

**SOUTH HADLEY ELECTRIC LIGHT DEPARTMENT  
BOARD OF COMMISSIONERS' VIRTUAL MEETING  
OCTOBER 26, 2023, AT 5:15 P.M.**

Present for the Board: Chair John Hine, Vice Chair Denise Presley, Paul Dobosh, Ron Coutu (by phone at 6:00PM), Kurt Schenker (arrived late due to technical difficulties)

Present for SHELD: General Manager Sean Fitzgerald, Financial Manager Michael Conchieri, IT Generalist David Sullivan

Guest: Katharine Shove-Harrington, SHELD Legal Counsel

The virtual meeting was called to order at 5:15 P.M. by Chair Hine who stated the Board would move to Executive Session (pursuant to Purpose 3 and Purpose 10) to discuss particulars of the matters that are confidential and exempt from public records relating to the minutes of the 12/20/22, executive session relevant to Walter Hamilton's open meeting law complaint. Such is properly confidential as an open meeting may have a detrimental effect on the litigation position of the public body since the public body will discuss specific revisions to the 12/20/22 executive session minutes per an order of the Attorney General's Office, requiring discussion of confidential information embedded in prior executive sessions relative to trade secrets, confidential and competitive-sensitive information. Thereafter, the public body shall label the revised minutes as Version Two, amended on 10/13/23. Return to open session at 6:00 PM.

On a motion by Mr. Dobosh and seconded by Ms. Presley, it was VOTED: To move to executive session for the reasons stated by the Chair and return to open session at 6:00 PM, by a roll call vote: Mr. Dobosh-aye, Ms. Presley-aye, Mr. Hine-aye

The Board returned to open session at 6:00 PM. Mr. Hine read the Open Meeting Law Complaint Update:

On April 17, 2023, Walter Hamilton filed an open meeting law complaint with the Attorney General's Office alleging that the minutes of the executive session held on December 20, 2022, are "failed to include an accurate summary of the [executive session] discussion [and to] provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions."

The AGO reviewed the complaint, and on September 25, 2023, issued a determination that the Board violated the Open Meeting Law by creating insufficiently detailed minutes of the executive session. The AGO ordered the Board to, within 30 days, amend the minutes of the executive session to accurately summarize the discussion of Sean

Fitzgerald's contract and to certify to the AGO that such amendment has been done. The AGO granted an extension to November 1, 2023, so that the Board may vote to approve the revised minutes during open session. The Board has referred this matter to counsel, who has revised the December 20, 2022, executive session minutes in accordance with the AGO determination as well as counsel's informal conversations with the AGO about the particulars of the relevant executive session and proposed amendments. SHELD's counsel has provided the proposed revised minutes to the Board for approval. A vote to approve the proposed revised minutes will take place during the open session on October 26, 2023.

**Minutes Approval:**

12/20/22 Executive Session (revised per order of Attorney General's Office):

On a motion by Ms. Presley and seconded by Mr. Dobosh, it was

VOTED: To approve, and release, the executive session minutes of December 20, 2022, by a roll call vote: Ms. Presley-aye, Mr. Dobosh-aye, Mr. Hine-aye. Mr. Coutu abstained as he was not at that meeting, Mr. Schenker did not reply due to apparent technical difficulties.

9/28/2023 Open Session:

On a motion by Mr. Coutu and seconded by Mr. Dobosh, it was

VOTED: To approve minutes of September 28, 2023, open session, by a roll call vote: Mr. Dobosh-aye, Ms. Presley-aye, Mr. Coutu-aye, Mr. Hine-aye, Mr. Schenker did not reply due to apparent technical difficulties.

**Public Comment:**

Mr. John Howard spoke asking the Board to consider adding incentives for electric snow blowers. Mr. Hine said they would consider adding rebates.

**Manager's Report:**

Outages:

There were two outages; one from a large tree limb leaning on wires on Pine Hill Road, impacting 45 customers for 3 hours, and a second from a car accident which took out a pole on Lamb street, impacting 4 customers for 4 hours. One additional 1.5-hour outage on Parkview Drive from a blown arrestor and fuse, impacting 26 customers.

AMI Update:

Currently there are 4910 AMI meters installed. We expect to exceed 5,000 by the end of year but had delays in deliveries because of supply chain issues earlier this year. Currently we have a good supply of meters on hand for installation.

Mr. Hine asked about the RFP for a data management system for the AMI meters. Mr. Fitzgerald said they were looking at the requirements for an RFP versus an integration possibility with the current billing system. Mr. Coutu would like to see a draft of the functions we would be requiring of the system on the RFP.

**August 2023 Financials:**

Mr. Conchieri referenced PowerPoint slides as he gave a brief overview of the financials for the month ending August 31, 2023.

Kilowatt hour sales of 72,240,000 for 2023 were down by 4.3 % from 2022 or 3,307,000 kilowatt hours. Year-to-date operating revenues of \$10,952,000 were up from 2022 by 17% or about \$1,615,000, consisting of a decrease of \$408,000 in volume and an increase of \$2,023,000 in selling price.

The 2023-kilowatt hour purchases of 75,878,000 were down by 4.2% from 2022, or 3,391,000. The 2023 cost of power sold of \$6,576,000 was down by about 16.1% from 2022, or \$1,268,000, consisting of a decrease of \$335,000 in kilowatt hour purchase volume, and a decrease of \$933,000 in purchase price.

The increase in revenue was offset by the decrease in the cost of power; therefore, the net revenue of \$6,742,000 was up from 2022 by \$4,043,000. The actual net revenue was up from the budgeted amount by \$866,000.

All other 2023 operating expenses of \$5,799,000 on a combined basis, were up from 2022 by about \$1,370,000 and up from the budgeted amount by \$266,000. August 2023 ended with a net YTD gain of about \$1,181,000, compared to the 2022 net loss of \$2,792,000 and was up from the budgeted amount of a \$569,000 profit. Excess profits from this year will replenish the rate stabilization fund after using those funds last year to cover shortages from higher-than-normal expenses. Mr. Conchieri answered questions from the Board.

**New Building Forum:**

Mr. Hine reviewed the topic of having an open forum meeting to inform the public about SHELLED's need to find a location and build a new building. He asked for Board input. It was decided that they would have a hybrid meeting in January 2024 at the library or the senior center. Mr. Fitzgerald stated that they could send out information in the December bills and post it on the website.

**November/December Meeting:**

The November meeting falls on Thanksgiving, and there is usually an early December meeting instead. Mr. Dobosh mentioned that there are 5 Thursdays in November this year – and asked if November 30<sup>th</sup> would work. All Board members were available and if that date were available with South Hadley Community Television, they would meet November 30<sup>th</sup>, instead of in December.

**Old Business:**

There was none.

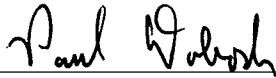
**New Business:**

It is time for the General Manager’s annual performance review. Mr. Fitzgerald completed his self-review and sent it to Mr. Hine. He will forward it to Board members and will ask them to complete their review of the GM and forward it to Mr. Hine who will combine them into one document. The next part is to negotiate any salary increase by a committee of two board members and have the process completed for the November 30<sup>th</sup> meeting. Mr. Hine and Mr. Dobosh volunteered.

**Adjourn:**

By oversight, the board did not move to adjourn the open session. Instead, Chair Hine advised the board that he believed the board’s work was done for the evening. In response, Ms. Presley stated, “Thank you.” None of the members disputed that the meeting should conclude.

The open session ended at 6:40 P.M.



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Paul Dobosh, Light Board Clerk

Approved: November 30, 2023

EXHIBIT A

List of Documents reviewed at the October 26, 2023, Municipal Light Board Meeting

1. Draft Executive Session Minutes December 20, 2022, revised with redactions
2. Draft Open Session Minutes September 28, 2023
3. Financial Statements August 31, 2023, and 2022