

01/28/10 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 6:04 p.m.

### **Public Input**

There was no Public Input

### **Manager's Report**

Radix came in and trained Bill Sousa's people along with our staff on the new handhelds and after one complete month we will cancel Turtle for March 1<sup>st</sup>. It is costing \$1,000.00 a month for maintenance of the Turtle System.

We sold the last two quarters of 2009 Recs for HW1 and all of 2010 to Mass Energy for \$26.00 a credit. MMWEC said that they are selling between \$23.00 and \$27.00 so we talked with Larry Chretien and settled at \$26.00.

Panos is up to the alphabet streets with his CAD drawing work. What will be helpful in the future, if there is a trouble call, you will be able to plug in the house number or pole number and this system will give you a breakdown of information for that location as far as transformer or breakers.

David asked how much Panos is costing HMLP. Dick said that Panos has been doing HMLP engineering work of approximately 12 hours every 2 weeks.

Joe asked about double poles. Dick said that they haven't taken poles out of the ground recently due to the frost. There are approximately 30 poles left.

### **Energy New England Presentation**

John Meara and Tim Hebert gave a presentation to the Board giving a background of Energy New England. Dick explained that the reason he asked ENE to come to the Board Meeting was because they were helpful with information on REC's and this was a quid pro quo thing.

ENE is an Electric Coop formed in 1998. ENE is owned by 6 members – Braintree, Taunton, CMEEC, Concord, Hingham and Wellesley. ENE offers wholesale and retail products. Retail portfolio helps the needs of the customer such as energy audits.

Energy Audits - Pat asked about the energy audits. There are 2 tiers of services. Tier 1 is a 800 number out of Foxboro that can help customers with questions and there is always a technician available for the customer to talk to. Tier 2 is when an auditor goes out to the home and does a complete audit. The audit reports have the HMLP logo on them. They are state certified and there is a modest administration fee, approximately \$200.00 a month and per audit fee of approximately \$125.00. They can also audit commercial and school buildings. The audit is paid by the utility, not the homeowner. ENE can set up a website with HMLP logo and they just plug in the different rates.

Profits - Phil asked if any profits get distributed back to the owners. Tim explained that profit on the investment money would make the equity go up for each investor. Phil said that Braintree has their own generator and asked if the Coop has a part in that. Tim said they don't.

Transitioning – ENE said that Hingham was transitioned over one year and their fee structure now is 15 to 40% lower. David asked if Hull were to transition from MMWEC to ENE would HMLP be paying double. Tim said no but Hingham offered to pay double during the transition.

Phil asked ENE to provide himself and Dick Miller a laundry list to look over.

## Old Business

Rent on the Landfill – Pat made phone calls on his own and received much information from Ernesto Capparata who is building ten turbines in Douglas. He briefly went over some figures from the paperwork that was included in the packet. There were 17 different locations and they came out significantly lower. Pat said that he sat down with Phil and discussed his findings and discussed the wishes of the Board. Pat asked the Board for their support to look into it and to put a motion on the table. Dan said that his position is that there should be no payment. “There are two issues and one is to establish a plan to figure pilot payment but if the discussion is going to be about lease, I will not participate. There was no discussion of rent for ratepayers.” Phil said there are two selectmen that feel there was an agreement so there is a difference in perception. Phil said that he is willing to be involved in the investigation and even thought of having ENE look into it. Stephanie said that at first it was called nothing, then it was called rent, then in the Financial Report it was called additional Light Plant pilot money. Phil said that he put it in that category for transparency reasons because people are more familiar with that term. David asked what Steamboat Wharf is paying. Phil said \$66,000 based on the slips and \$30,000 taxes. Stephanie asked about HRA and the Sewer Plant. Phil said that he has no authority over the HRA but has requested. There was discussion on how HWI land use is exchanged for street lighting costs to the Town. Stephanie said she would like to see it reported in statements. Dick said the only way that can be done is if HMLP bills the town for street lighting and the Town in turns bills HMLP for HWI land use.

David Irwin said that he wanted to reconsider a motion that was taken at the previous meeting. David would like to investigate what rent should be. Stephanie disagreed saying that it is the Town Manager that should be doing the legwork. Pat said that Town Manager had come up with a formula, which involved traffic signals and street lights for HWI and assigned a dollar value for HWI. Dan said, “If you come up with a figure then that only justifies his rent money. There was an agreement that there would be no rent charged. The Board should hire independent council and sue the Town for \$200,000 for the money he took from the ratepayers.” Joe said by paying rent in the past, it set a precedent. Stephanie said that it wasn’t rent; it was the generosity of the previous Operations Manager. Dan said that if the Town Manager does not sign to go forward then the Board would go to the ethics commission or another option would be to go before the Board of Selectmen. Dan reiterated that there was no agreement for rent so it’s wrong. “He’s increasing taxes without increasing taxes, he’s not going through the proper process. Stephanie said she would like a tally of all the projects HMLP does for the Town. David suggested that Pat go talk to Phil.

Pat Cannon made a motion to form a subcommittee to look into lease payments with no preconceived notion that there was ever any in place. Joe DiVito seconded the motion. David Irwin voted for the motion. Dan Ciccariello and Stephanie Landry voted nay. Motion carried 3 - 2.

Dan said that there are principals that we are trying to protect about being taxed properly. He said that the Board has a responsibility to hire an Attorney on whether this was correct.

Phil wanted it recorded in the Minutes that he disagrees with the characterization made relating to motivation.

Dan Ciccariello made a motion to hire independent council to investigate the issue being lease payment and legality of restitution to Town and request that Town Manager make restitution of funds if not legal. Stephanie Landry seconded the motion. David Irwin voted for the motion. Pat Cannon and Joe DiVito voted nay. Motion carried 3 - 2.

Pat said that now they have to check with Town Manager for funds to go ahead with this. Phil said that he couldn't make that decision right away and he would need to know what the proposal is.

Dan Ciccariello made a motion that Pat Cannon and David Irwin be on the pilot/rent subcommittee. Joe DiVito seconded the motion. Stephanie Landry voted nay. Motion carried 4 - 1.

Pat Cannon made a motion that Dan Ciccariello and Joe DiVito be on the subcommittee to pick a lawyer. David Irwin seconded the motion. Motion carried 4 – 1 DiVito nay.

Newsletters – David Irwin noted that there have been no newsletters since Fern Coyle retired. Phil asked that there be a newsletter by March.

Scheduled Meetings – Stephanie noted that one of the meetings was scheduled before the Memorial Day Weekend. Phil said that he planned on attending. Pat said they could discuss rescheduling closer to the meeting date.

### **Approval of Minutes**

David Irwin made a motion to approve the Minutes of the 08/27/09 meeting. Dan Ciccariello seconded the motion. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 10/01/09 meeting. Dan Ciccariello seconded the motion. Voted 5-0 in favor. Motion carried.

David Irwin made a motion to approve the Minutes of the 10/29/09 meeting. Stephanie Landry seconded the motion. One abstention. Voted 4-0 in favor. Motion carried.

### **New Business**

There was no New Business.

### **Items for Discussion**

David Irwin asked for an update on the Offshore Project. Phil gave a brief update on the Offshore Project. “The biggest obstacle is the cost to build the thing. DOE is keeping us at 50% match level and we are trying to get it to 20%. It doesn't seem as though they are putting a lot of effort into making this happen. There are only two projects in Massachusetts and Cape Wind will be having a discussion in April. You have to go into this thing with eyes wide open”

### **Adjournment**

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

Meeting adjourned at 8:50 PM