

**SOUTH HADLEY ELECTRIC LIGHT DEPARTMENT
BOARD OF COMMISSIONERS VIRTUAL MEETING
MARCH 25, 2021 AT 6:00 P.M.**

Present for the Board: Chairman Gregory Dubreuil, Vice-Chair John Hine, Anne Awad, Peter McAvoy

Absent: Kurt Schenker

Present for SHELD: General Manager Sean Fitzgerald, Financial Manager Michael Conchieri, Administrative Assistant Kim Mendoza, Sr. Engineer Mark Gilmore, Marketing & Customer Service Manager Kelly Frazier

Guests: SHELD Attorney Ben Coyle

The virtual meeting was called to order at 6:04 P.M. by Chairman Dubreuil.

Minutes Approval:

2/18/2021 Open Session:

On a motion by Mr. Hine, seconded by Ms. Awad, it was

VOTED: To approve the minutes of the Board of Commissioners' virtual special meeting of February 18, 2021 at 5:00PM by roll call vote: Ms. Awad – aye, Mr. Hine – aye, Mr. McAvoy – nay, Mr. Dubreuil – aye.

2/25/2021 Open Session:

On a motion by Mr. Hine, seconded by Ms. Awad, it was

VOTED: To approve the minutes of the Board of Commissioners' virtual meeting of February 25, 2021 at 6:00PM by roll call vote: Ms. Awad – aye, Mr. Hine – aye, Mr. McAvoy – nay, Mr. Dubreuil – aye.

Review of Approved Executive Session Minutes Not Yet Released:

Mr. Dubreuil stated that in accordance with Mass General Law c. 30A, § 22, the board, or its chair or designee, is required to review the minutes of executive sessions, at reasonable intervals, to determine if the provisions of the law warrant continued non-disclosure. Historically, this board has reviewed the executive session minutes annually to determine if non-disclosure is necessary and confers with legal counsel regarding the same. A spreadsheet of these minutes has been maintained with their status. This item is on the agenda so a determination can be made between now and the next board meeting relative to their status, announced at the next meeting, and included in the minutes of that meeting as required by statute.

Mr. Dubreuil suggested that they schedule an executive session meeting, prior to the next board meeting, to review the minutes and seek legal counsel's opinion and announce the determination at the next board meeting.

Public Comment:

There were no new public comments, but Mr. Dubreuil asked Mr. Fitzgerald if there was any progress on a previous request by Mr. John Howard regarding placing electrical vehicle chargers

in Town at various commercial locations. Mr. Gilmore said he had reached out to several large commercial accounts letting them know he can match them up with a turn-key vendor to set up the charging stations and help them with rebates but there were no commitments yet. Mr. Gilmore told the Board he would send them a list of the commercial accounts he had reached out to if the Board wanted to follow up with any of the customers.

2020 Customer Survey:

Ms. Frazier gave background information on the first ever Customer Satisfaction Survey conducted by SHEL D. In January 2021, 7,033 surveys were sent to all residential electrical accounts. 2,128 paper surveys and 872 electronic surveys were completed and returned. This is equivalent to a 43% return rate, which exceeded expectations. SHEL D offered (2) \$100.00 electric bill credits, given out at random, for completing the survey. Within three weeks of receiving the surveys, the Customer Service Team responded directly to approximately eighty specific questions/concerns that were noted by customers on their surveys.

Ms. Frazier reviewed the twelve survey questions and the responses received. The questions ranged from whether people view SHEL D and Fibersonic as a valuable asset to questions on whether they support renewables and would be willing to pay more for them. The majority of customers do consider SHEL D and Fibersonic an asset and they support renewables. Many would be willing to pay more for power from renewable sources, depending on the amount of the increase. Keeping rates competitive is very important to the ratepayers.

The three most common concerns/comments received from the open-ended question were: when will people get Fibersonic, that seniors should get discounts, and varied questions about solar, renewables, and rebate programs. Overall, 96% of the feedback showed that customers are satisfied with their service from SHEL D.

There will be a bill insert in the April bill specifically developed to explain the Fibersonic build-out plans for 2021 and to address specific solar concerns/questions in a FAQ format. A commercial survey is also in the works with questions on topics that affect businesses.

Mr. Hine inquired as to how the customers will get their bill inserts if they get their bills electronically. Ms. Frazier said these customers will receive a separate email with the bill insert. It will also be available on the SHEL D website in the Newsletter section.

Mr. McAvoy asked Ms. Frazier to elaborate on the questions people submitted regarding solar and renewables. Kelly stated that the questions were varied, and the more common ones were being addressed in the billing insert next month.

Mr. McAvoy asked about the purpose of the survey. Mr. Fitzgerald stated that Customer Engagement is one of the strategic initiatives in the Strategic Plan and a survey is a common utility practice to find out what is important to customers.

Mr. McAvoy was thrilled to see that 79% who responded support renewables and that 55% were willing to pay more for power from solar, wind and water. Mr. McAvoy commented that there were not any questions on nuclear power on the survey and that he is not against nuclear power. On the next survey, he would like to see questions about nuclear power.

Mr. Fitzgerald thanked Kelly and her team for the hard work and many hours they put into processing all the surveys and following up with individual customers.

Manager's Report:

Outages:

There were seven outages this past month, five were due to high winds including the overnight storm on March 1st which caused broken trees, pole tops, crossarms, and caused transformers to come down. This outage affected 453 customers. Most had power restored in 2.5 hours, with all customers being restored by morning. Mr. Fitzgerald thanked the line crews, who worked overnight in the extremely cold wind, Engineer Mark Gilmore, and Customer Service Manager Kelly Frazier for their hard work to get power restored quickly.

Fibersonic Update:

The April bill insert will be two sided and have a FAQ format answering some of the survey's solar questions on one side. The other side will show the Fibersonic construction progress and plans and include a map of the 14 connected fiberhoods. There are an additional 2 fiberhoods under construction now, as we work towards connecting all 32 fiberhoods. Mr. Fitzgerald gave an overview of the upcoming overhead and underground service areas under construction in 2021.

COVID-19 Update:

Many employees are getting their vaccines now that utility workers are eligible. We are continuing to follow the town's lead on reopening. We continue to operate as an essential business with our in-person customer service office still closed to the public for right now.

Legal Expenses & Public Record Requests:

Mr. Dubreuil stated that there were multiple Freedom of Information Act requests relative to records and an accusation of improper spending of ratepayer funds on legal fees at the last board meeting. In the interest of transparency, Mr. Fitzgerald was asked to put together a total for all the legal expenses pertaining to these events. Mr. Fitzgerald stated that management has incurred \$9688.00 in legal expenses to date. These expenses were incurred to advise on three staff complaints against Commissioner McAvoy, for public records requests by Mr. McAvoy, and for legal counsel to attend board meetings. Mr. Dubreuil inquired of the internal costs for time spent by SHELD employees to address the issues. Mr. Fitzgerald estimated 210 hours at \$16,712 since a January 19th meeting with Commissioner McAvoy.

Commissioners Energy Source Positions:

Mr. Dubreuil stated that, at the request of Mr. McAvoy, each Board member will have 5 minutes to present their positions on energy. There will be no questions asked of the board members and there will not be any debates.

Mr. McAvoy started by stating he supports renewable energy in a fashion that will allow ratepayers to profit from the production of the power they produce on their homes. He supports doing that with all investable resources such as renewables and/or other carbon free sources. He is opposed to fossil fuels, in any form, and would like to get rid of them as quickly as possible.

He stated that he is opposed to committing to the extension of the nuclear contracts SHEL D has ownership in today, as a matter of safety and public health. SHEL D needs to invest in the infrastructure needed to promote locally produced renewable energy so ratepayers can earn profits from them.

Mr. Hine stated that climate change represents the most urgent crisis the planet is facing. It helps if we can reduce CO₂ emissions, and renewable energy generates power without CO₂ emissions. At this time, we cannot replace all energy produced by fossil fuels with renewables, and nuclear energy is a bridge to provide power until other renewable technologies can replace fossil fuels. SHEL D gets 80% of its energy from two nuclear plants and any additional power we would purchase will likely not be needed. We can start looking into other possibilities to move towards using renewables for when the nuclear contracts end. New technologies may develop over the next 30 years. SHEL D is committed to nuclear power now but needs to do what it can to promote renewables and see if we can have a different mix of power 20-30 years from now.

Ms. Awad stated that when she was first on the board, she was probably characterized as anti-nuclear. She was concerned by all the dangerous situations in nuclear plants around the world and was concerned about the disposal of nuclear waste. She believes that in 30 years we will have better ways to handle nuclear and will continue to include it in a mix of power sources. She supports renewables but does not think they will replace everything in our power portfolio. When the US is in a crisis, it usually responds with new technology. We should do what we can to prepare for the transitions that will happen in 30 years but do it in a steady transition as to not destabilize rates. She remains optimistic because when she joined the board SHEL D's power source was 93% nuclear power and in the past 5 years other power sources have been added into the power mix and brought the nuclear power level down to around 78%, which is great progress.

Mr. Dubreuil stated he has an obligation to represent those who elected him and he hears from them that they support renewables but do not want to pay more for it. In 2019 SHEL D's nuclear power provided 87% of our power needs per the DPU report. We are locked into ownership until decommissioning. When we have surplus power, like during the shoulder months, we sell it but at a loss. By adding more renewables, we will have more surplus power at those times and will be selling power at an even greater loss. Climate change is a global issue that needs to be addressed quickly and aggressively. He is very supportive of solar, wind and hydro but believes nuclear is part of the solution too. Currently fossil fuels account for 62% of the electricity generated in the United States, with 19% from nuclear and 15% from renewables of hydro, wind, and solar. 60% of the United States' non-emitting power is nuclear. The Mass Secretary of Energy believes that the Commonwealth's road to net zero emissions by 2050 includes the preservation and potential expansion of nuclear which provides 31% of New England's power.

Mr. Dubreuil shared a slide of the United Nations Intergovernmental Panel on Climate Change that indicated direct and full life cycle of greenhouse gasses, per unit of electricity, for various energy sources. It indicated that wind, nuclear, hydro, geothermal and solar emit zero direct emissions. Nuclear is second lowest, only to wind, in life cycle emissions and is one third that of solar because the manufacturing process for solar uses heavy metals and chemicals, and the resulting by-product emitted is 17,000 times more potent than CO₂ and can remain in the

atmosphere for over 700 years. Those emissions have risen 1000% over the last two decades. Nuclear releases less radiation than any other energy source. Capacity charges are second only to supply and cost. Capacity rating measures how reliable energy sources are and nuclear has the highest rating of any source at 93%. Replacing nuclear with renewables would result in the need for more standby fossil fuel fired capacity plants to meet peak demands. Hydro, wind, solar, and nuclear together can be effective in battling climate change. In the future, solar and nuclear technologies could improve or be developed. There are new techniques being used to recycle spent nuclear fuel in some countries already.

Mr. Dubreuil summarized that we cannot change the fact that we own nuclear assets, whether we would choose them today or not. We are doing more than any other community in the State to decarbonize our environment. Someday the nuclear assets will be retired but he does not think it is practical for SHEL D to obtain alternate energy sources now for something that will happen 20 years from now. When the time comes, he hopes the board can rationally debate the alternatives for the best outcome for all of South Hadley.

Old Business:

There was none.

New Business:

Mr. Fitzgerald stated that SHEL D published a 2020 Annual Report. It is posted on the website and it will be available in hard copy once town buildings reopen.

SHEL D has engaged in a text notification system that allows customers to receive text notifications for outages and other department notifications via text. A bill insert was sent to customers last month with information. Customers can enroll for text messages by checking the SHEL D website or contacting customer service.

Adjourn:

On a motion by Mr. Hine and seconded by Ms. Awad the meeting was

VOTED: to adjourn by a roll call vote: Ms. Awad – aye, Mr. Hine – aye, Mr. McAvoy – aye, Mr. Dubreuil – aye.

The open session ended at 6:50 P.M.



Anne Awad, Clerk

Approved: April 22, 2021

EXHIBIT A

List of Documents reviewed at the March 25, 2021 Municipal Light Board Meeting

1. Draft Open Session Minutes of the MLB February 18, 2021 meeting
2. Draft Open Session Minutes of the MLB February 25, 2021 meeting
3. Customer Satisfaction Survey

Kim Mendoza

From: McAvoy, Peter <pmcavoy@comcast.net>
Sent: Thursday, April 22, 2021 1:40 PM
To: Greg Dubreuil home; Sean Fitzgerald
Cc: Kim Mendoza; OpenMeeting (AGO)
Subject: Fwd: Agenda, Free Speech, Open Meeting, Formal Complaints

With reference to the April 22, 2021 Published Meeting Agenda and its contents along with the emails forwarded below, I submit this demand! Include this letter as a recorded attachment to the minutes. This current email exchange and those dated below, clarifies that as a result of a January 19 meeting, personnel at SHELD found reason to lodge complaints against me. But, it turns out and as legal counsel advised you, those complaints lack legal merit. Instead deductive reasoning infers, those were attempts to intimidate an elected representative of the customers to whom SHELD Management and personnel owe a duty of Fiduciary Obligation.

In the meeting minutes of March 25, 2021 you then have the audacity to claim my actions were the determining cause of management's phone call to undertake legal representation. Suddenly, by the magic of Sean made a bad decision but from a good heart, you attempt to inform the readers of those minutes that I am responsible for a cost of approximately \$18,000. Even though, AS CORROBORATED BELOW, the lead counsel at the time of January 22, 2021 states in paraphrase: "well actually there isn't a thing SHELD has a cause of action about, and yes, we understand that your statements and positions are part of the administrative governmental process."

I am further troubled by the facts, from my perspective, that SHELD continues to choose to pay legal fees for participation of counsel who has done little or nothing on behalf of the ratepayers in Town, because there is little or nothing they can do without flying well out of legal range.

Further on top of everything else coming up tonight, be prepared to review in an expositional fashion (that is we get to review actual facts not minute-metered-public relations/marketing-manipulations) the fraud-based, misinformation knowingly included in the minutes of the March 25, 2021 meeting. Not just of the defamatory, legal costs statements, but also the factually inaccurate Commissioner's statements of power source positions and ratepayer survey preferences. Your own documents are not internally congruent!

On the note of factual misinformation concerning my own statement about power sources, I am near certain the statement in paraphrase from the March 25, 2021 recorded minutes, "I am not opposed to nuclear power" is poorly and inaccurately recorded in the minutes and made to represent a position other than mine, by taking it out of context. I am adamantly opposed to continuing to rely on two outmoded and dangerously decaying nuclear reactors for power in this Town. I am not opposed to nuclear power as a bridging need so long as such nuclear power is from less dangerous, more modern attempts to generate electricity from it. But also know, the inherent, innate and unavoidable danger of nuclear waste and radioactive dispersal makes nuclear power a preferred source of power, NEVER!

Peter McAvoy
Legal Counsel

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