

07/22/10 Light Board Meeting

Present: Commissioners Patrick Cannon, David Irwin, Joseph DiVito, Jr., Stephanie Landry and Dan Ciccariello. Also present: Town Manager, Philip Lemnios, Operations Manager, Richard Miller and Recording Secretary Janis Ford.

The meeting was called to order at 6:00 p.m.

Public Input

There was no Public Input

Manager's Report

Hull Wind 2 has been shutting down in extreme heat due to low voltage. We are looking into possibly putting a small cap bank in line before the turbine to correct it. We took pictures of cross arms at the dump. Dick said next year he would like to replace 3 reclosures at the dump, the cost would be approximately \$100,000. Pat asked about Hendrix Cable at Allerton Hill and it is scheduled for next month.

The new office person started and seems to be working out fine. Janet McKenna started July 6, 2010.

I have a 2-man crew working in conjunction with the highway on Fridays trimming trees. It's working out to both departments' benefits. We'll spend 3 or 4 Fridays doing it. It has worked out well because we don't have a chipper and they don't have a bucket. We haven't had to hire Asplundh Tree for trimming.

Approval of Minutes

David Irwin made a motion to approve the Minutes of the 12/10/09 meeting as amended. Joe DiVito, Jr. seconded the motion. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 01/28/10 meeting as amended. Joe DiVito, Jr. seconded the motion. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 03/25/10 meeting as amended. Dan Ciccariello seconded the motion as amended. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 04/22/10 meeting as amended. Joe DiVito, Jr. seconded the motion. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 06/03/10 meeting as amended. Joe DiVito, Jr. seconded the motion as amended. Voted 5-0 in favor. Motion carried.

Pat said due to the fact that he hadn't had a chance to read the Minutes of the 06/24/10 Meeting; they should be put off until the next meeting.

Old Business

Energy New England – David asked if they were all done. Dick said they didn't come back with anything good. "The charter members get better service." As far as MMWEC, "Right now I don't know until third quarter how they did selling our stuff. David thought MMWEC was going to come in with presentation once a year. Dick said they would come in whenever they want them to. David asked if Energy New England and MMWEC should come in the same meeting. Dick said no.

Berkshire Wind – David asked if Berkshire Wind was up and running. Dick said it wasn't and HMLP has spent approximately \$300,000 so far and should get reimbursed \$280,000. "I don't have a progress report. They got a cease and desist from abutters and it has been settled."

Open Meeting Laws – Dan asked if the Attorney General had come out with the open meeting regulations yet. Stephanie said she was going to attend a seminar September 27th. "They will update us on the law."

Phil said you have to have meeting schedules available to the public 24/7 365 days a year. He added that there should be more description for each topic. Dan asked about a Board Member bringing up a topic that was not put on the Agenda in advance. Phil said if something comes up that day that's okay but if you know ahead of time that you want to discuss a topic you should bring it up with the Chairman in advance. Dick asked where the certified copies would be kept. Phil said all material should be kept in a book and kept at HMLP.

Hull Wind 2 ½ status – Dick said that is net metering and he should have the historical data by next month.

Methodist Church Light – Dick said they looked into it and there was no customer of record so it's not on.

Turtle Equipment – Pat asked if Dick had any luck selling Turtle equipment. Dick said he hadn't heard back from them yet.

New Business

There was no New Business to discuss.

Items for Discussion

Stephanie wanted to discuss her concerns regarding Chapter 8. "I was told what I had to do for the discussion and I sent a copy to everyone. In the 06/24/10 Minutes it was said that there was no discussion on Chapter 8, and then it said there was discussion. Pat explained they didn't want to discuss it because there were two Board Members not present but that Phil coaxed them into talking about it. Stephanie said to Pat, "I submitted everything as I was told and I don't understand why it was not included. You should have informed the Board that I contacted you and you should have included it in last month's meeting." Pat apologized. David asked if e-mails could be allowed to be included in the Minutes. Phil said that e-mails can be read at a meeting and then they will be part of the Minutes. Phil said that the Board was ready to discuss Chapter 8 but because there were two Board Members missing they wanted to wait. Stephanie asked when the Board found out that Dan was not going to be there. Dan said that he didn't think there was going to be a meeting because of the 06/03/10 Meeting. David asked for clarification on e-mails. Phil said that minutes are not transcripts. The entire e-mail would not be in the minutes. It is up to the Chairman to read the entire e-mail and then they would be summarized. Dan said he thought that telephone conferences should be allowed into the minutes. Phil said it is up to the discretion of the Board as to the detail of the minutes. David asked if there was a problem if Joe were to send him an e-mail. Phil said, "If Joe sends an e-mail to all Board Members, you may be skirting the Open Meeting Law. Dick said to Stephanie, "Old rule or new rule, it doesn't matter, you did the right thing but the Chairman didn't bring it up. Dan asked if they would like to discuss it at that point. David wanted to discuss the last page of Chapter 8. Phil explained that the first part was in 1988 and then there was an addendum added in 1993. That's why it's the last page. Chapter 8 was passed in two pieces. Dan said, "This was not an amendment to Chapter 8, it was Chapter 164. It was to change the Operation Managers power with more power going to the Town Manager. It also focused on taking more power away from the Board." David said he thought that the Light Board didn't take enough time to write something in for checks and balances. Phil said that it passed very quickly on 06/01/93 it was approved. David said he wasn't trying to take Phil out of the picture. David told Phil that what got him ticked off was that Phil never came to the Light Board with the \$200,000 rent.

David discussed the two items he would like to see changed:

1. The Board must authorize all leases, rents and pilot payments presented by Light Plant Manager/Town Manager. A vote of the Board is binding.
2. The Board has the authority to hire outside counsel on any matter related to the Light Board or Light Plant.

Stephanie voiced her concerns. "I would like to have a majority vote before Town Manager transfers funds, this would act as a safety net. You just need to convince three not five." Dan said that he agreed with that but it did not go far enough. "I would like to see all leases and pilot payment clause." Pat said the biggest thing has been money transferred from ratepayers to taxpayers. "Other than that I think everything works fine." Joe said that he believes in Town Manager form of government where the Town Manager has total control. "I think for it to work that's the way it should be and I'm saying that as a ratepayer. If David's thing were adopted, we would be on an island. Other Departments prepare budgets and then it goes to Town Meeting for approval. The Town Manager form of government is what the Town wants and it should be that way, you need an educated person at the top." Stephanie said, "I don't think we all agree, Phil does a good job. The only issue is rent it was handled poorly. We should have more control. If it were handled differently we wouldn't have this discussion. Factor us back in. My concerns are for the ratepayers." Joe said that they are negotiating the pilot payment. "We all agree that \$200,000 is not fair but we have to go to the negotiating table with ammo." Pat said, "Maybe we can agree. We may be able to satisfy everyone with the negotiating. Biggest problem is ratepayer vs. taxpayer." Dan asked what if the Town Manager did not want to negotiate next year. Phil said the Board should consider an amendment. "I think HMLP Budget should go in front of Town Meeting like all other Departments and should go on a fiscal year. There you would have your checks and balances." Dan said that he felt as though Phil was avoiding the question. "Your constituents are taxpayers and our constituents are the ratepayers." Phil said that all people are going to the Town Meeting. Dan said that the issue is not about bringing the budget in front of Town Meeting. Dan asked, "Why do you think that the Board shouldn't authorize pilot payments?" Phil said that ultimately you're taking the decision away from five and giving it to the Town. Dan asked David if he wanted to take a vote. David thought they should digest what was said, let everyone calm down and think it through. Dan asked if they should have a discussion about it in August. David said they should discuss it in September.

Public Input

Tom Burns apologized for being late and asked if they could go back to the discussion on Hull Wind 2 and why it was not working. Pat summarized what Dick had reported earlier in the meeting.

Before adjournment Stephanie wanted to know if the meeting time would change from 6:00 to 6:30 as they had discussed. Pat said it was okay with him if it were okay with everyone else. Everyone agreed 6:30 would work.

Adjournment

David Irwin made a motion to adjourn. Joe DiVito seconded the motion. Voted 5-0 in favor. Motion carried.

Meeting adjourned at 7:50 PM