

Reading Municipal Light Board of Commissioners  
Regular Session  
230 Ash Street  
Reading, MA 01867  
March 13, 2003

Start Time of Regular Session: 7:40 p.m.  
End Time of Regular Session: 9:55 p.m.

Attendees:

Commissioners: Hughes, Soli and Herlihy

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

CAB: Messrs. Van Magness and Lessard

Liaison: Mr. Cummings

Guests: Mr. Hechenbleikner  
Mr. Ensminger

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This meeting of the Reading Municipal Light Department (RMLD) Board of Commissioners March 13, 2003 is being broadcast live in the RMLD's office at 230 Ash Street, Reading, MA. Live broadcasts are available only in Reading due to technology constraints.

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

Chairman Hughes noted due to the inclement weather the meeting is beginning a little late and apologized to the viewing public. Chairman Hughes asked Mr. Soli to be Secretary Pro Tem in the absence of the Secretary, Commissioner Pacino.

**Minutes of February 6, 2003**

Commissioner Soli made a motion seconded by Mr. Herlihy to approve the minutes of February 6, 2003 as presented.

**Motion carried by a show of hands: 3:0:0.**

**Minutes of February 13, 2003**

Commissioner Soli made a motion seconded by Mr. Herlihy to approve the minutes of February 13, 2003 as presented.

**Motion carried by a show of hands: 3:0:0.**

**Report of the Chairman of the Board**

**Commissioner Allan Ames' Resignation**

Chairman Hughes announced Mr. Allan Ames resigned from the Board effective February 28, 2003.

**Extension of Review Period**

Chairman Hughes stated Mr. Lessard, Chairman of the Citizen's Advisory Board sent him a letter requesting an extension to the 30 day review period until Thursday, April 3, 2003 regarding the final recommendations of the Ad Hoc RMLD Governance Advisory Committee as submitted. At this point, Chairman Hughes asked General Manager, Mr. Cameron, to elaborate on this issue.

Mr. Cameron stated at the March 3 Town Meeting the Article IV recommendations from the Ad Hoc Committee were tabled indefinitely, however, there was a motion made to have the RMLD, in Article IV, govern itself until such time that the Article IV recommendations are brought back to Town Meeting. Mr. Cameron noted there was also a third motion made to bring Article IV back to the spring Town Meeting. Continuing, Mr. Cameron stated Chairman Hughes received a letter from Mr. Lessard, Chairman of the CAB, requesting the CAB be granted an extension until April 3 to make a recommendation to the Special Counsel report of the Ad Hoc Committee recommendations. Subsequently, Chairman Hughes received a letter from Ms. Anthony, Chairperson of the Reading Board of Selectmen, outlining what occurred at the March 3 meeting. At this point Mr. Cameron distributed the letter to the attendees and noted on March 13, Chairman Hughes also received a letter from Mr. Hechenbleikner, Reading Town Manager, outlining what the Board of Selectmen voted unanimously at their March 11 meeting to recommend to the RMLD Board not extend the CAB review period.

**Extension of Review Period**

Mr. Cameron read the recommendations from the Board of Selectmen which included:

1. The Board of Selectmen believes the CAB has no jurisdiction or involvement in this issue pursuant to the Twenty Year Agreement,
2. The CAB had 30 days from the February 12, 2003 date when this material was submitted to them for review and although they met twice during that time they have not had any discussion on the matter, and
3. The Twenty Year Agreement does not make any provision for an extension past 30 days for the CAB to review.

Mr. Cameron distributed the letter from Mr. Hechenbleikner and noted he gave the Commission a suggested motion for this evening's meeting with respect to Article IV which was presented at the March 3 meeting and given the direction of Article II in Town Meeting which states the RMLD should govern itself, with respect to the recommendations in Article IV that were indefinitely tabled. Mr. Cameron stated he believes the RMLD should incorporate those recommendations relative to Chapter 164 and get those recommendations into the policies although there is not much time before the warrant closes on April 9. Mr. Cameron asked the Commission not to ignore input from the CAB, the Commission has never in the past, in fact the CAB has been granted an extension in the past. Mr. Cameron also stated, given the direction from Town Meeting and for the time of sake he recommends the Commission get the recommendations into the RMLD policies without ignoring the CAB and to give the CAB's recommendations consideration.

**Mr. Herlihy made a motion seconded by Mr. Soli that the RMLD Board of Commissioners with respect to Article II of the Special Town Meeting of March 3, 2003 instruct the General Manager to incorporate the recommendations contained in Article IV into the RMLD policies in compliance with Chapter 164 for RMLD Board approval and present such policies to Town Meeting on April 28, 2003.**

Mr. Soli stated he would rather discuss the CAB issue first as indicated on the agenda.

**Mr. Herlihy made a motion seconded by Mr. Soli to table the previous motion.**  
**Motion carried by a show of hands: 3:0:0.**

**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.**

Mr. Soli asked if Mr. Lessard could answer a few questions and proceeded to state that the letter indicates the CAB had 30 days but has not had a chance for discussion.

Mr. Lessard explained on February 10, Selectpersons Cummings, Anthony and Wood as well as Town Manager, Mr. Hechenbleikner attended the Board of Selectmen meeting in Wilmington and presented the Ad Hoc recommendations. Mr. Lessard noted at that time Selectmen Cummings stated the CAB would be receiving the recommendations of the Special Counsel and Selectmen Cummings indicated the CAB would have 30 days per the Twenty Year Agreement. Mr. Lessard explained that is why he was surprised that the Board of Selectmen does not recognize the Twenty Year Agreement in the letter they sent to Chairman Hughes. Mr. Lessard reiterated he is not only surprised he is quite upset because in the last part of the Twenty Year Agreement it states the CAB has the right to make recommendations relative to the RMLD. Mr. Lessard told Selectmen Cummings at the February 10 meeting the CAB might go beyond the 30 days because Town Counsel from the other communities may need to review the recommendations of the Special Counsel and given time frames and the fact everyone is so busy this time of year. Mr. Lessard continued, at that time Selectmen Cummings replied that the Reading Board of Selectmen can be flexible. Mr. Lessard also stated at that time neither Selectperson refuted Selectmen Cummings' statement but now all of sudden that has changed. Mr. Lessard stated it is disturbing to him that in front of the Boards of Selectmen in Wilmington, Selectmen Cummings states they can be flexible and now they will not be flexible. Mr. Lessard noted the other three communities are in the process of budgets, therefore, most of the Town Counsels, Selectmen and Town Managers have other issues in which they are dealing. Mr. Lessard stated for ten years since he has been on the CAB, they have never had a problem if they needed an extension and he hopes there is not a problem this time in asking for an extension since part of the Twenty Year Agreement states the CAB has an opportunity to make recommendations. Mr. Lessard ended stating the CAB is asking for an extension from the RMLD Board of Commissioners and nobody else.

Commissioner Soli thanked Mr. Lessard for his explanation.

### Extension of Review Period

Selectmen Cummings addressed Mr. Lessard stating the Reading Board of Selectmen can be flexible, in fact they have tried to be as flexible and communicative as possible with the outside communities while they approached this whole issue. Selectmen Cummings noted the Reading Board of Selectmen and the CAB has a fundamental disagreement about the subject matter of Article IV and exactly who has responsibility for it. Selectmen Cummings informed Mr. Lessard the Reading Board of Selectmen voted to ask the RMLD Board of Commissioners not to grant an extension and the reason for that is outlined one through three. Selectmen Cummings noted the first one, according to the Twenty Year Agreement is the Reading Board of Selectmen's position is that the other communities do not have a say in the governance of the RMLD, they have input into its operation, budget, power contracts, and accounting procedures, but not in the governance; that is strictly in the purview of the Town of Reading. Selectmen Cummings stated, secondly in reviewing the Twenty Year Agreement he does not see any provision where an extension be granted, however, the Selectmen requested that information from the Special Counsel. Selectmen Cummings noted there was an extension granted in the past but there is no provision for an extension for the 30 days in the Twenty Year Agreement and there is definitely no provision for an extension with respect to power contracts, it says action must be taken within the 30 days. Selectmen Cummings stated he raised the issue again at the meeting last evening asking even if there was an extension granted, who would extend it since that is a change in a contract in which all four Towns are a party. Selectmen Cummings also stated although it would be great to have the input of the RMLD of its own governance, the subject matter of the Article and the governance in the change in the Charter is a proposal and part of the Reading Board of Selectmen in which the CAB does not have advisory authority. Selectmen Cummings stated the Selectmen are trying to be flexible and depending upon when the 30 day time table started, whether it was when the recommendations actually were sent out, or when they were presented to the Boards of Selectmen, or when the Special Counsel information came back from the Reading Board of Selectmen is also subject to interpretation, however, the Selectmen do believe the 30 day time period has lapsed and the warrant for the Annual Town Meeting is closed, therefore, the CAB's input may not even have that much effect. Selectmen Cummings noted the Town Meeting approved the recommendation in an instructional motion and although that is not binding he does not see the extension ability in the Agreement itself.

In response to Selectmen Cummings, Mr. Cameron stated relative to the recommendations that have been made in Article IV and by the Ad Hoc Committee, he looks at the following salient points such as,

1. The Board would hire the Chief Accountant. Mr. Cameron stated that becomes an operational issue because the Chief Accountant would report directly to the Board and discuss financial issues with the Board,
2. The Board would hire Special Counsel, again, that is an operational issue, he does not see it as much a governance issue as an operational issue, and
3. 30B which is a set of purchasing laws that the Town is under and although the RMLD is not subject to those laws because the RMLD falls under Chapter 164, the Department does follow 30B quite closely and that is an operational issue as well.

Mr. Cameron believes the Board should take the CAB's recommendations very seriously because these are operational issues. Mr. Cameron stated the CAB's recommendations are important because 80% of the load of the RMLD is in the outside Towns and that should not be ignored. Mr. Cameron noted the extension period is within the period that the Article has been tabled and that is until April 28, 2003 Town Meeting. Mr. Cameron reiterated the RMLD must incorporate the Ad Hoc Committee recommendations into the RMLD policies, with respect to Chapter 164, however, at the same time not ignore the CAB and the motions put forth appease both efforts.

Mr. Lessard stated as far as being flexible, flexible stopped when he hears the warrant for the Town Meeting is closed so whatever is recommended from the CAB to the Light Commissioners or whatever the Light Commissioners recommend means absolutely nothing if the Selectmen are going forward with it anyway. Mr. Lessard also stated as far as the Board of Selectmen being flexible, the CAB received everything on February 12 from Special Counsel and questioned why did Selectmen Cummings tell him at the Selectmen's meeting in Wilmington on February 10 that they would have 30 days per the Twenty Year Agreement when in fact the Reading Selectmen do not think the Twenty Year Agreement has anything to do with the 30 days? Mr. Lessard stated there is obviously some discussion going on that does not hold water and as far as the Twenty Year Agreement, he believes at the end of the Twenty Year Agreement it states, "and other issues that come before the Light Commissioners." Mr. Lessard continued, this is another issue that comes before the Light Commissioners and it has been that way for twelve years; two years ago all the other Towns extended the Agreement for another ten years and he would hate to see that level of cooperation change. Mr. Lessard stated the CAB has asked for extensions in the past and it has always been granted, it may not be right in the Twenty Year Agreement but that does not mean anything, it is up to the Light Commissioners to approve or not approve the extension.

**Extension of Review Period**

Mr. Lessard believes this is a circumstance where one does not want to rush something just because of the 30 days and the other three communities should have their Town Counsel review what Special Counsel recommends to be sure everyone is on the same page in order to avoid any problems in the future.

Mr. Hechenbleikner stated he wanted to be clear on the warrant being closed. Mr. Hechenbleikner explained what that means is the subject matter of that Article goes before Town Meeting, the motion that is drawn under any particular Article may or may not be exactly the same as the Article which is often the case; between a warrant closing and hearing for the Planning Commissioner the motion is different than what the Article states. Mr. Hechenbleikner further explained, as long as it is within the general framework of the Article that is acceptable, the counsel in Reading has always ruled that way. Mr. Hechenbleikner wanted to clarify for Mr. Lessard that if there is a need for a change there is an opportunity for that change between now and when the motion is actually made on April 28, 2003.

Commissioner Herlihy stated he was not sure the Ad Hoc recommendations are technically an issue for this Board; they are not looking for the approval of this Board to enact these changes. These are changes that the Town of Reading would make to its Charter and perhaps to home legislation and they would take over the governance of the Department without necessarily having the Board do that. Commissioner Herlihy stated this motion gives the Board a chance to incorporate some of these changes, some of them are common sense and some of them are right to be incorporated into the RMLD policies. Commissioner Herlihy noted in terms of the extension issue, he looks at what is going on with the Reading Board of Selectmen, its budget time and they are also busy but they still deal with other matters and if there is something important to them they will have their Counsel get to it quickly. Mr. Herlihy stated he believes the other Towns have had opportunity to do that and he does not buy the argument that just because its budget season there is no time to do anything else.

Mr. Cameron asked what can it hurt, we have until April 28, and the Board agreed to come back to Town Meeting anyway to present what was instructed. Mr. Cameron noted he knows what the instructions were from Town Meeting, he knows what he needs to do and he thinks it should not be a problem for the Board to wait until April 3 to consider the CAB recommendations. Mr. Cameron stated it will not impede his progress and what he has to do although he thinks the Board, as it has in the past, should consider the recommendations of the CAB since it will not hurt anything nor disrupt any schedule.

Commissioner Soli stated his belief is that if the Board does the wrong thing it can hurt, pointing out the RMLD has three other communities to think about and believes the Commission should be friendly toward them. Commissioner Soli stated he is inclined to vote for this second motion.

Chairman Hughes noted he attended the Reading Board of Selectmen meeting along with Commissioners Soli, Herlihy and Mr. Cameron on March 11 for the presentation of opening the RMLD service territory to competition. Chairman Hughes stated Mr. Cameron's presentation reaffirmed confidence the ratepayers should have in the management of the Department. Chairman Hughes stated after the presentation Selectmen Cummings alluded to the fact of some correspondence of an extension requested by the CAB and proceeded to discuss this although it was not on the agenda. Chairman Hughes stated he told Selectmen Cummings this issue is on the agenda for March 13 RMLD Board meeting. Chairman Hughes then stated Selectmen Cummings was not satisfied with that reply and opted to have the Town Counsel, at another cost to the ratepayers, question whether the Board has the authority to grant the CAB an extension. Chairman Hughes thought that was total unprofessional.

In order to clear up any misconceptions, Selectmen Cummings stated there is no cost to the ratepayers of RMLD but rather the taxpayers in the Town of Reading in their tax rate. Selectmen Cummings stated his question to the Town Counsel was legitimate.

Chairman Hughes stated it is Selectmen's Cummings interpretation that his question to the Special Counsel was legitimate, not the opinion of others.

Selectmen Cummings replied, exactly it was his interpretation and its his purview as a Selectmen. Selectmen Cummings explained the reason he brought it up as being he knew it was on the agenda for the Board meeting and thought it was a great opportunity for discussion since both the Light Commissioners and the Selectmen were present. Selectmen Cummings apologized to Chairman Hughes for being put on the spot, he simply thought it was a good opportunity to have a discussion.

Mr. Cameron asked Selectmen Cummings what the harm would be in waiting until April 3 for the CAB recommendations given Article IV has been tabled indefinitely?

**Extension of Review Period**

Selectmen Cummings replied, there is no harm although sitting on the Ad Hoc Committee and hearing from various Commissioners their interpretation of the relationship between the Town of Reading and the other communities vis-à-vis the Reading Municipal Light Department and the statement by one of them that he would abdicate more authority to the CAB, and another one thought a cooperative model should be explored. Selectmen Cummings stated looking at it from his judiciary responsibility to the Town of Reading that is the owner of the RMLD and despite the fact that eighty percent of the power is sold out of the community, it is still the financial responsibility of the Town of Reading for the Department and its debt and everything else associated with it financially. Selectmen Cummings stated he believes it is time for parameters to be set and this is one issue in which to set a parameter where there is a 30 day time period in the Twenty Year Agreement and there is no provision for extension. Selectmen Cummings continued, it is time to delineate what the responsibility is of the RMLD Board and the CAB. Selectmen Cummings stated in practicality there is no harm, the recommendations are solid and sound, however, it is time to set parameters and he sent the question back to Mr. Cameron asking what is the harm in setting the parameter?

Mr. Cameron asked Selectmen Cummings for clarification of setting parameters and if that means setting the 30 day period?

Selectmen Cummings responded, yes the 30 day time period if it is provided for in the Twenty Year Agreement. Selectmen Cummings stated he means no disrespect to the CAB, however, he is not convinced that governance of the Department is a CAB issue but that aside, if the Commission is to go into the Twenty Year Agreement, then follow it.

Mr. Cameron responded, there has been a few instances in the past where the Department has asked the CAB to make decisions in one meeting, the CAB is a very astute Board and they are able to grasp very difficult and involved problems and are able to make a decision in just a few hours, in the past with power supply. Mr. Cameron pointed out no place in the Agreement does it state the CAB must make decisions within a few hours, either.

Selectmen Cummings stated, no it does not but the language of the Agreement specifically states the CAB has up to 30 days, therefore, it would not be out of the context of the Agreement to make it less than that if the need arose.

Mr. Cameron noted the CAB with respect to the decision making within the RMLD, have given up quite a bit of the 30 days to make a decision. He thanks them for that because the most recent one proclaimed savings to all the customers of the service territory with respect to power supply agreements which came into effect about one year ago.

Selectmen Cummings stated he hopes Mr. Cameron has never taken anything he said as a denigration to the Light Department noting the service is excellent and the price is great. Selectmen Cummings stated he conducts business in Woburn and he wishes the RMLD serviced Woburn because they lose power constantly.

Mr. Cameron noted it is very important that the recommendations of the CAB is heard and considered by the Board, however, it is equally important that the RMLD get on with the business of making sure they comply with the instructions from the March 3 Town Meeting.

Selectmen Cummings agreed with this statement and noted he hopes members of the CAB and the Boards of Selectmen recognize their input into the recommendations.

Commissioner Soli questioned Selectmen Cummings on whether the governance of the RMLD includes approval of the warrant.

Selectmen Cummings replied, yes.

Commissioner Soli then questioned whether final approval of the warrant takes place at Town Hall.

Selectmen Cummings stated he cannot specifically say what the Charter states although one of the recommendations of the Ad Hoc Committee is that warrants would be approved by the RMLD Board.

Commissioner Soli stated that is not what he meant and restated his question, does final approval take place at Town Hall?

Selectmen Cummings stated he thought that was correct.

**Extension of Review Period**

Commissioner Soli then asked, why did the Ad Hoc Committee not look at Town Hall since it is part of this, was there no culpability there?

Selectmen Cummings stated the Ad Hoc Committee did look at the Town Hall and had quite an extended discussion surrounding Chapter 164 and how bills can be denied payment. Selectmen Cummings explained the Ad Hoc Committee also heard input with respect to the issue and that it was the opinion of the Counsel of the Reading Municipal Light Department that the Board had no authority to sign warrants and that is why the language found its way into the recommendation.

Commissioner Soli pointed out Chapter 164 states the Selectmen may ask that an oath be sworn under penalty of perjury of their own devising.

Selectmen Cummings stated the Board of Selectmen does not sign the warrants, according to the Charter in Reading the Town Manager has that responsibility.

Commissioner Soli asked were there any such oaths?

Mr. Hechenbleikner responded stating when the Board signs the warrant they are signing it under oath, its noted at the bottom of the warrant.

Commissioner Soli noted Chapter 164 states specifically the Selectmen may request that the person presenting the bill signs by their own devising under penalty of perjury.

Mr. Hechenbleikner stated that is the Light Board signing the bill, that is whose signature is on the bill from the Light Department.

Commissioner Soli again asked, there was no culpability at Town Hall?

Selectmen Cummings stated he is not saying there is no culpability, the Ad Hoc Committee was not out to assign culpability noting his statement at Town Meeting that there was plenty of that to go around. Selectmen Cummings explained what the Ad Hoc Committee looked at was the governance issue and how procedurally things could be put in place to perhaps curtail issues that happened in the past.

Commissioner Soli thanked Selectmen Cummings for the explanation.

Mr. Lessard stated, its interesting that Selectmen Cummings would turn around and acknowledge the fact that the Town of Reading absorbs the debt of the RMLD and how the Town of Reading who owns the Light Department would absorb the debt, yet in fact the Town of Reading went to the ratepayers and the Light Board in all four communities to pay for the audit. Mr. Lessard then questioned, what happened with taking care of the RMLD debt, and noted this is not flexible. Mr. Lessard stated flexible is when the managers of the Light Department request an emergency meeting in order to close a power contract to get the best rate for the ratepayers. Flexible should be when the CAB cannot come up with something in 30 days and ask for an extension as in the past and the Light Board has granted it - that is flexible. Mr. Lessard noted the letter from the Town Manager to Chairman Hughes indicating the CAB has no jurisdiction involvement in the issue pursuant to the Twenty Year Agreement relative to the 30 days, that is not flexible however, flexible was what the CAB was told by Selectmen Cummings at the February 10 Selectmen's meeting in Wilmington.

Mr. Ensminger noted he has heard a lot of discussion about the concerns of Town Counsels in the other Towns about legalities of the enactment and thinks there are two parts to this; the what and the how meaning what we are trying to enact and how. Mr. Ensminger asked if Mr. Lessard expected to get comments in both those areas, whether or not the Board should hire Counsel, should hire the Accounting Manager, should be subject to 30B; did he plan to get back on the input as well as the legal input?

Mr. Lessard answered, yes.

Chairman Hughes asked Commissioner Herlihy to read the motion again.

**Extension of Review Period**

**Commission Herlihy made a motion seconded by Mr. Soli that the RMLD Board of Commissioners consider recommendations received from the Citizen's Advisory Board by April 3, 2003 on a report of the Town of Reading Special Counsel dated February 11, 2003.**

Commissioner Herlihy asked Mr. Cameron what the words "consider recommendations" means to him.

Mr. Cameron replied, when the CAB comes back to the Board prior to or on April 3, 2003 they will have certain recommendations and the Board should consider those recommendations.

Mr. Cameron explained according to the Twenty Year Agreement the Board takes into consideration the recommendations that the CAB makes which means they consider them, they do not have to put them into effect or they can put them into effect. Mr. Cameron further explained the CAB has recommendation powers to the RMLD Board so "consider the recommendations" means when the CAB comes back the Board will do as they did in the past. Mr. Cameron stated, however, the Board must go down a road right now that has been instructed by Town Meeting, we can not hold that up but the Board needs to also consider the CAB recommendations.

**Motion not carried: 2:0:1. Mr. Herlihy voted against.**

**Commission Herlihy made a motion seconded by Commissioner Soli to take the previous motion off the table.**  
**Motion carried: 3:0:0 by a show of hands.**

**Commissioner Herlihy made a motion seconded by Mr. Soli that the RMLD Board of Commissioners with respect to Article II of the Special Town Meeting on March 3, 2003 instruct the General Manager to incorporate the recommendations contained in Article IV into the RMLD policies in compliance with Chapter 164 for RMLD Board approval and present such policies to Town Meeting on April 29, 2003.**

Selectman Cummings asked whether the motion should read, "in compliance with the Home Rule Charter because Town Meeting is not changing Chapter 164?"

Mr. Cameron informed Selectmen Cummings that the motion is correct, what he plans on doing is incorporating the recommendations in Article IV, however, he will stay in compliance with Chapter 164. Mr. Cameron also noted the RMLD cannot change law through their policies, no more than the Town of Reading can change law through their Charter changes. Mr. Cameron stated he plans to take the three salient points that he mentioned earlier,

1. Hiring the Accountant,
2. Hiring Counsel, and
3. 30B, and taking those points and try to put them into the RMLD policies so the RMLD can move in a direction that puts those points into play while still complying with Chapter 164.

Selectmen Cummings questioned how Mr. Cameron plans to do this, for example, if Chapter 164 states that legal counsel is to be hired by the General Manager and the motion was to have the RMLD Board hire the legal counsel, how can a policy be put into place that reconciles that?

Mr. Cameron replied, that is what he is in the process of doing this and stated he cannot change Chapter 164 with policy but he can get real close to what the Article states by changing policies and putting things into place.

Mr. Lessard asked what is the verdict with the CAB's request for an extension?

Mr. Cameron stated the second motion was voted down meaning the Board has not voted to consider recommendations from the CAB.

Mr. Lessard asked where does that put the 30 days or the extension, in limbo? Mr. Lessard stated he is unclear as to whether the CAB has the extension noting the 30 days is due tomorrow and the CAB does not have anything. Mr. Lessard stated as far as he is concerned it is part of the Twenty Year Agreement and he does not know how the Town Counsels in the other Towns think about it, but if it does not go forward he will suggest the Town Counsel in Wilmington look at it as opposed to the legality of the 30 days and what we have been able to do in the past.

**Extension of Review Period**

Mr. Cameron addressed the entire Board asking if they realize they voted down the extension?

Commissioner Herlihy stated the Board rejected the extension, however, he is acutely aware one member of the Commission is absent and he is considering the idea of asking for a reconsideration to bring this back at the next Board meeting although he didn't know if that is possible. Commissioner Herlihy noted although he is not changing his vote or his position on this he is not sure it reflects the sense of the Board, it takes three votes to pass a motion and stated he objects to that motion.

Commissioner Soli told Mr. Lessard the next meeting is March 27, 2003 and he expects Commissioner Pacino, who is a strong advocate of the Twenty Year Agreement, will be present and Commissioner Soli will move for reconsideration.

Mr. Lessard thanked Commissioner Soli although noted March 27 is beyond the 30 days and questioned whether that means the CAB has been granted an extension until then and to be considered again for April 3, 2003?

Mr. Hechenbleikner noted what the Board has voted to do is not grant the extension and under Robert's Rule of Order the only person on the prevailing side which was to defeat the motion can move for reconsideration. Mr. Hechenbleikner quoted Commissioner Herlihy stating with a four person Board present on March 27, 2003 he may in fact move to reconsider but as of right now there is no extension. Mr. Hechenbleikner also stated between now and when the Board votes to implement the recommendations of Town Meeting there is input and certainly any recommendations and comments from the CAB can be considered at that time. Mr. Hechenbleikner asked Mr. Cameron if he had a schedule as to when he plans to bring proposals back to the Light Commissioners?

Mr. Cameron stated first it will have to go through the Subcommittee process and should be ready to do so within the next week then its up to the Subcommittee.

Mr. Van Magness stated the CAB had to provide a formal recommendation under the 30 days by tomorrow, March 14, 2003 based on the document they received on February 12, 2003. Mr. Van Magness noted because of the reasons heard this evening that has not been done and the Board has not granted an extension for the CAB to submit a formal recommendation. Mr. Van Magness noted everybody is on a different page, no progress is being made but whether the CAB has an extension of the 30 days or not should meet to discuss the "what" and the Board can decide what they want to do with that report. Mr. Van Magness stated the Board will at least consider the CAB recommendations whether it was submitted within the 30 days or not, the bottom line is everyone needs to move forward, the CAB needs to have the discussion with feedback from the Boards of Selectmen on the "what" and if the Selectmen feels its significant to put some input into the CAB Representations they will get it on the Agenda regardless of whether they have budgets, etc. Mr. Van Magness stated there no point sitting here shooting arrows, the CAB needs to take action on the "what" and wait until the "how" comes from the Town Counsels.

Selectmen Cummings stated he does not have a problem with Commissioner Herlihy moving to reconsider tonight noting it does not have to wait until March 27.

Mr. Hechenbleikner agreed and stated it could be tabled and taken up on March 27.

Selectmen Cummings also noted the CAB could still meet and discuss their recommendations.

Chairman Hughes apologized for not recognizing the fact only three members of the Board are present and stated he assumed this motion would pass without any reservations from the Commissioners.

Commissioner Herlihy apologized for putting everybody through this Robert's Rules of Order exercise and stated he does not support the motion that was voted on earlier as worded at this time. Commissioner Herlihy stated he is acutely aware that he is the only person on the Board preventing this motion from passing, therefore, he is the only person that can ask for reconsideration and is considering reconsideration. Commissioner Herlihy continued, he does take what the CAB says as a strong consideration, however, he does not feel any traction on this issue has been made noting everybody has been hearing about these Ad Hoc recommendations since November and he would like to see some action from other Towns on this issue. Commissioner Herlihy stated he will ask for reconsideration tonight and then ask to table that reconsideration until the next meeting on March 27, 2003 and hopefully an extension can be provided at that time but wanted to clearly send the message that something needs to move on that matter.



**Extension of Review Period**

**Commissioner Herlihy made a motion seconded by Commissioner 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 report of the Town of Reading Special Counsel date of February 11, 2003.**

Mr. Lessard questioned whether the fact that the motion has been reconsidered until the next Board meeting, does that automatically go beyond the 30 days of March 14, and if that does not go beyond March 14 for the extension and its just a reconsideration then its meaningless. Mr. Lessard addressed Mr. Herlihy stating with all due respect he talks about his consideration of the CAB and their recommendations but by not giving the CAB the extension that they requested Mr. Lessard does not hold much faith in his words of considering the CAB and their recommendations. Mr. Lessard continued, many years ago the CAB had problems with other Commissioners as far as not getting input, not being able to give input and it appears as though the CAB is headed down that road again, we gave input on the forty thousand dollars for the audit. Mr. Lessard noted for everybody to say they want open communication, it isn't working so for the extension the CAB is requesting, which will not do anything to the Town of Reading, by not giving us the extension is a slap in the face. Mr. Lessard noted the CAB from the other three communities that eighty percent of the RMLD revenue comes from and if he had a business and eighty percent of his income was from other than Reading he would seriously consider listening to those people, even if he didn't agree with it, he believes they should at least be heard. Mr. Lessard stated it is obvious that the Commissioners or the Town of Reading are going to do what they want but at least the CAB should have consideration.

At his point, Chairman Hughes noted he as one Commissioner strongly adheres to Mr. Lessard's thoughts and inputs and wholly appreciates what the CAB provides.

**Motion carried: 3:0:0.**

**Commissioner Herlihy moved to table the motion until the next meeting of March 27, 2003.**

Mr. Lessard again asked, does this mean when the motion is tabled that the extension automatically goes to the next Reading Light Board meeting noting March 14 was the next day.

Mr. Van Magness stated everything has gone full circle again based on the fact the CAB asked for an extension, it was denied, has been reconsidered and now put on the table, it is as if no action has taken place whatsoever on that request and unless its voted favorably at the next meeting there is no extension. Mr. Van Magness stated as of now there is no extension.

Mr. Lessard stated he thinks that is insulting, not to take action tonight in order to give the CAB the time they are asking and table it as if it means nothing and tomorrow being the deadline – it is insulting.

Mr. Ensminger stated the first motion failed and the person on the prevailing side just made a motion to reconsider and the Commission voted to do that so no motion has passed, therefore, any one of you are free to make whatever motion you want in an attempt to pass it. Mr. Ensminger continued, you can either lay it on the table for the next meeting or try the same motion again, all options are open.

Chairman Hughes stated he wanted this motion held over to the next Board meeting when there is a full Board to discuss the Article.

Mr. Ensminger noted Mr. Lessard's point is that he feels he is laboring in vain under a non-extension and if the Board were to vote in favor of extending he would want to walk away with that extension this evening.

**Commissioner Soli noted the motion on the table has not been seconded and he seconds that motion.**

**Motion carried: 3:0:0.**

Chairman Hughes made a point of personal privilege stating he has been in and out of the business of the RMLD for 25 years, as a semi-skilled laborer and now as Chairman of the Board. Chairman Hughes stated he is very upset that an organization was instituted as a result of the Twenty Year Agreement fifteen to eighteen years ago through the wisdom of a Commissioner who is not here this evening.

**Extension of Review Period**

Chairman Hughes further stated with a lot of time involved with RMLD, the CAB is very productive and both Boards have been very communicative and cooperative for the past ten to twelve years and noted his disenchantment that the Chairman of the CAB and a long standing member is upset and disappointed with the reception he received this evening. Chairman Hughes asked the other Commissioners as well as the General Manager how to rectify this problem and stay friendly with the CAB.

Mr. Cameron directed his question to Commissioner Herlihy, what is the harm in not voting that second motion?

Commissioner Herlihy's response was, Mr. Lessard views my vote as a slap in the face but sometimes a slap in the face is a wake up call. Commissioner Herlihy stated he believes there has been enough time on the Ad Hoc Committee recommendations and the outside Towns had time and they have chosen not to exercise their options within that time period and it is not the Board's problem.

Chairman Hughes stated the Board address the problem as they represent the four service communities.

Commissioner Herlihy response was that the Board has followed the Twenty Year Agreement to the letter, not beyond the letter, to the letter and if they want the Board to go beyond the letter he needs to see some action from them if they are going to follow through on making some recommendations.

Mr. Lessard addressed Commissioner Herlihy, with all due respect the CAB has been round and round for over a year on the Inspector General's report, the CAB has been part of it throughout this whole process. Mr. Lessard stated the CAB has heard recommendations from the Ad Hoc Committee which the CAB was upset about and had a few meetings to try to clear things up. Mr. Lessard explained at the second meeting it was discussed to have Special Counsel to review everything and only after Special Counsel reviewed it, then the CAB would get the recommendations and only then could we have the other Counsels from the other communities review what Special Counsel recommended. Mr. Lessard stated, as far as saying a slap in the face is a wake up call, is insulting and noted he is personally insulted that Commissioner Herlihy as a member of the Reading Light Board would insinuate the CAB needs a slap in the face to get a wake up call. Mr. Lessard further stated, the CAB has been around a lot longer than Commissioner Herlihy has and believes that is a slap in the face personally by him.

Commissioner Herlihy then stated he has nothing but the highest respect for Mr. Lessard and does not mean any personal insult to him in any personal regard.

At this point, Chairman Hughes questioned where does this issue stand?

Mr. Cameron stated its tabled to the next meeting which means there is no direction to the CAB as far as the extension goes.

**Commissioner Soli made a motion seconded by Chairman Hughes to take the first motion off the table.**  
**Motion carried: 3:0:0 by a show of hands.**

**General Manager's Report**

**Ad Hoc Recommendations – RMLD Policy Changes**

Mr. Cameron stated he is now in the process of reviewing all the Policies and believes he can incorporate Article IV into the policies without breaking Chapter 164 with respect to the Accountant, Counsel and purchasing rules.

**Plans to Reduce the Rate Stabilization Fund for 2003**

Mr. Cameron put together a memo that outlines the forecasted projection by the end of this year being the Rate Stabilization Fund having over fourteen million dollars. What Mr. Cameron proposes is to withdraw four million dollars from the Rate Stabilization Fund and deposit it into the deferred fuel reserve. Mr. Cameron explained the deferred fuel reserve balances the fuel charge so doing this would balance the fuel charge at 3.5 cent Kwh, if not the forecast would be over 4.0 cent Kwh. Mr. Cameron stated if the Board votes on doing this now the balancing could start as early as April 1.

Mr. Soli noted the similar discussion last year and the decision as to how the refund is distributed back to the ratepayers whether it is calculated by Kwh or the percentage of the bill. Mr. Soli stated he believes the refund should be given back in the same manner it was received.

Mr. Cameron stated he does not expect the Commission to give him any direction this evening, this proposal is something that must also go before the CAB first.

**Plans to Reduce the Rate Stabilization Fund for 2003**

Mr. Van Magness agreed with Mr. Cameron that due to Twenty Year Agreement, the CAB must review it before action is taken by the Commission.

**Presentation to the Reading Selectmen on March 11**

Mr. Cameron gave a brief history that during deregulation changes were made to Chapter 164, one of the changes made in Section 47 was that if a municipal did not open their service territory by March 1, 2003, then a study was to be conducted with respect to opening up the service territory and would be presented to the governing body of the Town or City owning the municipal in order to obtain their recommendation.

**Presentation to the Reading Selectmen on March 11**

On March 11, Mr. Cameron made a presentation to the Reading Board of Selectmen regarding opening the RMLD service territory and the Selectmen made the recommendation and voted unanimously not to open the service territory. Mr. Cameron stated there was an e-mail sent to him stating such.

Commissioner Soli asked if there was any action required relative to not opening the service territory.

Mr. Cameron responded that he recommends this be an item at the next Board meeting and the Town could sent a letter to the Chairman stating they voted unanimously not to recommend opening the service territory and the Commission could discuss at the next meeting on March 27.

**Letter from Reading Superintendent of Schools from Dr. Harry Harutunian**

Mr. Cameron noted a thank you letter was sent by Dr. Harutunian thanking Jeanne Foti for the use of the RMLD facility for the last meeting they hosted.

**Mr. Cameron met with Dr. Harry Harutunian at the RMLD offices relative to the 2004 electrical costs**

Chairman Hughes noted this meeting is another great example of Departments working within each other coming up with reasonable solutions and providing information and guidance to each other.

Mr. Cameron informed the Commission the discussion at this meeting was to look at the electrical costs of the schools for Dr. Harutunian in order for him to fine tune his budget. Mr. Cameron noted the two key account managers, Ms. Benson and Mr. Bilicki also attended the meeting and discussed a very detailed analysis making a projection for Dr. Harutunian for the 2004 fiscal year.

Dr. Harutunian was pleased with the analysis and stated he had responsibility of the budget for the electrical and maintenance costs for the remainder of the school buildings in Reading and asked Ms. Benson and Mr. Bilicki do an analysis for those buildings as well and they will meet again within the next week.

Selectmen Cummings questioned whether the key account managers can do this analysis for the other communities as well or offer to do it?

Mr. Cameron replied, yes, and informed him it has been done before and the offer is always available. Mr. Cameron stated he hasn't heard from the other communities recently but in the past they have worked with those communities as well.

Commissioner Herlihy questioned whether the RMLD consider all the schools together as an aggregate total or is each school a separate entity?

Mr. Cameron replied each school is a separate account and receive a separate bill.

Commissioner Herlihy asked whether its possible to consider all the schools as a block, as one customer, one account?

Mr. Cameron stated that is difficult because there would have to be special metering at each school because according to the rates if they are looked at as one big customer their demands would have to be aggregated on an hourly basis to determine what the highest hourly demand was of the aggregate instead of the hourly demands of the disaggregated.

Commissioner Herlihy asked, wouldn't the schools be running on the same pattern as they are open and closed at the same time?

**Mr. Cameron met with Dr. Harry Harutunian at the RMLD offices relative to the 2004 electrical costs**

Mr. Cameron replied he does not know how much savings they would garner because of their load shapes. In looking at them as one customer and explained there is no data to make an informed decision, however, the only way to save money by making them one customer is if they are looked at as one customer from a demand profile. Mr. Cameron further explained, if they peaked at different hours and all their profiles were put together then their aggregate peak demand may be a little lower than their disaggregated peak demands added up and the cost of the metering would be expensive.

Commissioner Herlihy asked if there was a discussion about the Cost of Service Study and the possibility of a special rate classification for the municipal buildings?

Mr. Cameron explained to Dr. Harutunian that Mr. Hechenbleikner made the request that the RMLD look at school in the four Towns in the service territory as a homogeneous group, however, in this cut of the Cost of Service Study it is only going to levelize rates and decrease the rates to a cost of service level. Mr. Cameron further explained the second part of the Cost of Service Study which would probably not be complete until the end of this year would be to expand the rates and at that time look at the school at one homogeneous rate class.

**Renaming of the General Manager's Conference Room**

Mr. Cameron noted at the last meeting Commissioner Herlihy asked if it was possible to do something in commemoration of Mr. Ames' long standing tenure as a Commissioner on the RMLD Board. Mr. Cameron stated he met with Mr. Blomley and Ms. Gottwald to discuss what it would take to get a plaque, a sign on the door and put together a small gathering to rename the General manager's Conference Room to the Allan Ames Conference Room.

Mr. Blomley stated he compiled a rough estimate and came up with cost of \$800.00 which includes the plaque and the guests and the meter lamp.

Mr. Cameron noted the biggest portion is the meter lamp at a cost of \$300.00 which he will get anyway.

Discussion ensued with no vote.

**Report on the Special Town Meeting**

Mr. Cameron stated the Town Meeting put forth two Articles, Article IV and Article V. Article IV was tabled indefinitely and that had to do with report of the Special Counsel which include the recommendations of the Ad Hoc Committee. The RMLD was also instructed by Mr. John Russell, a Town Meeting Member, to govern itself until Article IV was brought back to Town Meeting in April.

**Tine Settlement**

Mr. Cameron stated the RMLD has had a long ongoing litigation with Joseph Tine, a former employee at RMLD who was terminated back in late 1996, and the RMLD has now settled all differences with Mr. Tine.

**RMLD Policy Subcommittee**

Chairman Hughes stated Mr. Ames served on the Policy Subcommittee with Commissioner Herlihy, consequently with Mr. Ames' retirement, there is now a vacancy. Chairman Hughes and Mr. Cameron discussed the possibility of Commissioner Soli serving on the Subcommittee in order to get the Ad Hoc Committee recommendations into the policies in a timely manner.

Mr. Soli agreed to serve on the Policy Subcommittee.

Mr. Van Magness asked for the status on Policy 21 stating it was voted on by the Board about one month ago.

Mr. Cameron stated he will send Mr. Van Magness a copy.

Commissioner Herlihy noted most of the policies were signed by the former General Manager, he believes it is important for all the policies to be changed with the current General Manager's signature.

**Next Meeting Dates**

**Thursday, March 27 and Thursday, April 3rd**

**Executive Session**

Mr. Herlihy made a motion seconded by Mr. Soli that the Board go into Executive Session to discuss strategy with respect to litigation, and to return to Regular Session for the sole purpose of adjournment.

**Chairman Hughes called for a poll of the vote:**

Mr. Soli Aye; Mr. Herlihy Aye; Mr. Hughes Aye.

**Executive Session will be held in the General Manager's Conference Room.**

**Motion to Adjourn**

At 9:55 p.m., Commissioner Soli made a motion seconded by Commissioner Herlihy for the Board to go into Executive Session to discuss the strategy with respect to litigation and return to Regular Session for the sole purpose of adjournment.

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

Robert Soli, Secretary Pro Tem  
RMLD Board of Commissioners