

AD HOC REPORT
Applebee's Water & Sewer Rate Reduction

42

Honorable Mark D. Boughton, Mayor
Common Council Members

May 8, 2007

Chairwoman Pauline Basso called the meeting to order at 6:15 P.M. In attendance were committee members Councilman Gregg Seabury, Councilman Ben Chianese, Robert Yamin, Corporation Counsel ; Antonio Iadarola, P.E., Director of Public Works; David Day, P.E.; Superintendent of Public Utilities and Scott Ferguson, Tax Collector. Ex officio member Lynn Taborsak and petitioners Applebee's, Edwin Scheibel, Jr., President and Cynthia Scheibel were also in attendance.

Mrs. Basso read the charge of the committee, which was at the request of Corporation Counsel, to give consideration to the request of the petitioner for reduction of water use charges they claim were unfairly imposed.

Mr. Iadarola stated that Mr. Day has been speaking to the impacted user and gave a brief history of the issue at hand. There seems to be some evidence that another party was using water and there was also a clerical error resulting in unusually high usage bills to the impacted user. The ordinance does not provide an opportunity to make adjustments for clerical errors therefore, the Ad Hoc Committee was requested to consider an adjustment in favor of the petitioner.

Mr. Day stated that he has met with the petitioner, proposed an agreement and requested the endorsement of the Committee.

Mr. Chianese requested the amount the City would be forgiving after the deduction of payments by the petitioner. There are two quarters in question and \$5,000 would be the agreed amount owed by the petitioner to resolve the issue.

Mr. Scheibel stated that water was taken without Applebee's knowledge, gave an overview of his issues with the billing and why he thinks the water was "stolen".

Mr. Seabury asked if Atty. Yamin would develop the agreement and did Mr. Scheibel have a good idea who used the water. Atty. Yamin would write the agreement. Mr. Scheibel stated that his calls to the party he thinks used the water have not been returned.

Mrs. Basso stated that if a bill is not received, the user must call the Tax Collector's Office.

Mr. Ferguson stated that a decision of the Common Council was required to adjust the water usage portion of the bills, but by State Statute could not adjust the interest and lien fee.

Mrs. Taborsak requested the amount of interest and lien fees incurred and stated she would like to see this issue resolved. Consideration should be granted to the petitioner. Interest is \$1,539.76 plus \$24.00 lien fee.

Mr. Seabury moved to approve the recommendation put forward by the Director of Public Works, Superintendent of Public Utilities and Corporation Counsel, which will

42 1

allow the petitioner to pay \$5,000, which would eliminate the outstanding bill. This would represent full and final settlement of the disputed invoices. Mr. Chianese seconded. Discussion followed. Mr. Seabury amended his motion to accept \$4,976.00, a reduction in the amount of \$24.00 for the lien fee. Mr. Chianese seconded the amendment. Amended motion passed by unanimous vote.

Atty. Yamin stated that he would draft a letter of settlement to the petitioner.

Mr. Seabury moved to adjourn at 6:43 p.m. Motion seconded by Mr. Chianese. Motion passed unanimously.

Respectfully submitted,

Pauline Basso, Chairwoman

Gary Seabury

Ben Chianese

Ds/30/50RT