

Utility Appeals Board
September 30, 2014
Draft Minutes

Board Members Present:

Tom Arnold, Carlos P. Baía, Councilor Brent Todd

Absent:

Elizabeth Campbell

Meeting called to order at 5:45 p.m.

Minutes of the October 19, 2013 meeting

Tom Arnold moved approval. Carlos Baía seconded the motion. Minutes approved unanimously.

Case #2014-001: 230 Pleasant Street

Mr. Edward Kissell, owner of 230 Pleasant Street, read a statement into the record claiming that his tenants at this property had signed a lease with him that they were responsible for all utilities in the lease. The tenants vacated the house without notice leaving unpaid rent and fees owed to the owner.

Mr. Kissell claims that he was unaware of any obligation that he had as a property owner to assume the unpaid water bill for the property. He stated that he never signed the application for water service with the City and that once he saw the application that the tenant had countersigned, it was clear to him that his signature had been forged.

Mr. Kissell was requesting that the \$398 in water billing fees be waived. He noted that he was willing to concede on the availability charge.

Mr. Baía explained to Mr. Kissell that the water system rules are clear that under all circumstances the property owner remains responsible for all municipal utility bills for their property. Mr. Baía handed Mr. Kissell a copy of the water system rules.

Mr. Kissell claimed that he was never made aware of those rules. Mr. Baía cited a June 17, 2003 application for water service that Mr. Kissell had signed when he was living in the property in question. The signature in 2003 attested that the signatory, Mr. Kissell, understood that he, as the property owner, was responsible should any tenant not pay for his/her services. Jeff Hoadley, with the City's General Services Department, handed Mr. Kissell a copy of his 2003 application.

Mr. Kissell stated that the 2003 document was over 10 years old and wouldn't hold up in court today. He further stated that his tenants committed fraud which falls into the purview of the State and Federal law and, therefore, supersedes any local rule.

Mr. Kissell elaborated that if the City did not grant him his request, he would file a lawsuit. He stated that the City will end up paying more to litigate this matter than if they just grant his request.

Councilor Todd noted that the water system rules are quite clear and that the Utility Appeals Board's hands are tied in terms of what they can do in this matter.

Mr. Kissell stated that he did not become aware of the unpaid water bill until it was too late. Mr. Hoadley explained to the Board and Mr. Kissell that the Department followed its standard protocol with regard to this bill and sent written notice to both the tenant and Mr. Kissell. Mr. Kissell confirmed that the address used by the City for the notice to him was correct but he stated that he never received the notice.

Mr. Kissell reiterated that if he were not granted the waiver, he would take the City to court. He then alleged that everyone that he has talked to that works for the City with regard to this matter has been belligerent toward him. He stated that he doesn't understand why the City is condoning such incompetence. He wondered if it was due to nepotism or something else.

Mr. Baía moved denial of Mr. Kissell's appeal. Mr. Arnold seconded the motion. Motion passed unanimously.

Mr. Kissell asked for a name to put on the lawsuit he would be filing against the City. Mr. Baía referred him to the City Solicitor.

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Carlos P. Baía