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**MINUTES OF THE MUNICIPAL LIGHT BOARD  
EXECUTIVE SESSION OF  
THURSDAY APRIL 27, 2017  
SELECT BOARD MEETING ROOM, TOWN HALL**

Present: Gregory Dubreuil, Chair  
Vernon Blodgett, Vice Chair  
John Hine  
Kurt Schenker  
Anne Awad, Clerk

Also Present: Sean Fitzgerald, SHELD General Manager

The Executive Session to discuss litigation strategy related to the federal Court Case, Docket No. 315CV30185 was convened following a unanimous roll call vote in Open session and was called to order at 8:00 PM by Chair Gregory Dubreuil.

The Board had received a letter from Jeffrey Fialky of Bacon and Wilson regarding hourly rate fees to be paid to the lawyer for Wayne Doerpholz. Mr. Doerpholz has changed counsel and the new attorney is unwilling to accept the previously negotiated fee of \$225 per hour. Mr. Fialky stated that this is considerably lower than prevailing rates for Western Massachusetts (providing a range of \$275 to \$400 per hour). The Bacon Wilson attorney working on this case to represent the Board of Commissioners and SHELD is receiving \$285 per hour. Mr. Fialky is recommending a rate of \$275 per hour for counsel for Mr. Doerpholz. The Board was reminded that, in the federal court case, we are obligated to provide counsel to represent Mr. Doerpholz and Mr. Orr. The Board discussed the possibility of remaining at the \$225 rate and the former Chair shared that the prospective counsel could appeal to the judge in the case and a higher level would likely be ordered.

John Hine moved and Kurt Schenker seconded that we provide \$275 per hour to the legal counsel for Wayne Doerpholz in the federal court case. The motion passed unanimously.

Geregory Dubreuil moved and Kurt Schenker seconded a motion to adjourn the Executive Session. The motion passed unanimously by roll call vote and the Executive Session adjourned at 8:15 PM.

  
Anne Awad, Clerk

Approved: May 25, 2017