

REPRESENTATIVE POLICY BOARD
CONSUMER AFFAIRS COMMITTEE
JUNE 17, 2024
MEETING TRANSCRIPTION

Mark:

I'd like to call the Consumer Affairs meeting to order. This is the June 17th meeting, 2024 at 5:30 PM. Safety moment first, all about sitting out in the sun. You can all read it. Sunglasses will block the UVA. Sunscreen all the time. Can't stay in the shade? Wear a long sleeve shirt, pants. Remember to reapply sunscreen, the whole kit and caboodle. If you're a redhead, be careful. Okay, next. Jennifer?

Jennifer:

We have a public member by the name of Arthur.

Arthur:

Hi.

Mark:

Is that a guest too, or your name is?

Arthur:

Yes, I'm a guest. Sorry, should I rename myself?

Mark:

Well, there's a Ken and there's an Arthur now. Who are you? Arthur?

Arthur:

I'm a guest also.

Mark:

Okay. So now this is the part for public comment. Residents and customers may address the Consumer Affairs Committee regarding agenda items or other issues. Discussion is limited to the presentation of information for consideration and comment on agenda items. I usually limit this to three minutes. Okay? So, who would like to go first, to do a public comment, Ken or Arthur?

Ken:

My name is Ken Krayske and I am the president of Winter's Run Condominium Association, 121 Lexington Avenue in New Haven in the Fair Haven Heights neighborhood. I reviewed the meeting minutes of the CAC from the last meeting, and I understand that the situation at my Condominium Association was discussed. I want to give an update to the Consumer Affairs Committee, and I wanted to share my continued frustration with the Regional Water Authority and its aggressiveness. And I think I noted in an email to the CAC, that the Regional Water Authority objected to the public safety measure of replacing concrete under the apartment that was afflicted by the community leak. And the United

States Trustee, Steven Mackey, noted on the record in front of Judge Nevins, that he was not pleased that there was an objection to a public safety measure. And he thought that the bankruptcy court had to approve it.

And I have been in communication with Naomi Campbell, and she has also told me that she's communicated with the Regional Water Authority, and they are committed to resolving the situation. And I'm not sure what universe we're in, because we're definitely not in the same universe, because I've made it clear that \$138,000 over four years will harm residents of the association financially. And we think it's deeply unfair of the Regional Water Authority to claim its questionable statutory authority to lean individual units when it never gave individual units notice of the leak, and it never gave individual units an understanding that it would claim this. The Regional Water Authority, by being such an objectionable... And when I say objectionable, I mean in both senses of the word that it's frustrating. And B, they're objecting to everything that we do in bankruptcy and they're driving up our costs, because they refuse to negotiate with us.

We just made an offer of \$115,000, to pay it back over five years. And the Regional Water Authority rejected it. And I'm negotiating in good faith. I'm cleaning up a mess that came to me, that I didn't have anything to do with creating. And the Regional Water Authority, I think is being a utility bully. And I don't feel like Consumer Affairs... I don't know what the CAC has done. I'm told they communicated with the RWA, but nothing... The RWA's position hasn't moved since I've talked to both, Naomi Campbell and the CAC. So that's my public comment. I wonder what other avenues do I have? Actually, in closing, I've been told by our bankruptcy attorney, Greg Arcaro, "Well, he doesn't opine upon the validity of the individual liens." And he shouldn't, because he represents the association and it's possible that the association has differing interests from the individual unit owners.

But we're essentially being told that we should form a second defacto association to attempt to approach the individual liens that the RWA is trying to put on our units in a communal fashion, if it makes sense. That we should band together and hire an attorney to approach the RWA's individual lien question, but I already have an association for that purpose. But I can't, because the RWA is trying to defeat the bankruptcy and go around the bankruptcy. I'm getting nowhere, and I'm frustrated by this and I don't feel like anybody is giving me any help in any quarter.

Mark:

Thank you very much for your comments and we'll take that under consideration. Does anybody else have anything to say in public comments area? This other person, does he want to say anything? Or does he not?

Jennifer:

Arthur, did you want to comment? [inaudible 00:09:02].

Mark:

Is Arthur still here?

Rich:

He's on mute.

Premjith Lakshman Singh:

Looks like he left.

Mark:

All right. Do you want to say anything, Jeff, or not at this time?

Jeff:

No. I'll cover it in my report.

Mark:

Okay. Sure. Our next item is we have to move into executive session to discuss the matter. So I have to ask you to leave the meeting, but we can call you to come back after it, which would be probably a half hour.

Ken:

I'll read the meeting minutes. I can go online and read the meeting minutes. I'm not sure what the CAC can do at this point. I feel like the CAC is a paper tiger, and I'm sorry to be frank. I understand that... But I don't know. Every time somebody says they're advocating on their behalf or on the behalf of the 30 unit owners, nothing happens.

Mark:

I think you can make a formal complaint to our committee, and we can have a hearing on it. We can decide then. But that's the last resort.

Ken:

Actually, I was trying to find in statute regulation and the RWA rules, I don't... Can somebody point me to the chapter in [inaudible 00:10:31] as it were, of how I make a formal complaint? Because frankly, that's what I want to do.

Jeff:

This is Jeff Donofrio. I can tell you; I consider what's been submitted already to be a formal complaint. I don't think that the customer needs to submit anything more than what's been submitted. The complicating factors here from the OCA's perspective are, number one, the customer is in bankruptcy. So there's a bankruptcy process that is being handled for the Authority by the Authority's counsel at Murtha Cullina. That's number one. And number two, I think we were first contacted about this matter in the beginning of May, so about a month and a half ago. And we've had communications with the Authority. I found out about the update from New Haven representative, Naomi Campbell, this afternoon.

And I guess she got an email yesterday, Sunday, from Mr. Krayske providing that update. So that's new information. I've reached out to the Authority already to set up a meeting to discuss exactly what's going on. Attorney Krayske can appreciate there's a process involved. The OCA is not an employee or an officer of the Authority. So, my jurisdiction in terms of forcing anybody to do anything doesn't exist.

But in terms of trying to find a resolution, as I indicated, we're trying to do that. But this information that was provided today is new, and I need the opportunity to talk to the Authority about it and find out exactly what's going on in the negotiations.

Ken:

That's where we are. I appreciate the feedback. I understand there's a process. I only wish I knew about it sooner, because I would've gone this route sooner. I'm tending to find the Regional Water Authority to be opaque. Again, that's just me. But I'm doing everything we can for the association to resolve this matter in a manner that doesn't destroy people and force individual unit owners. I understand that there are 20 units in the association that are owned by commercial interests, but there are 10 that aren't. And of those 10, nine of them are women on fixed incomes or women who are scraping to get by. And I really have an obligation to fight for them.

Jeff:

Of course.

Ken:

And so, I will sit and wait. One of the reasons that there is somewhat of an urgency, is we have a meeting tonight and we have to submit a Chapter 11 bankruptcy plan by next Monday. And we've put it off and put it off hoping that we could come to a consensual plan, because the RWA doesn't like our non-consensual plan and they're threatening to nail us with interest. And it's like they're using hammers and I really don't think they're acting in the community interest. So, I appreciate everything. I'll let you all get into executive session, and I'll look forward to a response.

Mark:

Thank you very much for bringing this to our attention.

Ken:

Thank you.

Mark:

I appreciate that.

Ken:

Thank you for working for us where you can, I will try to be patient. Thank you.

Mark:

Thank you very much. Okay. Do we have a motion to move into executive session?

Anthony:

I would move we go into executive session.

Mark:

Do we have a second?

Naomi:

Second.

Mark:

And the people that are on here now are the invited guests.

Bob:

Thank you.

Mark:

Okay. All those in favor of moving into executive session, say "aye".

Committee members:

Aye.

Mark:

Opposed? Okay. We're in executive session.

[EXECUTIVE SESSION FROM 5:43 P.M. TO 6:24 P.M.]

Mark:

Ok, we are out of executive session. Next, is the approval of the minutes of May 20, 2024.

Tony:

So moved.

Naomi:

Second.

Mark:

Thank you. All those in favor say aye.

Committee members:

Aye.

Mark:

Any opposed? Thank you. Next is the report of Jeff Donofrio, our counsel, our OCA.

Jeff:

Good evening everyone. So we currently have two consumer matters that we're involved in. The first one you heard about, Winter Run, this was first talked about by me at the May Consumer Affairs Committee meeting, because the first time we found out about it was in early May. Winter Run actually filed their bankruptcy petition October 31 of 2023. So it was six months before they had contacted our office about it. There is information...

Mark:

Excuse me, they contacted or the RWA brought it to your attention?

Jeff:

They contacted us.

Mark:

They contacted?

Jeff:

Yes, we got an email in early May. But the bottom line, as I indicated, is that we had reached out, as we always do after an initial communication from a consumer, to the consumer, Lou Dagostine either spoke with or emailed or both Attorney Kraveske, who was on tonight, and communicated about what was going on. I then had a Zoom meeting with Dana and Prem and Rochelle to talk about what was transpiring in the bankruptcy case, what different approaches and options the Authority was considering. The authority was going to be meeting directly with the debtor. And as I indicated, because there's a bankruptcy involved, the bankruptcy court has jurisdiction, bankruptcy counsel is involved, Murtha is involved. So it's a little bit more complicated than a typical consumer issue, where there's not lawyers or bankruptcy or litigation involved.

Mark:

I don't understand how you weren't involved in this, with such a large bill. And it was not brought to your attention back in 2023.

Jeff:

Yes, there's lots of large balances that, from the reports that the RPB receives from time to time about delinquent accounts receivable, there's lots of balances that never come to our attention. The only time it comes to our attention is when there's a dispute, when a consumer either reaches out directly to us or when the Authority exhausts its direct efforts to try to resolve a consumer issue and then, the consumer is escalated to us. So this was escalated to us back on May 8th.

Mark:

Not before this at all?

Jeff:

No, no, not at all. No.

Mark:

And then, weren't they trying to work some deal out before the... Well, you said the company went into bankruptcy, the [inaudible 00:03:40] went bankrupt in October. Before that October, they weren't trying to work something out?

Jeff:

I don't know. When it landed on our desk, the Authority had, in late April, sent correspondence to the individual unit owners. And that seemed to be what caused it to be escalated was that correspondence went to the individual unit owners, advising the individual unit owners that, if the Authority had a lien on the premises, and essentially advising, based on the total number of units, what each unit's proportionate share of the debt was. So that was like the last week of April. And then, in early May, we were contacted. So I assume the reason why it escalated was because of that letter going out. But like I said, the bankruptcy was filed in October 31st of '23.

Mark:

Whether this guy just didn't know what to do or they left it alone, it seemed what he's saying, and I don't know if it's the truth or not, Prem is doing all this computer work to keep our customers happy as can be, this is one guy that we really should have done something for, something better than... Unless, I don't know, was the guy pissed off? Was he swearing at us?

Jeff:

I don't know when Attorney Krayske became president of the board. I know that it was a situation that he inherited. I don't know whether he became president after the bankruptcy was filed, before the bankruptcy was filed. I'm not privy to those details, but I know that he became president, he inherited this problem. He's trying to solve the problem with the assistance of the bankruptcy court. You heard that there was a proposal, that was a proposal that the Authority made, that was rejected, and a counter proposal that was made by the association. So the logical next step for this is for me to have a meeting with the Authority. And certainly, Naomi can be part of that meeting if she'd like to, since this is a New Haven customer, but to talk through what has transpired since the last meeting, understand where the Authority's at and why the Authority is taking the position that it's taking.

We do look at these, as you know, in my now 16 years as consumer counsel, we do look at these both as on behalf of the individual consumer and on behalf of consumers as a whole. Because if an individual consumer doesn't pay an amount that's owed, then that revenue is obviously made up by the rest of the consumers. So we look at it, there were a few things that I heard, in terms of the substance that was being discussed tonight, in terms of the amount that was offered, the time to pay, and the concern about the individual unit owners, as well as the interest. So there's some things...

Mark:

If I was a unit owner there and I got a letter from the RWA saying they were going to put a lien on my condo, I wouldn't think that was a really friendly thing to do.

Jeff:

I understand. But at the same time, okay, I also understand, and I'm not saying whether sending that notice was right or wrong, what I'm saying is, just as the association hired a bankruptcy lawyer to represent it in trying to get the amount to be paid down, the Authority has counsel at Murtha. And Murtha has a duty to zealously advocate on behalf of the Authority, just like bankruptcy counsel has a duty to zealously advocate on behalf of its client, the bankrupt debtor, in this case, the association. So people take positions in the best interest of their clients, and ultimately, it's a negotiation. And like I said, Naomi got this email yesterday.

Mark:

I'd like to see you getting involved in trying to settle this as amicably as possible. We are the Consumer Affairs Committee, and I'm chairman of it. There's two sides to every story. It doesn't seem like a very friendly situation we're at right now. And I understand we have to protect the customers too, but we should get some money on this deal and then, go on from there, instead of really hurting people. And you said one thing, I just don't understand why they're not going after... There's got to be two sides to the story and I'm not getting one of the sides, but the company that was handling their bills, the management company, sounds like the big problem there, that didn't bring it to their attention or whatever.

Prem:

So if you don't mind, can I comment something very quickly? So I think we just have to be careful with the whole scenario here, like Jeff said. There was a major leak that was identified as part of this. Let's not forget the fact, right? And there was a leak and that was fixed more recently. Now, the bills have gone to a decent level where they're keeping up with the [inaudible 00:09:48]. It's really the matter of not addressing at appropriate time. And now, as a business, we making a decision, who's going to pay for it? Is it going to be the customer who's responsible? Or is it going to be everybody in our constituent? So I think we have to be carefully managing that. And we have rules and regs that we follow diligently. So as management, that's why we make sure we bring Jeff on board, and I think we just have to be careful, that's all, right? And Jeff said...

Mark:

I understand what you're saying, but in a situation like this, you have to have a little heart.

Prem:

Yes. No, I think that's why me and Jeff, like Jeff mentioned...

Mark:

These people sound like they've been grounded to the ground, and we're trying to grind them into the ground worse. But like I said, there's two sides to every story. As a Consumer Affairs Committee, I think that...

Prem:

We will take this up, Mark, right, your suggestion...

Mark:

I'm not telling you to make that [inaudible 00:10:37] just let's see if we can make everybody happy in the next month.

Tony:

I think, hey, Mark, this is Tony, I think Jeff will handle this superbly.

Mark:

That's right. So do I.

Jeff:

The other consumer issue we have involves an individual consumer from West Haven who has about a \$3,700 balance. And I don't want to go into too much detail about it, because there's some sensitive issues. The Authority's trying really hard to get in there, to look at the meter, to figure out if there's a leak. And we're just not getting any cooperation from the consumer. The consumer representative, Greg Malloy from West Haven, has been involved as well. We're just trying to work with the consumer to help the best that we can. And there's some unusual circumstances that we're trying to work through to get into the house and get some cooperation and better communication with the consumer. But beyond that, there's not much to say.

Stephen:

Hey, Mark, can I make a comment and question for Jeff?

Mark:

Go ahead, Steve.

Stephen:

Yes, going back to the first issue, it's just complex. I think, when you talk about the customer, there's the management company, and then, there's these individual users, who are customers. So I'm not sure what consumer affairs can do at this point, when there's legal proceedings occurring. And I don't understand this person's frustration, Jeff. Does he understand that the legal aspects have to get resolved before there's actually some complaint to come? Or is he embroiled in that as well?

Jeff:

I think he's just doing the best that he can as a president that inherited a very difficult situation. It's a lot of money for these 10 unit owners that he discussed, and I think he's just doing the best to protect his unit owners. I don't have any problem with the approach that he's taking, other than the implication that we're not trying to be helpful. We don't have the ability, I'm not judge, jury, and executioner, I don't have the ability to say who's right, who's wrong, and what should happen. I have jurisdiction to get involved in discussions and make recommendations.

Stephen:

I understand that, but isn't the Consumer Affairs Committee in the same situation as you here?

Jeff:

Yes, yes.

Mark:

Yes, yes. And so, that's why I think Jeff will do a good job to straighten this.

Jeff:

Yes. We'll do everything we can to try to resolve it in a fair way.

Stephen:

But are these people in fact, is the issue whether they're even responsible? Or is it the management company?

Mark:

Well, they're in bankruptcy now. I think this is a little too far gone. I think we're talking too much about this. I think they should just hand over... Bankruptcy changes the whole thing, and Jeff knows that, right? You're not dealing with the customer that is in a bankruptcy court. Now, it has to all be approved. And I think Jeff, I think he'll get involved the way should be involved. I just think that we should do the best we can to resolve it.

Jeff:

Yes.

Mark:

Naomi, is that okay with you, what we say?

Naomi:

Yes, that's fine. Because like I said, he's one of the 10-unit owners, so I know the other management company's no longer there. And I guess once, after they try to get this stuff resolved, then I think they may, at some point, go after the management company. But right now, they're just trying to resolve this part of it.

Mark:

Yes.

Stephen:

Well, can somebody just communicate to this person that we're here to help them, but other things have to occur first?

Mark:

Well, I think, I thought we said a little bit about that, I think we should let Jeff handle it.

Naomi:

Yes.

Mark:

Okay? I think we should let Jeff handle it.

Stephen:

Okay, that's fine. I don't have any problem with Jeff handling it.

Mark:

Okay. Anything else on the, Jeff, you have to say?

Jeff:

No, nothing else.

Mark:

Okay. So the next thing is your bill.

Rich:

Mark, hang on, quick question. I should maybe know this, I saw the Regional Water Authority in my neighborhood last week digging up random water connections, and maybe everybody knows this, and I missed it, but they're looking for copper.

Mark:

Lead.

Naomi:

Lead.

Rich:

Lead, I mean, I'm sorry. I actually found a copper one. And my neighbors were asking me, so is that process because they did find lead in water in this neighborhood?

Jeff:

No, no. It's part of the EPA requirement that there be an inventory by water districts with over 3000 customers nationwide to determine how many connections are lead.

Rich:

Okay. And so, they just have some formula by which they pick how many and where?

Jeff:

Yes.

Mark:

Now, those people should have, as I understand it, they should have gotten a letter saying they were coming and set up a time. Because basically, they had to go on their property, I think, and dig it up, I would say, the grass. So as I understood it, they were supposed to get a letter, because I talked to Larry about it last week. Because he was talking to somebody about it. And if that didn't happen, I think, Prem, could you bring that up with them and find out why a letter wasn't sent or why these people... Sometimes you get a letter and you don't read it.

Rich:

I'm sure they have just other neighbors asking.

Mark:

Oh, okay. Oh, well, there's been a lot of publicity about what they're doing. I guess they just didn't get it, because I've talked to Larry and I forgot who, Sonny maybe, that we should put out as much stuff as we can, that this is what we're going to do, to try to find out how much lead there is out there, so that our customers know that we're trying to do the best we can to find this problem. Because it's going to be a big, big project. And so, they're trying to do as much, I guess they're not doing enough, of letting people know that this is what they're doing. I'll look into it too.

Rich:

Thank you.

Stephen:

Hey, Mark, this is Steve. I just wanted to ask Prem if, besides the letters that are going out, has there been any notification in the paper that this is occurring?

Prem:

I think we have been very closely working with municipalities, as you know, Steve, right? So we have put out some media releases, if you will, in terms of what we're trying to do. And again, I can guarantee that the status have been really looked at for the people that we have digs for. So we have taken care of that. And then, working with our, especially the [inaudible 00:18:20] and the mayor's office, et cetera. So we've been being very careful about that as well. So Kevin has been doing a good job on connecting all these dots, but I can guarantee there can be more that we can do. So if there's any suggestions, we can take a look at that as well.

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Mark:

I always say that the advertiser, you put in the newspaper and do everything like that, and then, the person comes to your house and they're like, "What are you doing here?"

Rich:

That's right.

Mark:

But they could do more, I think they should do more, because they do articles. But as I understood it, those people who they dug up should have been notified. Now, whether the neighbors, I don't know about that. Okay. Can we get Jeff's bill, \$1,443?

Tony:

I move we accept the OCA's invoice for the month of May.

Rich:

Second.

Mark:

Okay. We got a motion to accept this bill. All those in favor?

Committee members:

Aye.

Mark:

Opposed? Okay. Well, you're getting paid again, Jeff.

Jeff:

Thank you.

Mark:

Okay, for the volunteers, for the Authority meetings, we've got Mr. Havrda, June 27th. We have July 23rd, Ms. Campbell, August 22nd, me, and September 26th is Naomi.

Naomi:

Right.

Mark:

Okay. Next month, we're going to vote for chairman of the committee. Just want to let everybody know that. Any new business? Next special meeting on Monday, July 22nd. And the reason it's a special meeting is because, Jennifer told me...

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Jennifer:

Because the Claire C. Bennitt Watershed Fund Golf Tournament is the 15th...

Mark:

That's right. It's the golf tournament. I knew you told me something. Okay.

Tony:

I move we adjourn.

Mark:

Thanks a lot, Tony. Second? Can I get a second for adjournment?

Naomi:

Second.

Mark:

Okay. All those in favor?

Committee members:

Aye.