

REPRESENTATIVE POLICY BOARD
CONSUMER AFFAIRS COMMITTEE
JANUARY 22, 2024
MEETING TRANSCRIPTION

Mark:

I want to remind everybody the meeting's being recorded. I want to call the meeting to order. The safety moment. I think it's about the cold, isn't it? Yeah, about the cold. I don't have to go over this because we all know about the cold this morning. I'll tell you, I find the worst thing is getting in the car in the morning when your car's outside. But anyways, just be careful the cold and dress appropriately basically and you can read the rest.

Next, Public comment. Customers may address the Consumer Affairs Committee regarding the agenda items or other items, discussions limited to the presentation, information for consideration, comment on agenda items. Is anybody here?

Jennifer:

There are no members of the public here.

Mark:

Okay. Next is the approval of minutes of December 18th, 2023.

Stephen:

So moved.

Tony:

Second.

Mark:

All those in favor as written?

Committee members:

Aye.

Stephen:

You're not going to ask for any corrections, additions or omissions?

Mark:

Why? You got a correction or addition or omission?

Stephen:

No.

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Mark:

Okay. That's why I asked. Okay. Thanks Steve. All right. And now the accounts receivable update by Prem and Dana Bochan. Did I pronounce that right?

Prem:

Yes. I'm here. Mark. I'm here and Dana is also here.

Dana:

Hello.

Mark:

Hi. How you doing?

Dana:

Good.

Mark:

We need a two thirds vote to convene into executive session and I would like to have that to cover everybody that is on our team meeting right now. I need a motion.

Stephen:

I'll make the motion.

Mark:

Okay. Second?

Tony:

Second.

Mark:

All those in favor of convening into executive session, please vote.

Committee members:

Aye.

Mark:

Any nays? Is that enough? Jennifer, did we make it or do they have to do it?

Jennifer:

Yes, that's good. Let me stop the recording.

[EXECUTIVE SESSION FROM 5:31 P.M. TO 6:06 P.M.]

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Mark:

Fiscal year 2025.

Stephen:

So moved.

Mark:

Okay?

Tony:

I'll second it.

Mark:

Second it? Any omissions, corrections, or anything that Steve wants to put in there? Okay. Approval for the budget. All those in favor?

Committee members:

Aye.

Mark:

Okay. Can we get the report from Jeff Donofrio?

Jeff:

Sure. I don't really have escalations. There are a couple of consumer matters that I'm aware of. One, last week that I was notified by Louise about involves a letter that the Authority received from a lawyer for a customer in Ansonia, basically challenging fall of 2023 consumption numbers. The customer provided some data that shows fairly low consumption, and then September, October, November, high consumption and then December back to low consumption. So that was just sent to me six days ago after the Authority received it, and I know that the Authority is looking into it to try to figure out what's going on. Customer's got a bill that they're contesting, that's about \$1,500. The second issue really is not what I would consider to be a traditional consumer issue.

The Authority was having some work done out in Ansonia, and the contractor hit a pipe and some damage was done to the customer's property, and the customer submitted a claim, and I met with Sunny a few weeks ago to talk about a bunch of issues, and this issue came up and I had a couple of questions for Sunny, including whether or not the utility was marked. And so Sunny is going to get back to me on that because it makes a difference in terms of responsibility. If the utility is marked, then you've all heard of call before you dig, the contractor has an obligation to call if it's marked. If it's not marked, then the owner of the utility is responsible. The contractor is not responsible. So that's one issue. And then another issue is it looked like the work that the owner had done went above and beyond what was necessary to make the repair. In other words, instead of making the claim to the Authority, the customer went out and spent a lot of money having a line replaced and there's a betterment, and I don't know whether it was the contractor's recommendation, the homeowner's request, that's not

something that really concerns me. It's just trying to figure out what portion, if any, is the Authority's responsibility.

So that's something that both Tom Clifford and Mayor Cassetti from Ansonia had reached out to me about. Like I said, I've asked Sunny some questions and he'll, I'm sure follow up with me once he has the answers. Other than that, I did attend last Wednesday, the executive committee meeting, and most of which was conducted in executive session to discuss non-core business management and strategy. I thought it was a very productive, very helpful meeting. I know that a lot of you that are on this Consumer Affairs committee meeting were also in attendance either in person or remotely for the executive committee meeting. We can't really talk about it because it was an executive session, but like I said, I did think it was very productive and very helpful. And that's my report.

Mark:

Thank you very much. I'm glad you said that. I just wanted to make sure that it was helpful to you.

Jeff:

Sure was.

Mark:

Okay. And it fulfills what the meeting was meant to do for you?

Jeff:

Yes. I appreciated that both management and the RPB were willing to do that. That was very helpful.

Mark:

Good. I thought it was good too. Thank you.

Stephen:

Hey Mark, can I ask a question on that topic?

Mark:

Sure. Got to be careful.

Stephen:

Kevin asked for feedback on that, and does that feedback have to come in executive session if it doesn't involve specifics?

Mark:

I don't know.

Jeff:

Well, I mean, if you want my opinion, I mean, if it doesn't involve specifics, if it's very generic feedback, then I would just pick up the phone and have a one-on-one with Kevin.

Mark:

And then could you get specific if both of you were at the same meeting?

Jeff:

Yes, I mean, the idea behind an executive session is everything that's discussed in executive session's confidential forever, but if it's two people that were in the same executive session and nobody else, then it doesn't violate the confidentiality.

Stephen:

Jeff, this is an ongoing issue that I have with this whole thing. I mean, I'd like other members of the RPB to hear what I have to say. I could call Kevin directly and talk with them.

Jeff:

You could request an executive session at an RPB meeting.

Stephen:

Okay. I might do that. I mean, I think that first of all, the whole RPB should get, because of the scope of this thing that we were presented with and the amount of money involved, the whole RPB should know about this and get that presentation.

Jeff:

Well, you can ask the chair, Mr. Harvey, to include an executive session on a RPB meeting agenda and upon two thirds vote, the RPB can convene an executive session to discuss those commercial strategy matters.

Mark:

Those sound good to you, Steve. I would like to see that too. How about you, Jeff? Do you think that would be productive?

Jeff:

Yes, I know Jennifer's got a list of everybody that was in attendance on Wednesday. I didn't write down who was on Zoom, so I don't know what the breadth of it was.

Mark:

There was probably six RPB members, right? Six, seven. Seven. Seven RPB members. Okay, Steve, so you could do that. Why don't you do that and see what Bob-

Stephen:

I don't know if we could get that. I don't know if, Jennifer, you have an idea if we could get that on the agenda for Thursday or not?

Mark:

I think you have to check with Bob.

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Jennifer:

Yes, Bob is here. Bob's at the meeting right now.

Mark:

Yes, but I think that-

Bob:

Can you hear me?

Mark:

Yes.

Bob:

Yes, Steve, I know probably before the meeting starts, you could ask to add an item to the agenda, and then we could see whether or not that's agreeable and, given time, we can go probably after new business to go into executive session. As long as you declare what the meeting is for.

Mark:

Yes. Bob, do you want to give management time to get it together, or you think there would be together for that?

Rochelle:

Well, just if you're expecting the presentation to be given, I think we want to know in advance that that's the expectation.

Stephen:

That's not what I'm asking for.

Rochelle:

Okay.

Bob:

Yes, I don't know what you're asking for, Steve.

Stephen:

I just wanted to provide some feedback and some comments on the presentation and suggested it'd also be given to the whole RPB at some point.

Bob:

Well, you could probably ask for that.

Stephen:

Plus anybody else that was there might want to comment as well.

Mark:

Let me see if I understand this. You just want to call an executive session so we can talk about what happened at the meeting?

Stephen:

Yes.

Mark:

I mean, that's up to Bob.

Bob:

That might be a little tricky because some people would probably then want to see the presentation.

Mark:

That's right.

Stephen:

Well, they can. I mean, I think they should. This is a major sea change for the organization, and I think the whole RPB needs to be aware of this.

Bob:

Well, then you probably need to ask maybe this Thursday that in the future we could have some of that information shared.

Mark:

No, the presentation.

Stephen:

All right.

Bob:

As Rochelle has said, they're not prepared to do the presentation again. And I'm not sure if asking for it with this short notice is proper.

Stephen:

No, I'm not asking for it at this. I'm not asking for the presentation.

Mark:

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I don't know what you're asking for.

Stephen:

I'm asking for it at some point to the whole RPB.

Bob:

Well, that may be what you want to ask this Thursday. If the presentation could be made available. You could ask that of management this Thursday at the RPB meeting.

Stephen:

Yes. I mean, I just don't know where the limits are here in terms of talking about it at all, because it was held in executive session. That's what I was asking Jeff about.

Jeff:

Well, I mean, you can't, like I said, what was discussed in executive session, in order to protect the validity of the executive session, must remain confidential forever. So if you wanted to just have a conversation with Kevin since he was in the executive session about what you both heard, you could do that without violating the confidentiality of the executive session. If you wanted to have a conversation with the whole RPB in executive session and have management, at some future date, make a presentation and have a discussion, you could do that. You can't have an executive session at which you talk about, with people who were not in the prior executive session, what was discussed at the other executive session.

Mark:

Phew. That's a mouthful. Yes, I think you're right. I think, Steve, if you want, I don't think anybody has a problem with that. If you want to ask management or Bob to go and see if the management at a future date can go and make the presentation and then, I don't see how you can discuss it with the RPB unless you know what they're talking about. Know what they're talking about, you have to see the presentation.

Stephen:

I mean, I don't see it that way. They don't have to see the presentation to hear my comments about it.

Mark:

Well.

Rochelle:

I'm not sure if you can share your comments with those who weren't there at the meeting.

Stephen:

Well, there are RPB members. They could have been at the meeting.

Mark:

I think it should just go for the presentation.

Bob:

But they weren't.

Mark:

They weren't.

Stephen:

Okay. All right.

Jeff:

See the whole thing with executive session, right? I have to actually do it, "Hey, you guys should watch this tomorrow night. I have to do a presentation to the town of Berlin Town Council on confidentiality of executive session tomorrow night at their meeting at seven o'clock.

Mark:

Can we come?

Jeff:

You can watch it. I think they're live-streaming on YouTube but, the reality is that all you have to remember when it comes to executive session is, under FOIA, a meeting of a quorum of a public agency is a public meeting that's open to the public. The only exceptions are executive session. So, the reason why there's confidentiality for an executive session is because there's a limited number of topics under the act that you're allowed to talk about to exclude the public, and that represents a balancing of the public interest in knowing what the government is up to and the government interest for those limited topics in protecting confidentiality because it furthers the interest of the constituents. But the reason why it has to be confidential forever is once you decide to exclude the public, if you breach the confidentiality, then whoever breaches the confidentiality is picking and choosing which members of the public get to be privy to the information, and that's favoritism, and that's not consistent with FOIA.

So that's the reason for the confidentiality, and it sounds hyper-technical to say, "Hey, you're on the RPB. You could have been at the executive committee meeting. You weren't, but that's okay." No, it's not okay. If they're going to be privy to that information, then essentially it has to be presented to the whole group.

Stephen:

Jeff. I understand all of that. But this is where I think it gets murky for this organization, because we're setting policy in pieces when there's members representing rate payers in their different district, and what gets discussed in this executive session impacts all of those people.

Mark:

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True. So, I mean why-

Stephen:

I'm just trying to find a way out of that. I'm not trying to give away any secrets.

Mark:

Why don't you just ask management to give the presentation to the RPB and then you can discuss it with everybody there?

Stephen:

Okay.

Mark:

Okay. Thank you. Where are we now? Approve the OCA's invoice. Do we approve your money yet, Jeff?

Jeff:

No, you haven't.

Tony:

I would move accept the OCA's bill for the month of, what was it? December.

Naomi:

I second it.

Mark:

Any additions or corrections or anything like that, Steve?

Stephen:

No. We're good.

Mark:

All those in favor?

Committee members:

Aye.

Mark:

Opposed? Okay. Any new business? Does anybody have any suggestions on what we should have at future meetings? As we go to spring I was talking to Prem about hearing about what things our rec program, again. Our rec program, especially what we do at Eli Whitney for the summer and during the school year. I know now I think she has some help, which I've pushed for in the past. I guess we all have

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pushed for. And so I guess she has some help because she does a fantastic job there. She's 100 people in one. But does anybody have objections to hearing something like that or one of our meetings?

Tony:

No objection, but I want to hear more about invasive species.

Mark:

You got to come to the land use. You got to come to the land use and we'll have a whole thing about that.

Stephen:

Hey Mark. I had someone I never got to that made a movie about the Mill River and other uses, and I was waiting for kind of an in-person meeting after Covid, which didn't happen, but I supposedly we could do it online. I don't know. I could call them and ask them.

Mark:

Okay, so-

Stephen:

I just thought it'd be interesting for other members to see how other people use that river or look at it as a resource.

Mark:

Are you talking about in the Eli Whitney area over there?

Stephen:

Yes.

Mark:

Well, I don't know. Maybe we could meet in the Eli Whitney room there in the springtime. Is that, anybody? Prem? Can you think we could do that in the springtime when the weather gets better? I don't think anybody wants to meet there now.

Stephen:

Yes.

Mark:

All right, so we'll wait for the springtime for that. Okay?

Stephen:

Sure. Yes, I'll get you his name. I'll talk to you about it.

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Mark:

Okay? Okay. Next regular meeting is Monday, February 26, 2024 at 5:30. P.M. Any other business to come before us?

Tony:

I move we adjourn.

Mark:

Tony, you're always the best at that. Got a second?

Naomi:

Second it.

Mark:

Okay. All those in favor?

Committee members:

Aye.