

Reading Municipal Light Board of Commissioners
Executive Session
230 Ash Street
Reading, MA 01867
January 23, 2003

Start Time of Executive Session: 9:34 p.m.
Recess Time of Executive Session: 9:34 p.m.
Reconvene Time of Executive Session: 9:45 p.m.
End Time of Executive Session: 10:05 p.m.

Attendees:

Commissioners: Hughes, Pacino, Ames, Soli and Herlihy

RMLD Staff: Mr. Cameron, Acting General Manager and Ms. Antonio

Chairman Hughes called the Executive Session meeting to order at 9:45 p.m.

Mr. Hughes asked Mr. Ames if he is a candidate for re-election for the RMLD Board of Commissioners.

Board members, led by Mr. Pacino, replied to Mr. Hughes this is not an appropriate question to ask of Mr. Ames nor was it appropriate to ask in the Regular Session meeting.

Legal Bills

Mr. Cameron equated the payment of the [REDACTED] legal bills to a gift "that keeps on giving." The State Ethics Commission sent a letter on August 19th to the [REDACTED] relative to the commencement of a "Preliminary Inquiry." As [REDACTED] legal counsel, Mr. Hoffman is seeking reimbursement for expenses incurred for the Preliminary Inquiry. Mr. Cameron added there are other individuals who received inquiries from the State Ethics Commission who are all paying their own legal expenses. Mr. Cameron is seeking direction from the Commission: should he send a letter stating the Department will not pay the bill?

Mr. Hughes replied, "send a letter."

Mr. Ames noted there is no charge; therefore there is no defense.

Discussion ensued as to the provisions contained within the [REDACTED] contract.

Mr. Pacino stated, as a courtesy to Attorney Hoffman, a letter should be sent signed by Mr. Hughes.

Mr. Hughes stated, prior to recusing himself, he would like closure on the [REDACTED] case and have the law firms unemployed.

Update

Mr. Cameron stated Mr. Shaevel ([REDACTED] attorney) has accepted the \$432,119 settlement offer. Currently, Mr. Hoffman is reviewing the releases. Mr. Cameron pointed out there can be releases without or with confidentiality. The Town Manager, Town Treasurer and Town Accountant have to be a party to this. Mr. Cameron does not envision the releases to be a sticking point; as a matter of practice, this part of the process, as a rule, is completed expeditiously.

Mr. Cameron recapped the legal expenses by pointing out to the Commission a chart of invoices related to the [REDACTED] case. Mr. Cameron stated this case was in the MCAD and should have been won by the RMLD. The impact was revealed of Mr. Hughes' affidavit, stating retribution against [REDACTED] with respect to the education policy and his management practices as [REDACTED]. Mr. Cameron added Mr. Hughes was employed at the RMLD in the past. The affidavit was executed in 1996 and from that point forward Mr. Hughes' action has caused the Department to incur an additional expense of \$413,083.94. Mr. Cameron stated the legal expenses, plus the settlement costs, in a case where the Department basically had won, if not for the affidavit, cost the Department upwards of \$650,000.

Mr. Cameron stated he has informed Peter Hechenbleikner of the settlement amounts, but has not been in contact with him since that time. Mr. Cameron will update Mr. Hechenbleikner on the status of this matter tomorrow.

Mr. Herlihy inquired relative to the releases and settlement process.

Mr. Cameron explained the protocol for the releases and how the settlement is paid out.

█ Update

Discussion ensued as far as releasing the closure of this case in Regular Session, releasing the Executive Session minutes, from inception of this case to present, and whether as a part of settlement there will be a confidentiality prohibition.

Mr. Ames made a motion seconded by Mr. Pacino that the Department sign the settlement on the █ case.

Motion carried 4:0:0. Mr. Hughes was not present for the vote, as he had recused himself.

Mr. Pacino called for a poll of the vote:

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

Motion to Adjourn

At 10:05 p.m. Mr. Soli made a motion seconded by Mr. Ames to return to Regular Session for the sole purpose of adjournment.

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

Mr. Pacino called for a poll of the vote:

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

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

Andrew K. Herlihy, Secretary Pro Tem
RMLD Board of Commissioners