well I don't think the issue is the comfort of anyone."

Commissioner Burgess: "Well it is comfort to me."

Commissioner Brown: "I see. Well that's the way it will be done, unless the rules change."

Commissioner Ayme: "Through the Chair, Mr. Chairman. What type of water source are you requesting, just a water source to the... normally what we do to the sidewalk, or close to the park where you can hook up and then do the type of work that you want to do, whether it be creating water fountains, or perhaps a bathroom facility, whatever you want to do there, but just a water source?"

Ms. Watkins: "A water source [responding to Commissioner Ayme]."

Commissioner Ayme: "Close enough to the park, with a water meter."

Ms. Watkins: "And then in the future maybe we can have like a faucet for the kids to play in the park. Not a faucet, a fountain, they at least can drink from, you know like they do in the other parks."

Commissioner Ayme: "We bring the water close to the park, and..."

Commissioner Brown: "Commissioner Ayme..."

Commissioner Ayme: "Well I... I'd like to inquire..."

Commissioner Brown: "I would say that you are out of order. This is a public participation. She's indicating what she's interested in, and I've given the procedure to do it, so it can all be discussed where the water goes, where it flows, and every other kind of thing. And then it comes back to the Board. And you came to the right place [directed to Ms. Watkins]. And please tell anybody else on the items to go through the proper procedure so that we can facilitate, because you can discuss forever about whether the water should go this way, or that way..."

Commissioner Ayme: "Mr. Chairman, since... it has already been stated that the Vice Chair feels uncomfortable bringing this to a committee, where I'm not even sure what committee we're talking about..."

Commissioner Brown: "Well that's our problem. We have to solve that."

Commissioner Ayme: "Well I would like to... I would like to move right now..."

Commissioner Brown: "You cannot do it."

Commissioner Ayme: "Okay, fine. That's your privilege to turn it down."

Commissioner Brown: "And by the way, I'll be glad to discuss it further. Feel free to call. You know my number, right?"

Ms. Watkins: "Yes. Okay. Alright, thank you Sir, very much."

Commissioner Brown: "Anything else?"

Ms. Watkins: "No, that's it."

Commissioner Brown: "Mr. Counsel, we'll even induct you as a public participant if you want (inaudible)."

Mr. Zullo: "I can't hear you, Mr. Chair."

Commissioner Brown: "I said we'll be glad to induct you as a public participant if you have anything else."

Mr. Zullo: "I have nothing to say, Mr. Chairman."

Commissioner Brown: "Very well."

Mr. Zullo: "For once."

[Laughter]

Generation Plant Rebuild Project – Update

Commissioner Brown: "Yes, I know, that's why I'm asking [laughing]. Thank you very much. The next item is the Generation Plant Rebuild."

Mr. Hiscock: "I placed this on the agenda to update the Commission with respect to the Generation project and related issues. I'm requesting that we move into executive session because it involves contracts and contract negotiations."

Commissioner Ayme: "Before we get into... I move for..."

Commissioner Maultsby: "I move that we go into executive session, Mr. Chairman."

Commissioner Ayme: "Before you do that, I'd like to move for a two minute recess."

Commissioner Brown: "Well, a personal privilege? Without objection."

[The Commissioners returned to regular session at 7:48 p.m. following a brief recess]

Commissioner Brown: "Was there a motion to go into executive session?"

Mr. Hiscock: "Okay, there was a motion, and I don't know if we ever got to a second. I'm not sure."

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

Commissioner Brown: "No, I don't think we did."

Commissioner Maultsby: "No, no we didn't, because he requested..."

Commissioner Brown: "I didn't think we... well now, so let's have it now."

Commissioner Burgess: "I'll second it."

Commissioner Brown: "Now I got to have a motion."

Commissioner Maultsby: "You have the motion sir, that we go into executive session."

Commissioner Brown: "Okay and you second it, right [directed to Commission Burgess]."

Commissioner Brown: “Without objection, I call the meeting off for executive session.

EXECUTIVE SESSION

The District Commissioners moved into executive session at 7:48 p.m. The purpose of the executive session was to discuss contracts and contract negotiations related to the power plant project.

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

REGULAR SESSION

Commissioner Brown: “The Clerk will go through the proper procedure, indicating who was here. No action was taken. And everybody went away happy, or relatively... Thank you very much. Oh, we go back into general session.”

Mr. Hiscock: “We’re back in general session. We need a motion to adjourn.”

Commissioner Brown: “And then we can have...”

Commissioner Ayme: “So moved.”

Commissioner Maultsby: “Motion to adjourn.”

Commissioner Brown: “Well we haven’t gone back to general session yet.”

Commissioner Maultsby: “Will you take us back to general session, sir?”

Commissioner Brown: “No, you can do that. Return to general session.”

Commissioner Maultsby: “May we return to general session, sir?”

Commissioner Brown: “We’re in general session.”

Commissioner Burgess: “Wait...”

Mr. Hiscock: “We have.”

Commissioner Ayme: “Motion to adjourn.”

Commissioner Brown: “And we have already indicated (inaudible).”

Commissioner Maultsby: “Gavel.”

Commissioner Brown: “Without objection, so ordered.”

Commissioner Maultsby: “Thank you, sir.”

The District Commissioners returned to regular session at 8:21 p.m. There was no action taken as a result of the executive session.

Adjournment

The meeting adjourned at 8:21 p.m.

Attest:

Candace Pampoukidis
District Clerk