

2018 MAY 23 PM 2: 13

**MINUTES
TOWN OF BELMONT
MUNICIPAL LIGHT BOARD
TOWN HALL
SELECTMEN'S MEETING ROOM
Monday, April 12, 2018
6:00 P.M.**

I. CALL TO ORDER

Chair Dash called to order a regular meeting of the Municipal Light Board (MLB) at 6:08 P.M.

Present:

MLB – Chair Adam Dash, Vice Chair Mark Paolillo, Member Tom Caputo

Belmont Light (BMLD) – Acting General Manager Craig Spinale, Staff Maria Makar-Limanov and Becca Keane, Legal Counsel Walter Foskett

Town of Belmont Human Resource Generalist Shawna Walsh

II. EXECUTIVE SESSION

The Board moved to go into executive session at 6:09 P.M. (Paolillo aye, Dash aye, Caputo aye):

- a. to discuss strategy with respect to collective bargaining (IBEW, Local 104)**
- b. to conduct strategy session in preparation for negotiations with non-union personnel**

The Board moved to return to open session at 6:57 P.M. (Paolillo aye, Caputo aye, Dash aye)

III. VOTE ON COLLECTIVE BARGAINING AGREEMENT WITH IBEW, LOCAL 104

Shawna Walsh, HR Generalist, discussed the contract, which had been previously voted on by IBEW, Local 104. The overall increase over the three-year contract (January 1, 2018 through December 31, 2020) will be 8.7%, including cost of living (COLA) increases of 2.25% each year. Additional changes from the previous contract included: paying stand-by pay at an hourly rate instead of on a flat dollar amount; adjusted certain holidays to be paid out double time to match other unions in town; made mandatory a drug and alcohol testing policy; and adjusted the customer service schedule.

Dash thanked Walsh, Spinale, and Human Resources Director, Jessica Porter (not present), for their work in the negotiation process.

Paolillo moved to approve the contract between the Town of Belmont and the International Brotherhood of Electrical Workers (IBEW), Local 104, for the period of January 1, 2018 through December 31, 2020. Caputo seconded the motion and the motion was approved with a vote of all in favor (3-0).

IV. VOTE ON GENERAL MANAGER'S CONTRACT

Dash said the Board would vote on a contract with the new General Manager of Belmont Light. It is a three-year contract at \$175,000 per year, starting May 14, 2018, contingent upon the final revision of the contract by Human Resources once the final terms had been resolved.

Paolillo moved to approve the General Manager employment contract with Christopher Roy, with a start date of May 14, 2018. Caputo seconded the motion and the motion was approved with a vote of all in favor (3-0).

Chris Roy was present and joined the table. He said he was thrilled to come aboard and that he was excited about the pieces in place that could be unlocked now. He said he thinks we will be able to make Belmont the best municipal light plant (MLP) in the state. He added that he was excited to help achieve the community's vision.

V. UPDATE ON LEGAL ACTIVITIES WITH BELMONT LIGHT COUNSEL

Walter Foskett of Duncan & Allen, legal counsel for Belmont Light, was invited to the table for what Dash described as an annual check-in on legal matters that might be affecting Belmont Light. Foskett said there are not a lot of issues being worked on, compared to a few years ago after the completion of the new substation project. Issues that Foskett identified were:

- An answer to a subpoena for documents in a case related to the substation between a contractor and a subcontractor, of which Belmont Light was not a party. It was a pending subpoena, so the parties could come back and ask for additional information, although it had been two months with no contact.
- A review of the Baker Street duct bank bid package, which was available that day. Prospective bidders could pick up the package and submit bids in accordance with the terms.
- A review of the General Manager's contract.
- A review of the Employment Practices Liability Insurance (EPLI) policy to determine what it covered and didn't cover. Foskett said that it would cover Belmont Light and the Light Board if it was sued by an employee. Coverage was by Stockweather & Shipley, through the Public Utilities Risk Management Association (PURMA) for \$3,400 per year.

- A pole and wire agreement that has been discussed. Spinale explained that the matter has to do with third party attachments. When a cable television or telephone company wants to attach wires to Belmont Light poles, it will sign this agreement and pay a fee.

VI. GENERAL MANAGER'S REPORT

a. Decommissioning Project Update

Spinale said that at the previous meeting, a question arose as to what the costs would be to accelerate Belmont Light's 10-year Substation Decommissioning Project/Master Plan. In order to accelerate the project by five years, the additional cost would be about \$9 million. That would mean that Belmont Light would need to bond those additional funds.

Spinale said there are many ways to mitigate the schedule. Belmont Light was working with the Belmont High School project team to determine the impact to the High School project of the existing substation on Hittinger Street. Spinale said Belmont Light could rearrange the order in which substations are decommissioned, as the substation on Concord Avenue was the current priority, but could be put off.

Caputo asked whether the current High School site plan require the removal of the Hittinger Street substation to meet its deadlines. The answer was no.

Paolillo asked why it would cost more to accelerate the project from ten years to five. Spinale said that Belmont Light will have the money to fully fund the project over ten years but accelerating the timeline would cause it to have to borrow money. Paolillo said it may be up to the Board to determine the priorities for substation decommissioning. Spinale explained that, while Station 1 (Concord Avenue) is independent, Stations 2 (Hittinger Street) and 3 (Oakley Road) back each other up and so must be decommissioned concurrently.

Dash said that, in a situation like this, with no easy answer, the cheapest alternative is typically the best.

b. Purchased Power & Transmission Adjustment (PPTA) Update

Spinale said that Belmont Light discovered an error with its billing from Eversource. When the substation project was complete and the transmission lines were cut over to the new substation, there was a breakdown internal to Eversource resulting in the meters at the three old substations being read and not the new substation. The situation caused incoming electrical load to not be read at one of the substations. Spinale said that Belmont Light was able to convince Eversource that the problem was on their end and that the problem should be resolved now.

Maria Makar-Limanov, Finance Manager for Belmont Light, explained that in wrapping up the Q4 financials for 2017, she discovered that Belmont Light was selling more electricity than it

was buying. The problem was not in the power purchasing side, so it was turned over to the Operations teams to work with Eversource. Eversource then provided Belmont Light with the correct reads. Makar-Limanov said the settlement process with ISO-NE is complicated, but will be decided later in 2018. For the purposes of Belmont Light's financial statements, an estimate was done to show the actual purchased power costs.

Makar-Limanov did a true up of the purchased power and calculated the PPTA, and discovered an under collection of \$330,000 in 2017. Makar-Limanov stated that Belmont Light will make up that under collection in 2018, so it should be fine. Dash said it was good to catch it early that the problem did not go into another fiscal year.

VII. DISCUSSION ON FARMERS' MARKET POWER OUTLET

Dash said that the Farmers' Market currently uses two gasoline generators to provide power to its vendors. He said while doing office hours at the Farmers' Market, he was asked if it was possible for Belmont Light to provide a plug from one of the light poles instead of using the generators. Spinale said that Belmont Light will build a temporary service structure with a meter, a service panel, and multiple plugs.

Dash said that this will be in place for future years as well. Spinale added that Belmont Light will connect the structure during Farmers' Market events and will remove the structure completely after the season concludes.

Dash said that the issue would also be discussed during the Board of Selectmen meeting to follow.

Paolillo moved to install a power outlet for the Farmers' Market in the Claflin Street parking lot. Caputo seconded the motion and the motion was approved with a vote of all in favor (3-0).

VIII. DISCUSSION ON BELMONT DAY SCHOOL DRIVEWAY UTILITY POLE

Dash said that there were three issues: 1) whether the wire for the new Belmont Day School building is above ground or below ground; 2) a closure of upper Concord Avenue, whether proper notice was granted, and who can access the road; and 3) certain signage put up by the contractor for the project, which was now down. While #2 and #3 were Town matters, it was decided to discuss them, as all parties were present.

Spinale said Belmont Light was approached by the school's contractor to provide electrical service. The plans provided showed an overhead crossing of Concord Avenue for one pole section and then underground service to continue up to the new building. Spinale said it was presented as the final design that the Town had approved but that, in reality, may not have been correct.

Jeffrey Wheeler, Senior Planner for the Town of Belmont, said that one of the issues in the public hearing process for the Belmont Day School was the landscape and site plan, the Planning Board approved version of which indicates that all utility service, as well as the crossing of Concord Avenue, must be underground.

Wheeler presented the site plans to the Board. Dash pointed out that the plans included a dotted line with an "E" on it, which indicated underground electrical power. The Board reviewed the plans and confirmed that electrical service was shown underground.

Paolillo framed the issue. The Planning Board had an agreement with the Belmont Day School, and presumably its contractor, that electrical power would be underground, including crossing Concord Avenue. Instead, Belmont Light was approached with plans to cross Concord Avenue with overhead wires and then go underground. Spinale said that the plans were presented to Belmont Light as 100% final and that it would not be atypical to see an overhead wire crossing of the street. Belmont Light was then notified by the Cemetery Commission that the overhead lines were not what was agreed to. The Cemetery Commission requested that a pole not be placed at that location.

Paolillo raised the question, why did the contractor have a misunderstanding in terms of what was agreed to by the Planning Board.

Michael Giaimo, Counsel for Belmont Day School (BDS), addressed the Board. He said the Planning Board plan was not an agreement, rather an approved site plan with conditions, none of which concern utilities crossing the road. He said that the utilities crossing the road were never discussed at the Planning Board meetings. When BDS's contractor requested electrical service, the proposal was to have a utility pole with wires crossing Concord Avenue. He asked the contractor to discuss the plans further.

Glen Ryan, Senior Project Manager for Shawmut Design & Construction, contractor for BDS, explained his company's process. Shawmut does not get involved in the planning process but it does receive stamped plans from engineers and architects and submit those to the Office of Community Development for its review. The electrical site plan for BDS shows the pole location as well as a note to coordinate with the utility to provide new overhead conductors and poles as indicated. Ryan said that plan was submitted to the Office of Community Development and the Planning Department for final review before Shawmut was issued a permit.

Wheeler said that often electrical plans are done after Planning Board approval, which can be problematic. Ryan said that the School's design team took the approved plan and proceeded with construction documents. He said the catchall is that those documents are resubmitted to the Town for final approval.

Giaimo stated that this is a zoning issue, whether the site plan is in compliance or not. He contended that the site plan does not show an underground connection to the Belmont Light

system. Paolillo argued that the plans submitted by BDS to the Planning Board show underground service. Discussion continued whether the plans do show underground service.

The Board discussed next steps to working through the issue. Dash and Paolillo said they wanted to hear further from the Planning Board on their interpretation of the plans for electrical service. Giaimo argued that the Planning Board process was complete and that it was a zoning issue.

Paolillo asked if there was any accommodation the school could make for the neighbors who object to the overhead service. Giaimo said BDS did not object to an underground crossing of Concord, but it did object to incurring the cost of the underground service. Dash said that the Light Board did not have authority over the zoning matter but that Belmont Light could refuse to install a new utility pole because it is inconsistent with the plans.

Dash said where one party believes the plans show underground service and the other party believes they show overhead service, there needs to be a decision made. It was decided to have Glenn Clancy, Director of Community Development, review the plans. Ryan said that Shawmut would need an answer by the third week of May.

Giaimo said that, since there are no other underground services on that street, it would be unusual to have the school singled out. Dash stated that the school would be considered more of a commercial entity than a house. He said his concern was not about the neighborhood in general, but whether the project is built in accordance with the Planning Board documents.

Tim Duncan, resident of 699 Concord Avenue, said Giaimo was not telling the truth about there being no underground service in the area. He said the big concern is that Concord Avenue will be shut down twice; for this construction and for another reason the following week.

Ellen O'Brien Cushman, Cemetery Commissioner, said the Cemetery Commission appreciated BDS's consideration and the discussion happening at the Light Board. She made two points. First, the landscape plan was hard-fought and it included all hardscape, including a picture showing the cemetery wall. She said it was surprising when a light pole showed up on the plan, since all of the stakeholders negotiated it. Second, she echoed Duncan's comments about closures of Concord Avenue, saying that they would be a huge disruption and add cost with two openings of the street. She asked that BDS consider combining both street opening into one.

Sue Bass, resident of 530 Concord Avenue and Precinct 3 Town Meeting Member, agreed with Duncan that there is overhead service on the north side of Concord Avenue but not on the south side, where BDS is. She said the wires are ugly and require severe pruning of old trees, which fall and knock over the wires.

Bonnie Friedman, resident of Hay Road and Precinct 3 Town Meeting Member, said her neighborhood fought for underground service because fallen trees continuous caused power

outages. She said, in fact, BDS pushed for underground service because of a tree falling and causing a power outage at the school.

Alex Corbett, Cemetery Commissioner, asked BDS to do the right thing and put the electric service underground across Concord Avenue.

Dash reiterated O'Brien Cushman's question as to whether the two street openings could be performed concurrently. Ryan said it was possible but it would extend the time. He said to think of the two projects as separate and that the timeline would be extended from one week to two weeks if done together.

Dash asked Wheeler to speak with Clancy and get an interpretation of the plans. Ryan stated that the drainage project required a tremendous amount of coordination and Shawmut would like to decouple the projects.

IX. SCHEDULING OF FUTURE MEETINGS

The next meeting of the Light Board was stated to take place on May 22, 2018.

X. ADJOURNMENT

Board moved to adjourn at 7:59 P.M.