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**AGENDA
REGULAR SESSION**

CITIZENS' ADVISORY BOARD (CAB)

MONDAY, JULY 12, 2010

6:30 P.M.

at

**READING MUNICIPAL LIGHT DEPARTMENT
General Manager's Conference Room
230 Ash Street
Reading, MA 01867**

1. Call Meeting to Order – A. Carakatsane, Chairman
2. Minutes of Meetings - A. Carakatsane
 - a. April 7, 2010
 - b. April 13, 2010
 - c. May 20, 2010
3. Cost of Service Study (COSS) – V. Cameron (Note: Please bring your COSS with you.)
4. Twenty-Year Agreement Extension Update – V. Cameron
5. Open Meeting Law Changes (see attached) – V. Cameron
6. Other Items for Discussion
NEPPA Annual Conference – August 15 – August 17, 2010 – Providence, RI
7. Schedule Next Meeting (September)
8. Executive Session
Suggested Motion:
Move that the CAB go into Executive Session based on Chapter 30A §§18-25 and/or Chapter 164 §47D, exemption from public records and open meeting requirements in certain instances, to approve minutes and to return to Regular Session for the sole purpose of adjournment.
10. Adjournment

Next RMLD Board Meeting: Wednesday, July 28, 2010, 7:30 P.M.
CAB Representative: Arthur Carakatsane

Reference Information - Appropriate topics for Executive Session: This Agenda has been prepared in advance and does not necessarily include all matters, which may be taken up at this meeting.

SECTION 21. [EXECUTIVE SESSIONS]

(a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48-hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting, may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;

2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;

3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;

4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and

5. accurate records of the executive session shall be maintained pursuant to section 23.

Revised in accordance with G.L.c.30A, §§18-25 and the Open Meeting Law Guide, Office of Attorney General, July 1, 2010

Chapter 164: Section 47D. Exemption from public records and open meeting requirements in certain instances

Section 47D. A municipal lighting plant created pursuant to the provisions of this chapter or any special law shall be exempt from the public record requirements of section 10 of chapter 66 and the open meeting requirements of section 23B of chapter 39 in those instances when necessary for protecting trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter when such municipal lighting plant board determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling, or distributing electric power and energy pursuant to this chapter.

**CITIZENS' ADVISORY BOARD
MEETING MINUTES
Regular Session**

TIME: 6:30 P.M.
DATE: Wednesday, April 7, 2010
PLACE: Reading Municipal Light Department, Spurr/AV Room, 230 Ash Street, Reading.
PRESENT: CAB: A. Carakatsane, Chairman, (Lynnfield), T. Sopchak, (Reading), G. Hooper (Wilmington), Q. Vale (Wilmington)
RMLD Board: Mary Ellen O'Neill, Chairman, R. Soli
RMLD Staff: V. Cameron, P. O'Leary, B. Antonio, J. Parenteau, R. Fournier, J. Carpenter
Absent: J. Norton (North Reading),

1. Call Meeting to Order – A. Carakatsane, Chairman

Chairman Carakatsane called the meeting to order at 6:31 P.M.

2. Operating Budget – V. Cameron, R. Fournier

Mr. Cameron stated that the budget has been cut down to a level that is similar to last year, and commended the staff for its work on either leveling or decreasing their budgets, other than power supply.

Mr. Fournier reiterated that the Operating Budget is not a line item budget and listed the following highlights:

- During calendar year 2010, there were no raises.
- On January 1, 2011, a 3% raise has been added.
- Demolition of the old control center - \$40,000.
- Adding an extra tree-trimming crew for one-half year - \$113,000.
- Gaw Substation – Most hazardous waste costs covered in FY10.
- Health Insurance – Premiums went up 10%
- Head count – No change – 79 employees, which includes 4 or 5 part timers.
- Meter Project – Replace all existing meters - \$118,000 in Meter Overtime Expense for the change-outs. Note: Bulk of this project will be capitalized.
- A change in Capital Budget – Labor on the operating side will be decreased by \$60,000, and added to the Capital Budget.
- There will be Draft 2 Capital and Operating Budgets this year.

Mr. Fournier then referred to the summary sheet he distributed dated 4/2/2010 (see attached), and outlined how the RMLD is mainly a fixed cost operation with only 3.86% of the \$85M being variable costs.

He noted the major increase in the budget is transmission cost, and the RMLD has been able to balance the budget in FY10 using the Purchase Power Adjustment (PPA). However, a rate increase is needed in FY2011, because the Department cannot keep increasing the PPA. Mr. Cameron is trying to hold the Capital Budget to \$4,000,000 in future years, however, in FY2011 a meter project has been proposed, which will put the budget over \$4,000,000. In 2012/2014 he does have an increased Capital Budget projected for possibly doing some expansion in the northern part of the system.

Ms. Sopchak asked why the transmission costs are increasing each year?

Mr. Cameron explained that there is transmission in New England that needs to be upgraded, and new transmission is necessary so the transmission owners, NSTAR, National Grid, Northeast Utilities, Central Maine Power, and Western Mass Electric are either building or upgrading their transmission. When these upgrades are done, the companies get paid back through assessments to other utilities on the transmission lines.

Review of the operating budget began with the Business Division and the three-year comparison sheets in the back of the budget.

Ms. Sopchak asked about the difference between supplies and office supplies.

Mr. Fournier explained how he sets up the account numbers using a combination of FERC numbers and his own to clarify which department is spending what. He also referred to the detail pages that list some of the items in each account.

The CAB proceeded to review each department's budget with staff noting anything significant and responding to any questions:

Business Division

Accounting – There is an increase in postage and the town hall services.

Customer Service – Labor costs are down because two employees are retiring, and new employees will be paid at a lower rate.

Ms. Sopchak asked if the entire budget includes the 5% rate increase, because she wondered if the estimates could be lower to possibly avoid a rate increase.

Mr. Fournier replied that the revenues include the rate increase, and Mr. Cameron stated that the budget has been cut down to a level close to the previous year's budget not including power supply.

Management Information Systems (MIS) – Account 935-Maintenance of General Plant, Page 10 – Contracts for hardware and software.

Ms. Sopchak asked about the reduction in labor.

Mr. Fournier stated that it is the capital/operating split.

Miscellaneous Deductions – Includes the depreciation expense, 2% payment to the four towns, Payment to the Town of Reading, and Mr. Fournier's labor.

Energy Services Division

Ms. Parenteau noted that this year's Energy Services budget is \$1.23 million as opposed to last year's budget of \$1.25 million.

Ms. Sopchak asked about the Employee Education that has increased. Ms. Parenteau explained that the Energy Services Efficiency Engineer is pursuing an advanced degree in Energy Engineering.

Mr. Carakatsane noted the reduction in Outside Services. Ms. Parenteau stated that there are not a lot of FERC items coming up, and felt comfortable with the reduction.

Ms. Sopchak asked about the "Miscellaneous General" category in the overall budget, noting that "miscellaneous" makes it difficult to review.

Mr. Fournier explained that all the "930" accounts are FERC "miscellaneous" accounts, and noted that the 930 accounts are only in the senior management accounts.

General Manager Division

General Manager – No particular changes.

Human Resources – Ms. Antonio stated that the FY2011 proposed budget is a 10.2% decrease compared to the FY2010. She noted that most of the reduction is in Outside Services where legal services are down \$17,500 due to negotiations being resolved quickly this year.

Community Relations – Ms. Antonio stated that a 1% decrease from last year is proposed for FY2011, with the major change being in the "109 Miscellaneous General" section. This was reduced by cutting costs on

the calendars and annual reports. She noted one increase for a customer survey to be done this upcoming year.

Citizens' Advisory Board (CAB) – Level funded by state statute.

RMLD Board – Level funded.

Facilities Division

Building Maintenance – Mr. Cameron noted the demolition of the old control center at a cost of \$40,000. Mr. Cameron stated that re-paving would be done under the Capital Budget.

General Benefits – Property Insurance up \$20,000 and Employees Pension and Benefits is up about \$140,000.

Mr. Vale asked about the funding for Employees Pension and Benefits.

Mr. Fournier responded that the Pension Trust is having an evaluation done and reports should be coming to the Board in June

Transportation – Ms. Sopchak inquired about Page 12, the Miscellaneous General Category. Mr. Fournier explained that the vehicle maintenance expenses are re-allocated to each department that has vehicles with the Line Department being the largest. Mr. Sopchak asked to explain the increase over last year. Mr. Fournier explained that often the discrepancy comes from the capital/operating variance.

Materials Management – Mr. Cameron noted that this budget was levelized other than labor.

Engineering and Operations (E&O) Division

Line – Ms. Sopchak asked about the "Labor Miscellaneous" account. Mr. Fournier explained that this account includes "dead time", i.e., vacation, personal, sick, rain days, etc.

Mr. Soli commented that the last time the tree-trimming bid went out, only one company responded, and he would like to see more competition. Mr. Cameron agreed.

E&O Manager – No discussion.

Engineering – Mr. Carakatsane noted a significant rise in labor. Mr. Fournier explained that the Gaw Project impacted the capital/operating split.

Meter – A significant increase in overtime labor was noted. Mr. Cameron stated that is due to the proposed meter project, which involves changing out all of the residential meters.

Discussion ensued.

Station – Mr. Carakatsane questioned the labor, and Mr. Fournier responded that the capital/labor split and particularly the Gaw Project impacts the station labor budget.

3. Twenty-Year Agreement Extension – V. Cameron

Mr. Cameron stated that he and Mr. Pacino gave a presentation to the Selectmen in Wilmington last month. Mr. Vale and Mr. Hooper were also present. The extension will go before Town Meeting on May 1, 2010 to authorize the Selectmen to sign the extension. Mr. Cameron will meet with the Lynnfield Selectmen next Monday evening, and Mr. Carakatsane said it is already on the warrant for Town Meeting on April 26, 2010.

Mr. Cameron stated that Reading and North Reading Selectmen have already voted, and as soon as all of the towns have approved the extension, the memorialization will be circulated for signature.

4. Other Items for Discussion

Ms. Sopchak stated she was surprised that the EPA had to be involved in the Gaw Sub Station soil remediation.

Mr. Cameron explained that the EPA is involved because there were samples of over 50 PPM (parts per million).

5. Schedule Next Meeting

Tuesday, April 13, 2010

6. Executive Session

Mr. Hooper made the following motion at 8:00 P.M. seconded by Ms. Sopchak:

MOVE that the CAB go into Executive Session based on Chapter 164, Section 47D, exemption from public records and open meeting requirements in certain instances, to discuss power supply, to approve minutes, and return to Regular Session.

Motion carried unanimously 4:0:0 by a poll of the CAB: Ms. Sopchak – Aye; Mr. Hooper – Aye; Mr. Vale – Aye; Mr. Carakatsane – Aye.

Note: The CAB re-convened Regular Session.

7. Power Supply – J. Parenteau

Integrys/Macquarie Novation Agreement

MOVE that the CAB recommend to the Reading Municipal Light Department's Board of Commissioners to accept the Novation of Power Supply Agreement among Integrys Energy Services Inc. ("Transferor") and Macquarie Energy LLC ("Transferee") and Reading Municipal Light Department ("Remaining Party") and to authorize the General Manager to sign an executable agreement.

Motion carried unanimously 4:0:0.

8. Adjournment

Mr. Hooper made a motion seconded by Ms. Sopchak to adjourn Regular Session at 8:10 P.M.

Motion carried unanimously: 4:0:0.

Respectfully submitted,

Arthur Carakatsane, Chairman

Minutes approved on: _____

/pmo

List of Documents Used:

1. RMLD 2011 Operating Budget – Draft 1 Summary dated 4/2/10
2. FY2011 Operating Budget
3. Rubin and Rudman Memo dated March 26, 2010 including the revised Integrys/Macquarie Novation Agreement

**CITIZENS' ADVISORY BOARD
MEETING MINUTES
Regular Session**

TIME: 6:30 P.M.
DATE: Tuesday, April 13, 2010
PLACE: North Reading Town Hall, Room 10, 235 North Street, North Reading, MA 01864
PRESENT: CAB: A. Carakatsane, Chairman, (Lynnfield), T. Sopchak, (Reading), G. Hooper (Wilmington),
Q. Vale (Wilmington), J. Norton (North Reading)
RMLD Board: Mary Ellen O'Neill, Chairman and R. Soli
RMLD Staff: V. Cameron, P. O'Leary, R. Fournier, K. Sullivan, M. Uvanni

1. Call Meeting to Order – A. Carakatsane, Chairman

Chairman Carakatsane called the meeting to order at 6:33 P.M.

2. FY11 Capital Budget – V. Cameron, R. Fournier

Mr. Carakatsane stated that they would begin with the MIS capital projects.

Projects #27 – Hardware Upgrades

Mr. Uvanni stated that this project includes general hardware purchases and that MIS will be putting in a wireless access point in the Energy Services area. Instead of "Aruba" as it says in the budget, it will be a "Cisco" wireless access point. He noted speeds have changed, and it's either re-cable the building or go wireless, which in many ways is more secure.

Mr. Carakatsane asked if there is a long-term plan to put it throughout the building.

Mr. Uvanni said, "Yes."

Project #28 – Software and Licensing

This project includes general software purchases, an upgrade to Microsoft Server 2008, client access licenses, and software for the server (Items 1-3). Item 4 is custom programming for the Outage Management System (OM), Utility Authorization Number (UAN), Geographical Information System (GIS), and for a new Global Positioning System (GPS) for the vehicles. Mr. Uvanni explained that besides showing the location of vehicles, the GPS keeps the telemetry of the vehicle, i.e., how long it is idling, when it needs an oil change.

Discussion ensued.

Project #15 – GIS Upgrades

Mr. Sullivan distributed samples of the GIS system, and explained the symbols and lines on it. Mr. Sullivan stated that the Outage Management System and the GIS System will be integrated, and that he is working toward getting the dots on the screen that indicate the outage phone calls to the RMLD. The staff wants to be able to look at the map and determine where the outage is and what does it look like. He noted mapping (locating) is complete and data validation is presently being done.

Discussion ensued.

Mr. Sullivan gave an overview of the E&O Construction Projects and Station Upgrades as listed on the Budget Summary List, Page 1. He noted two projects are carryovers from the FY10 Budget, and then began each project description.

Project #1 – 4W14 Reconductoring – West Street - Wilmington

- Underground cable replacement from a breaker at Gaw Substation to a riser pole
- Priority #4
- Increases capacity of this circuit from 10 MW to 15 MW
- Replaces 40 year old original cable

Project #2 – 4W14 Extension – Woburn Street – Wilmington

- Extension of an existing overhead circuit
- Priority #9 (one of three)
- Area upgrade of primary circuit to stabilize the voltage during peak periods

Discussion ensued.

Project #3 – 4W4 Reconductoring - Wilmington

- *Reconductoring of circuit 4 out of Gaw substation.*
- Priority #9 (2 of three)
- Increases capacity

Project #4 – Boutwell Street – Wilmington

- Phase 3 of previous project – Will connect to Burlington Avenue via an open tie
- Priority #9 (3 of three)

Project #5 – Chestnut – Wilmington

- Primary and secondary area upgrade for increased load
- No back up in this area currently
- Priority #7
- Change in quarters – split between Quarter 2 and 3

Project #6 – 3W8 – Salem Street & Bay State Road – Reading

- Phase 2 to a current project (Haverhill Street)
- Priority #8
- Upgrade to Walker's Brook to handle increased load
- Change in quarters – split between Quarters 3 and 4

Discussion ensued.

Project #7 – Elm Street – North Reading

- Area upgrade to the primary for increased liability
- Priority #5
- Change from Quarter 2 to Quarter 1

Project #8 – Gaw Substation 115kV Insulator Replacement

- Replacement of the 115kV ring bus insulators
- Priority #1
- Change from Quarter 3 and 4 to Quarter 2 and 3 – The reason it is not in Quarter 1 is that it cannot be taken out in the summer peak.

Discussion ensued.

Project #9 – Gaw Substation 115kV Disconnect Replacement

- Project will be done with Project #8 – Once the ring bus is out, the disconnects will be replaced.
- Priority #6
- Change from Quarter 3 and 4 to Quarter 2 and 3

Project #11 – Transformer Replacement – Station 4 – Part 4-Feeder Re-Assignment

- Carryover from FY10 - With the setback regarding the soil contamination, this portion of the project will be done in FY11.

Projects #23 – 15kV Circuit Breaker Replacement at Station 5

- Carryover from FY10 – Due to the lead-time on the breakers, they will arrive in July.

Project #12 – Service Installations – Commercial/Industrial

- Three-phase commercial services

Project #13 – Service Installations – Residential Customers

- New services including replacements

Project #14 – Routine Construction

- Projects that come up during the year that are not specifically listed above.
- Reduction from last year

Project #16 – Transformers and Capacitors

- Stock items.
- Reduction from last year
- Purchased 10 FR3 fluid transformers – seven are installed and the last three will be placed on Haverhill Street, Reading

Chairman O'Neill recommended purchasing more FR3 transformers.

Discussion ensued.

Project #17 – AMR High-powered ERT Meter Upgrade Project- Residential

- ERT component is failing on present meters.
- Looked at Advanced Metering Infrastructure (AMI), which is more expensive (2 to 1).
- If the High powered ERTs are used, a fixed network can be put in that will read the meters, which means collectors out on the system would report to repeaters, and the repeaters are connected to the fiber, which is the conduit that would bring the data back to the office.
- Meters can be read at any time including directly from the office.
- Home area networks could be put in homes. Residents would get a signal from the meter that can tell them what their usage is at any given time and that can be reported to their own computer. Then the Internet can be used to report back to the RMLD. There can effectively be two-way communication with the AMR system.
- Do not need remote shut offs, which AMI provides.
- AMR meter life expectancy is 25 years.
- Project will take about two and one-half years to complete.

Discussion ensued.

Project #18 – Purchase Two Small Vehicles

- Replacement vehicles for #16 and #29, which are 10+ years old.
- Vehicle 29 has a cracked block and is no longer in use.

Project #19 – Purchase Line Department Vehicles

- Two trucks to be purchased to replace Line Trucks #6 and #21.
- #21 is a 1998 and #21 is a 2000 model.
- Delivery in 2011.
- Disposal of the old vehicles falls under the Surplus Policy where they are first offered to the four towns, and the towns rotate as to who is offered the vehicles first.

Project #20 – Purchase a new Pole Trailer

- Massachusetts DOT now inspects pole trailers.
- RMLD's present trailers do not comply with the new requirements.

Project #21 – Update Stockroom and Meter Room Lighting

- LED lights will replace fluorescent lights in the stockroom and HID lighting in the meter room.
- Will cut RMLD's costs.

Project #22 – Roof Repairs

- Will be moved to the Operating Budget.

Project #24 – Enlarge Parking Area and Construct Island

- The old Control Center building will be demolished, which is in the Operating Budget.
- Five parking spaces, curbing, and paving will be done.

Mr. Fournier noted that there would be a Draft 2 for both the Capital and Operating Budgets. He and Ms. O'Leary discussed the upcoming changes. The new number for the Capital Budget would be \$4,985,243.

Chairman Carakatsane suggested voting on the new amount.

3. FY11 Operating and Capital Budget – V. Cameron, R. Fournier

Mr. Hooper made the following motion seconded by Mr. Carakatsane:

MOVE that the CAB recommend to the RMLD Board of Commissioners the acceptance of the first draft of the FY11 Operating Budget based on the Net Income Amount of \$2,799,274. Any significant changes are to be submitted to the Cab for review and recommendation.

Motion carried 4:0:1 (Mr. Norton abstained.)

Mr. Norton made the following motion seconded by Ms. Sopchak:

MOVE that the CAB recommend to the RMLD Board of Commissioners the revised draft of the FY11 Capital Budget in the amount of \$4,985,243. Any significant changes are to be submitted to the CAB for review and recommendation.

Motion carried 5:0:0.

4. Twenty-Year Agreement Extension – V. Cameron

Mr. Carakatsane stated that he and Mr. Cameron met with the Lynnfield Board of Selectmen, and the Extension will go before Lynnfield's Town Meeting in two weeks.

5. Other Items for Discussion

Rotation schedule for the RMLD Board Meetings was passed out.

6. Schedule Next Meeting

To be determined.

7. Executive Session

No Executive Session was held.

8. Adjournment

Mr. Norton made a motion seconded by Mr. Hooper to adjourn Regular Session at 8:10 P.M.

Motion carried unanimously: 4:0:0.

Respectfully submitted,

John Norton, Secretary

Minutes approved on: _____

/pmo

List of Documents Used:

1. FY2011 Capital Budget
2. GIS Samples
3. Rotation Schedule for RMLD Board Meetings

**CITIZENS' ADVISORY BOARD
MEETING MINUTES
Regular Session**

TIME: 5:00 P.M.
DATE: Thursday, May 20, 2010
PLACE: Reading Municipal Light Department, General Manager's Conference Room
PRESENT: CAB: A. Carakatsane, Chairman, (Lynnfield), J. Norton, Secretary, (North Reading),
T. Sopchak, (Reading), G. Hooper (Wilmington), Q. Vale (Wilmington)
RMLD Board: Mary Ellen O'Neill
RMLD Staff: V. Cameron, R. Fournier, J. Parenteau, K. Sullivan, P. O'Leary,

1. Call Meeting to Order – A. Carakatsane, Chairman

Chairman Carakatsane called the meeting to order at 5:09 P.M.

2. Executive Session

Mr. Hooper made the following motion seconded by Mr. Norton:

MOVE that the CAB go into Executive Session based on Chapter 164, Section 47D, exemption from public records and open meeting requirements in certain instances, to discuss power supply, to approve minutes, and to return to Regular Session.

Motion carried by a poll of the Board 5:0:0: Mr. Norton – Aye; Mr. Hooper – Aye; Mr. Carakatsane – Aye; Mr. Vale – Aye; Ms. Sopchak – Aye

Note: Regular session resumed at 5:37 P.M., and item #4 was taken out of order.

4. Strategic Power Supply Procurement Strategy – V. Cameron, J. Parenteau

Mr. Norton made the following motion seconded by Mr. Hooper:

MOVE that the Citizens' Advisory Board recommend that the RMLD Board of Commissioners authorize the Reading Municipal Light Department's (RMLD) General Manager to execute one or more Power Sales Agreements in accordance with the RMLD's Strategic Power Supply Plan for power supply purchases for a period not to exceed 2011 through 2014 and in amounts not to exceed 20.375 MW in 2011, 20.700 MW in 2012, 18.300 MWs in 2013, and 18.875 MWs in 2014.

Motion carried 5:0:0.

3. Minutes of Meeting – February 18, 2010 – A. Carakatsane

A correction was made to the minutes on Page 3, #1--delete the line beginning "Mr. Hahn."

Mr. Norton made a motion seconded by Mr. Hooper to approve the minutes of the February 18, 2010 meeting as corrected.

Motion carried 4:0:1 (Mr. Norton abstained.)

5. FY11 Capital Budget – DRAFT 2 – V. Cameron, R. Fournier

Mr. Cameron explained that the largest change between Draft 1 and Draft 2 is basically the soil remediation work being done at the Gaw Substation, and its impact on the delay of the project. The RMLD is awaiting word from the EPA to begin removing soil and excavating.

Mr. Fournier detailed the budget changes from Draft 1 to Draft 2 as outlined on his handout dated 5/19/2010 and entitled, "Draft 1 Capital Budget Changes." (See attached)

Discussion ensued.

Mr. Norton made the following motion seconded by Mr. Hooper:

MOVE that the CAB recommend to the RMLD Board of Commissioners the second draft of the FY11 Capital Budget in the amount of \$5,605,581 dated May 13, 2010. Any significant changes are to be submitted to the CAB for review and recommendation.

Motion carried 5:0:0

6. FY11 Operating and Capital Budget – V. Cameron, R. Fournier

Mr. Fournier explained the second handout dated 5/13/2010 and entitled, "Draft 1 Operating Budget Changes." (See attached) He showed the impact of the delay in the Gaw Project because of the soil remediation for the Operating Budget.

Discussion ensued.

Mr. Norton made the following motion seconded by Mr. Hooper:

MOVE that the CAB recommend to the RMLD Board of Commissioners the acceptance of the second draft of the FY11 Operating Budget based on a Net Income Amount of \$2,309,819. Any significant changes are to be submitted to the CAB for review and recommendation.

Motion carried 5:0:0.

7. Twenty-Year Agreement Extension Update – V. Cameron

Mr. Cameron stated that Reading and North Reading Selectmen to extend the Agreement. Mr. Cameron went to the Town Meetings in Lynnfield and Wilmington, and both Town Meetings voted to extend. He stated that the memorialization would need to be signed. It will go to the RMLD Board next week, and then it will go to the four towns for signature.

8. Other Items for Discussion

NEPPA Annual Conference – August 15-August 17, 2010 – Providence RI

Ms. O'Leary reminded the members who plan to attend to book hotel rooms as early as possible.

Mr. Norton made the following motion seconded by Mr. Hooper:

MOVE that five members of the CAB be authorized to attend the 2010 NEPPA Annual Conference.

Ms. Sopchak is unable to attend.

Motion carried 5:0:0.

Mr. Vale stated that today's Wilmington Advocate contained an article entitled "Solar Power on the Rise." He stated that a company in Wilmington received the State's first Commonwealth Solar Stimulus Rebate in the amount of \$136,868.

Mr. Cameron stated that the company has had conversations with the RMLD and presently have no agreement with them.

Discussion ensued.

Mr. Vale wanted to make sure that the RMLD would encourage customers to take advantage of something like this, and not make it difficult due to interpretation of statutes.

9. Schedule Next Meeting

Mr. Cameron stated that a meeting in June relative to the Cost of Service Study and the 5% rate increase that is in the budget might be necessary.

Ms. O'Neill suggested a joint meeting with the RMLD Board's Power and Rate Committee and the CAB to go over the Cost of Service Study.

The CAB agreed.

Mr. Hooper would let Ms. O'Leary know by tomorrow if he could cover the next RMLD Board meeting otherwise, Mr. Carakatsane would cover it.

10. Adjournment

Mr. Norton made a motion seconded by Mr. Hooper to adjourn Regular Session at 6:12 P.M.

Motion carried unanimously: 5:0:0.

Respectfully submitted,

John Norton, Secretary

Minutes approved on: _____

/pmo

List of Documents Used:

1. Draft 1 Capital Budget Changes dated 5/19/2010
2. Draft 1 Operating Budget Changes dated 5/13/10

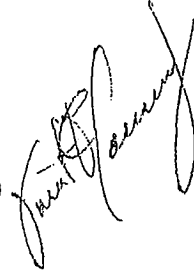
READING MUNICIPAL LIGHT DEPARTMENT

To: RMLD Board and CAB Board

Date: June 30, 2010

From: Vinnie Cameron

Subject: New Open Meeting Law – July 1, 2010



The Open Meeting Law in Massachusetts has been amended and changes to the law take effect on July 1, 2010. The Open Meeting Law falls under the purview of the Attorney General's (AG's) Office. Below are the relevant changes to the Massachusetts Open Meeting Law.

Below are relevant changes that RMLD Board and CAB need to be aware of. Attached is the new Open Meeting Law with numbers in the margin that refer to the topics mentioned below.

1. Meeting Postings

Meetings, both Regular and Executive Session still need to be posted 48 prior to the meeting, however, Saturday, Sunday, and Holidays are excluded from the notice period. The RMLD Board and CAB postings will have another change that will impact postings; effective the week of June 7, Reading Town Hall will be closed on Fridays. The Regular Session agendas need to accompany the meeting postings.

There is no requirement to post a meeting for a quorum of board or committee members attending conference, training, Town Meeting, etc., where relevant discussion will not take place and no board or committee votes will be taken.

2. Remote Participation

There is still a need for a "physical quorum", however, members may participate (vote on motions) in meetings remotely by phone. The participant must receive permission from the AG's office to participate in a meeting remotely.

3. Recording Meetings

The Chairman must alert all participants of a meeting that the meeting is being recorded either by audio or video mediums.

4. Public Participation

The Chairman may remove of individuals at public meetings who are disruptive.

5. Newly Elected Board Members

Newly elected Board members have two weeks to obtain a copy of the Open Meeting Law from the Town Clerk.

6. Need for Executive Session

The reason for Executive Session for the purpose of discussing item of a competitively sensitive nature has been expanded.

7. Convening Executive Session

The Chairman should list all subjects to be taken up in Executive Session prior to entering into Executive Session.

8. Executive Session Votes

All votes in Executive Session should be done by a roll call vote.

9. Executive Session Documents

All documents used during Executive Session should be listed in the minutes.

10. Records Release

The Keeper of the Records will announce that the Executive Meeting minutes are being considered for release at a meeting prior to the meeting which the minutes are being considered for release.

11. Development of Minutes

Open Session Meeting minutes must be available for request within ten days of the meeting, either in draft or final form. Within ten days of a request for Executive Session minutes a board or committee must respond to a request to see the Executive Session minutes.

THE COMMONWEALTH OF MASSACHUSETTS

OPEN MEETING LAW, G.L. c. 30A, §§18-25

* * *

Chapter 28 of the Acts of 2009, sections 17-20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §§9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.

* * *

SECTION 18: [DEFINITIONS]

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any part of a meeting of a public body closed to the public for deliberation of certain matters.

"Intentional violation", an act or omission by a public body or a member thereof, in knowing by violating the open meeting law.

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

(a) an on-site inspection of a project or program, so long as the members do not deliberate;

(b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;

(c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;

(d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

(e) a session of a town meeting convened under section 10 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

"Minutes", the written report of a meeting created by a public body required by subsection (a) of section 23 and section 5A of chapter 66.

"Open meeting law", sections 18 to 25, inclusive.

"Post notice", to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

"Preliminary screening", the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

"Public body", a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a

local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

"Quorum", a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

SECTION 19. [DIVISION OF OPEN GOVERNMENT AND ADVISORY COMMISSION]

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

SECTION 20. [NOTICE, REMOTE PARTICIPATION, PUBLIC PARTICIPATION, CERTIFICATION]

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general and a duplicate copy of said notice shall be filed with the regulations division of the state secretary's office by posting on a website in accordance with procedures established for this purpose.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

SECTION 21. [EXECUTIVE SESSIONS]

(a) A public body may meet in executive session only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

4. To discuss the deployment of security personnel or devices; or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

(i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

(ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. to discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

SECTION 22. [MINUTES, RECORDS]

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure.

Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

SECTION 23. [COMPLAINTS, REMEDIES]

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be

open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (b).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

SECTION 24. [INVESTIGATIONS, HEARINGS]

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

SECTION 25. [REGULATIONS AND ADVISORY OPINIONS]

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.