

Reading Municipal Light Board of Commissioners

Regular Session

230 Ash Street  
Reading, MA 01867  
March 18, 2003

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TOWN CLERK  
READING, MASS.

Start Time of Regular Session: 8:10 p.m.  
End Time of Regular Session: 8:38 p.m.

2003 MAY -8 P 2:48

Attendees:

Commissioners: Hughes, Pacino, Soli and Herlihy

RMLD Staff: Mr. Cameron, General Manager  
Mr. Kazanjian

CAB: Mr. Van Magness

Guest: Mr. Ensminger

This meeting of the Reading Municipal Light Department (RMLD) Board of Commissioners 18 March 2003 is being broadcast live at the RMLD's office at 230 Ash Street, Reading, MA. Live broadcasts are available only in Reading due to technology constraints.

The meeting is being video taped for distribution to the community television stations in North Reading, Wilmington and Lynnfield.

**Chairman Hughes called the meeting to order at 8:10 p.m.**

Chairman Hughes made a statement as the Chairman of the Board. Mr. Hughes received numerous inquiries concerning the previous meeting held by the Commissioners last Thursday. The questions were addressed. Chairman Hughes stated the meeting this evening will be conducted in a most professional manner.

Mr. Pacino exercised point of personal privilege, as he wanted to make a general statement for our service men and women over in Iraq and around Iraq they are in our thoughts and our prayers as they perform their duties.

Mr. Hughes added to the viewing public words well said and go in peace.

**Extension of the Thirty-Day Notice**

Mr. Cameron noted at the last RMLD Board of Commissioners meeting, which was held Thursday, March 13, 2003 a motion was made to consider the recommendations of the Citizen's Advisory Board (CAB) with respect to the Report of Reading Special Town Counsel. The recommendations made by the CAB for an extension to April 3<sup>rd</sup> there was a motion made and it was not passed. It was voted two to one, a three to zero vote is required given the Board is a five member Board. Mr. Cameron noted Commissioner Herlihy then made a motion to reconsider the action by the Commissioners not to consider recommendations received by the Citizen's Advisory Board by April 3<sup>rd</sup> on the Report of Special Town Counsel and that passed three to zero. Mr. Cameron asked the Commission to get together now, as there is four members present to see if the motion could be brought back to the table reconsider it and vote on it.

Mr. Hughes requested Mr. Cameron read the motion.

Mr. Pacino wanted the original motion to be read. Mr. Pacino read the motion. Mr. Herlihy made a motion seconded by Mr. Soli to move that the RMLD Board of Commissioners consider the recommendations received by the Citizen's Advisory Board by April 3, 2003 on the Report of the Town of Reading Special Counsel dated February 11, 2003. That motion carried 2:1 but that was not a majority and then there was a motion made to reconsider. Mr. Herlihy made a motion seconded by Mr. Soli to reconsider the action taken by the Commissioners not to consider recommendations received by the Citizen's Advisory Board by April 3, 2003 on the Report of the Town of Reading Special Counsel dated February 11, 2003 and that motion was tabled at that time until the subsequent meeting.

Mr. Pacino stated now we need a motion to bring this back on the table. Mr. Soli made a motion seconded by Mr. Herlihy to bring the motion back to the table.

**Motion carried by a show of hands 4:0:0.**

**Extension of the Thirty-Day Notice**

Mr. Pacino stated the motion should be moved that the RMLD Board of Commissioners consider the recommendations received from the Citizen's Advisory Board by April 3, 2003 on the Report of the Town of Reading Special Counsel dated February 11, 2003. Motion was made and seconded.

**Motion carried by a show of hands 3:1:0. Mr. Herlihy voted against this motion.**

Mr. Pacino asked what is the reason why not to do this?

Mr. Hughes replied he has no problem with it. Mr. Hughes inquired of Commissioner Soli if he had a problem with it?

Mr. Soli replied no. Mr. Soli pointed out at the meeting Mr. Cameron asked the question what is the harm? Mr. Soli noted he couldn't see the good because the CAB was not happy and we should try to keep our neighbors happy if we can.

Mr. Herlihy stated the vote he cast against this motion was not done arbitrarily and was not done completely out of left field on his own. Mr. Herlihy stated the Commission had received a recommendation, a unanimous recommendation, from the Board of Selectmen not to grant the extension. There were concerns that the outside towns had not acted promptly enough concerning the important recommendations of the Ad Hoc Committee. Mr. Herlihy made the motion to reconsider because he felt the full view of the Commission had not been received that night in Mr. Pacino's absence. The failure of the motion on the two one vote was not the fairest thing. Mr. Herlihy felt it deserves to be reconsidered. The message was sent across to the CAB but at the same time stayed within the limits and within the letter of the Twenty Year Agreement that is why we are here tonight.

Mr. Soli pointed out the motion was read from unapproved minutes. In the second line where it says, "received by" that should be "received from."

Mr. Hughes as Chairman of the Board wanted to make an opinion as a matter of personal privilege or just an opinion as a member of the Board. Mr. Hughes noted the Commission did consider the recommendations of the Board of Selectmen. Mr. Hughes noted this was a recommendation to the Commission. Mr. Hughes stated the Commission has the governing power, the sitting Board does and they do accept recommendations and it was discussed.

Mr. Pacino read the recommendations of the Board of Selectmen. Mr. Pacino does not understand why the Board of Selectmen would make the recommendation to cut the date off. Mr. Pacino pointed out that totally sends out the wrong message. They are not sending the right message to the outside towns. Basically, the message he hears is we do not want you in this region, that the message that has come out perhaps is not what they intended. Mr. Pacino noted it was a different the message that came out that they are not wanted in this utility. Mr. Pacino noted fourteen years ago when a previous Chairman was on the Board and ruled this place with an iron hand. Mr. Pacino and the late Frank Gorgone ran against the former Chairman and removed him and they were reformers. Mr. Pacino added he sees a lot of those feelings and attitudes coming back in. This utility is run in response to its ratepayers. The ratepayers are its customers, not the taxpayers of the Town of Reading. The ratepayers that are in the four towns are the people who we should be serving. Mr. Pacino added to say that there should not be any discussion with the outside towns blows his mind. It blows his mind that the Board of Selectmen would take that position to say we do not even want to hear them, it blows his mind they would take that position. Mr. Pacino noted the message that came across was go on your way we don't want you, that is the message that came across. Mr. Pacino stated there is nothing that is going to happen that the Board of Selectmen, the Ad Hoc Committee will do between now and April 3<sup>rd</sup> that we had to take such a hard position at this point. Mr. Pacino again reiterated it blows his mind the Commission is having this second meeting. This should be a no brainer and this should have been resolved last week. The CAB should have been allowed to have their time and have their say. Mr. Pacino noted April 3<sup>rd</sup> is the deadline. If they ask for another deadline after April 3<sup>rd</sup> then he would be opposed to giving a further deadline. Beyond April 3<sup>rd</sup> he would be opposed to this, as policies need to be put in place for the Department. Mr. Pacino stated the Commission was instructed at Town Meeting to put policies in place and we are going to follow through on them and get them in place. The Policy Subcommittee met tonight to start that process. Mr. Pacino pointed out there is no harm for the April 3<sup>rd</sup> extension. Mr. Pacino cannot see why this is such a big issue that we have to get everybody riled up and everybody in the outside towns upset. Mr. Pacino added he sees all those attitudes coming back in again. Mr. Pacino thought we got over that with the Twenty Year Agreement and put some of those to bed. He guesses not at this point.

**Extension of the Thirty-Day Notice**

Mr. Hughes replied we have to banish them. The previous atmosphere that did exist prior to Commissioner Pacino getting on the Commission and shortly after himself. Mr. Hughes stated they have concentrated heavily on being community oriented.

Mr. Van Magness stated one of the questions he asked the General Manager after the last meeting was the point that the CAB obviously wants to put input into this Board according to the Twenty Year Agreement. Mr. Van Magness noted also there was some indication that this Board may in fact want to be including information in the Report on the Warrant that is issued to Town Meeting members. Mr. Van Magness questioned at what point does that window close for input into the Town Report on the Warrant?

Mr. Cameron replied he had this checked and the final date for input is April 9<sup>th</sup>.

Mr. Van Magness noted meeting a deadline on the extension of April 3<sup>rd</sup> will then allow this Board to take into consideration whatever it decides it wants to do prior to that Report being issued.

Mr. Pacino added that Mr. Van Magness take the message back to the CAB there will not be a further extension.

Mr. Van Magness replied the CAB is meeting tomorrow evening and he will make sure that is crisply communicated.

Mr. Hughes added that Roger Lessard, Chairman of the CAB Board was at the last meeting. Mr. Lessard fully expressed not want going passed April 3<sup>rd</sup>. Mr. Hughes had a question for the Department he wanted to know when the Ad Hoc Committee will cease being in existence when will they disestablish?

Mr. Cameron will check into this.

Mr. Pacino added probably if Town Meeting accepts the Ad Hoc Committee recommendations, Article IV at that point the Ad Hoc Committee's work then been completed. If Town Meeting does not accept the Board of Selectmen will have another decision as to whether to keep the Ad Hoc Committee alive or not. Mr. Pacino noted there is no automatic sunset provision anywhere in the By Laws or Charter that he is aware of.

Mr. Cameron noted we should find out about the Task Force also because the Task Force has never been disbanded. There is only member from the Commission due to Mr. Ames' resignation.

Mr. Herlihy noted it is his understanding that the Task Force is in hibernation and could be resumed if there are any more developments on the front from the Inspector General or any subsequent audits or Ethics investigations. Mr. Herlihy believes the same holds true for the Ad Hoc Committee. Mr. Herlihy believes the town has made it clear that they reserve the right to pull these boards back in the future unless this Board (RMLD Board of Commissioners) demonstrates direction and control of the Department.

Mr. Hughes asked Mr. Cameron to address this to the Town Manager for the next Board Meeting.

**Honoring Allan Ames' Service**

Mr. Pacino stated his opinion is Allan is the third longest serving member of this Commission in its history. Mr. Pacino pointed out Mr. Ames served twenty five to twenty six years and deserves something more than just the normal honoring. Mr. Pacino noted Mr. Ames deserves one of the conference rooms named after him for his service. He has acted for the ratepayers. Many of the rate structures that are in place today, came from the mind of Allan Ames. His contributions to this Board over the years have been enormous. He has done this in a quiet way, not calling attention to himself, as this is his style. He deserves a greater honoring than just a plaque.

Mr. Hughes pointed out in the previous meeting there was discussion concerning this. There were quite a few people who spoke their opinion including members of the RMLD Board, CAB Board member Fred Van Magness, Selectmen Matt Cummings, and the Town Manager. The opinion was the meter lamp was adequate, which is traditionally given to the outgoing Board member.

Mr. Van Magness replied he is speaking not as a CAB member but as an individual ratepayer subscriber as part of the service territory of the RMLD.

**Honoring Allan Ames' Service**

Mr. Van Magness quite frankly is opposed to having any rooms named after specific individuals whether it is at the RMLD building or any other public building per se. It becomes very difficult to make a decision based on this particular person did this and another comes along and does a job that is almost equally close, how do you deal with this recognition? Also, this Board has had a long-standing practice of developing policies that the Board of Commissioners and the RMLD adheres to. Mr. Van Magness then referenced Policy Number Eight on Employee Recognition, which was instituted in 1994, and it specifically says on Commissioners longevity award, that the end of Board service specifically identifies one item or an equivalent for recognition. It does not go beyond that. As you look at your own policies they should govern you. Quite frankly, it is not against Mr. Ames' service. Any person who offers their time and runs for an elected position does so as expected to perform admirably. Mr. Ames did this over a long number of years. Mr. Van Magness does not believe in naming and is not specific at all to Mr. Ames.

Mr. Herlihy replied he threw this idea out there. Sometimes he throws out ideas and sees what sticks and what does not. He does not want to turn a good thing into a bad thing, He does not want to spend a lot of time belaboring this issue and frankly Allan Ames would not want this. Mr. Herlihy pointed out that Allan Ames in no way shape or form was behind this idea. Mr. Herlihy does not want to spend a great deal of money or time dealing with this. Mr. Herlihy finds himself agreeing with what Mr. Van Magness said. Perhaps we forgo that route in the future we need to keep our resolve. This room was named after a former Commissioner. If they are not going to name rooms after anyone else then there is a need to stick with this.

Mr. Pacino interjected the Board Room at Haven Street was named after Mr. Spurr who died while in office. When the Department came here they basically transferred that over as a continued tribute to him.

Mr. Herlihy noted we should get this issue cleared up tonight.

Mr. Hughes replied the Department should have a sense of direction as from the previous meeting not to name any rooms.

Mr. Hughes polled the audience for comments.

There were none.

**Mr. Pacino called for a poll of the vote:**

Mr. Soli Aye; Mr. Herlihy Aye; Mr. Hughes Aye and Mr. Pacino Aye.

**Motion to Adjourn**

At 8:38 p.m. Mr. Pacino made a motion seconded by Mr. Herlihy to adjourn the Regular Session.

**Motion carried by show of hands. Motion carried 4:0:0.**

A true copy of the RMLD Board of Commissioners minutes as  
approved by a majority of the Commission.

Philip B. Pacino, Secretary  
RMLD Board of Commissioners