

**Reading Municipal Light Board of Commissioners**  
**Executive Session**  
**230 Ash Street**  
**Reading, MA 01867**  
**July 9, 2003**

**Start Time of Executive Session: 9:20 p.m.**  
**End Time of Executive Session: 10:25 p.m.**

**Attendees:**

**Commissioners: Hughes, Pacino, Soli, Herlihy and Ensminger**  
**RMLD Staff: Mr. Cameron and Ms. Antonio**

**Minutes**

**February 27, 2003**

Mr. Ensminger made a motion seconded by Mr. Hughes to approve the Executive Session minutes with the recommended changes.

**Motion carried 4:0:1. Mr. Ensminger was not present at this meeting.**

**April 22, 2003**

Mr. Ensminger made a motion seconded by Mr. Hughes to approve the Executive Session minutes with the recommended changes.

**Motion carried 5:0:0.**

**Lynch, Brewer, Hoffman and Fine, LLP**

Mr. Cameron updated the Commission on the decision of the court regarding the motion for summary judgment in which Mr. Hoffman is seeking \$12,289 in legal fees for representing the [REDACTED]. Mr. Cameron pointed out in the memorandum from Rubin and Rudman attached is the decision made in the court. Mr. Cameron noted there was no summary judgment it was ruled the case will continue.

Mr. Hughes inquired where do we go from here?

Mr. Cameron replied there are two issues at hand the [REDACTED] case and the [REDACTED]. Mr. Cameron will have the two letters at the next Board meeting. [REDACTED]

[REDACTED] Mr. Cameron pointed out that [REDACTED]

[REDACTED] Mr. Cameron also pointed out the [REDACTED]

[REDACTED] Mr. Cameron noted the paragraph, which is pivotal, is the wording "[REDACTED]". The judges will be interested in the fact the Board signed off on payables in January, 2001, which included a payment to Mr. Hoffman put through by the [REDACTED]. The [REDACTED] was reimbursed for the [REDACTED] case. Rubin and Rudman and Mr. Cameron reviewed the legal bills for the [REDACTED] to ensure they conformed to [REDACTED]. Mr. Cameron reiterated that Mr. Hoffman was looking for triple damages therefore the amount of \$12,289 would calculate to approximately \$36,800. The legal cost to represent the Department would be \$10,000-\$15,000.

Discussion then ensued as far as to which strategies to engage in for resolution of this matter.

Mr. Ensminger inquired of the legal expenses spent year to date?

Mr. Cameron replied approximately \$3,000.

**[REDACTED] Retirement Issue**

Mr. Hughes then turned the discussion to the [REDACTED]. Mr. Hughes stated that about a week and a half ago the [REDACTED]. Mr. Hughes sees this as a morale problem with the employees. The Department has to spend \$10,000 to recover \$8,000. (Referring to the claim made by Mr. Hoffman.)

**Retirement Issue**

Mr. Pacino inquired the amount is around \$7,000.

Mr. Cameron replied the amount is around \$7,000.

Discussion then ensued on the various scenarios and courses of actions the Commission could take.

Mr. Cameron replied no they could not.

Discussion then redirected to the Lynch, Brewer, Hoffman and Fine, LLP issue.

**Lynch, Brewer, Hoffman and Fine, LLP**

Mr. Soli utilized the analogy of a hammer tapping his head. He would like to see the hammer blows to his head stop.

Mr. Cameron then pointed out there may be the issue of the Ethics Commission in which this could involve the Commission. Mr. Cameron added for the Commission to consider whether this additional issue would be covered under the umbrella as part of legal costs that should be covered for the Commission.

Lengthy discussion ensued on how to handle this additional matter and the initial issue brought to court by Mr. Hoffman. Concerns brought forward by the Commission involved such items as cost to settle versus going forward legally.

The sense of the Commission is to have the General Manager check with Rubin and Rudman to ascertain the Department will not have any legal issues if they settle with Mr. Hoffman on this matter, to double check what has been paid is correct and then settle.

Mr. Cameron will get back to the Commission on this.

**State Ethics Commission Investigation**

Mr. Cameron updated the Commission by telling them that the State Ethics Commission is seeking information in which the Department had dealings with Power Line Models (PLM) from the time frames February 1, 1998 to August 31, 1998 and the period November 1, 2000 to February 28, 2001.

This information was sent to the State Ethics Commission via Rubin and Rudman for their review.

Ms. Foti recused herself at this point in the meeting.

**Update Professional Management Union**

Mr. Cameron updated the Commission on the status of the professional management union.

**Motion to Adjourn**

At 10:25 p.m. Mr. Soli made a motion seconded by Mr. Herlihy to return to Regular Session for the sole purpose of adjournment.

**Motion carried 5:0:0.**

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

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

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

Daniel A. Ensminger, Secretary  
RMLD Board of Commissioners

