



Peabody Municipal Light Plant

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PEABODY MUNICIPAL LIGHTING COMMISSION MINUTES OF REGULAR MEETING OCTOBER 24, 2019

A regular meeting of the Peabody Municipal Lighting Commission was called to order on Thursday, October 24, 2019 at the Peabody Municipal Light Plant, 201 Warren Street Ext., Peabody, Massachusetts at 6:30 p.m.

Present for the meeting were Commissioners William Aylward, Charles Bonfanti, Thomas D'Amato, Thomas Paras and Robert Wheatley; Manager Charles Orphanos, Assistant Manager Bryan Howcroft, Attorney Philip Durkin and Recording Secretary, Patti Sears.

Chairman Paras asked if there were any additions to the agenda and Manager Orphanos stated that he would like to add under Section G. the Manager's Report / Status Reports two items the Ipswich River Ribbon Cutting Ceremony and PMLP 2019 Christmas Party.

- Agenda Item A: Approval of Agenda:

MOTION BY COMMISSIONER AYLWARD, SECONDED BY COMMISSIONER BONFANTI AND UNANIMOUSLY VOTED (5-0):

MOVE TO APPROVE THE AGENDA AS AMENDED.

- Agenda Item B: Announcement:

Chairman Paras acknowledged that this is an open meeting and informed the public that the meeting is being recorded by hand and voice recorder.

- Agenda Item C: Approval of Minutes:

MOTION BY COMMISSIONER AYLWARD, SECONDED BY COMMISSIONER BONFANTI AND UNANIMOUSLY VOTED (5-0):

19-48 MOVE TO APPROVE THE MINUTES OF SEPTEMBER 26, 2019.

MOTION BY COMMISSIONER AYLWARD, SECONDED BY COMMISSIONER BONFANTI AND UNANIMOUSLY VOTED (5-0):

19-49 MOVE TO APPROVE AND NOT RELEASE THE EXECUTIVE SESSION MINUTES OF SEPTEMBER 26, 2019.



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- Agenda Item D: Appointments:
 - **REMARKS OF THE GENERAL PUBLIC:**
There being none, the meeting continued.
- Agenda Item E: Award of Bids:
- **PMLP DRAINAGE SWALE MAINTENANCE**– Manager Orphanos explained the project and then deferred to Karen Repucci, Business Manager, to further the discussion and discuss the information brief regarding the PMLP Drainage Swale Maintenance project. Karen explained that for approximately 30+ years, the sediment and vegetation grew and stopped any water from flowing down. Weston & Sampson worked with the Conservation Commission to obtain permits for the fuel system. At that time, Weston & Sampson decided to get permission to remove the sediment and vegetation that was obstructing the drainage swale. PMLP found pictures of the original Drainage Swale construction and got the Conservation Commission to agree upon having 100 cubic yards of sediment removed annually. Karen Repucci, then introduced Mel Higgins from Weston & Sampson, who was filling in for Daron Kirkjian, to present an in-depth explanation of the project. Mel Higgins also working with Daron Kirkjian (Weston & Sampson), Karen Repucci and Fred Bettencourt reviewed the bids and made a recommendation of the award of contract. Commissioner Wheatley questioned why this project was not taken care of while they were doing the fuel tank project. He requested that it should be stated in the minutes that Weston & Sampson should have designed the drainage swale as part of the fueling station job. Manager Orphanos stated that the drainage swale maintenance was presented to the Conservation Commission and they said it was wetlands. We did not expect their resistance so we moved forward with the fueling station project. We later went back to the Conservation Commission with additional information to show it was part of the original building drainage design and the Conservation Commission agreed to let us maintain it by cleaning out the sediment.

MOTION BY COMMISSIONER ALYWARD, SECONDED BY COMMISSIONER D'AMATO AND UNANIMOUSLY VOTED BY ROLL CALL (5-0):

- 19-50** MOVE TO AWARD THE PMLP DRAINAGE SWALE MAINTENANCE CONTRACT TO NRC ENVIRONMENTAL SERVICES INC. FOR THE TOTAL AMOUNT OF \$91,693 WITH A CONTINGENCY BUDGET OF \$9,170 BROKEN DOWN IN TWO YEARS. THE FIRST YEAR COST WOULD BE \$43,493 AND IF NEEDED IN 2020 A COST OF \$48,200 FOR A TOTAL OF \$91,693 WITH A CONTINGENCY BUDGET OF \$9,170.



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- Agenda Item F Correspondence:

There being none, the meeting continued.

- Agenda Item G: Manager's Reports:

STATUS REPORTS:

- **SURPLUS 10KVA TRANSFORMERS** – Manager Orphanos stated that there are numerous 10KVA polemont transformers in our warehouse. These transformers are extra which we do not need as many in stock. Manager Orphanos believes it is best to try to sell them on Govdeals.com. PMLP has been fortunate when using this website.

MOTION BY COMMISSIONER AYLWARD, SECONDED BY COMMISSIONER WHEATLEY AND UNANIMOUSLY VOTED BY ROLL CALL (5-0):

19-51 MOVE TO DECLARE THE OVERSTOCK OF THE 10KVA TRANSFORMERS AS SURPLUS.

A discussion ensued that once the transformers are declared surplus, the Commission needs to have another motion to authorize the Manager to sell them.

MOTION BY COMMISSIONER AYLWARD, SECONDED BY COMMISSIONER D'AMATO AND UNANIMOUSLY VOTED BY ROLL CALL (5-0):

19-52 MOVE TO AUTHORIZE THE MANAGER TO SELL THE SURPLUS 10KVA TRANSFORMERS ON GOVDEALS.COM OR WHATEVER OUTLET THE 10KVA TRANSFORMERS CAN BE SOLD ON.

- **IPSWICH RIVER RIBBON CUTTING CEREMONY** – Manager Orphanos talked to the Commission about having an Ipswich River Ribbon Cutting Ceremony. Manager Orphanos explained the purpose of the Ribbon Cutting Ceremony and would like the Commission to announce it followed by a scheduling of an open house for the public and public officials. Details will be forthcoming.
- **2019 CHRISTMAS PARTY APPROPRIATION** – Manager Orphanos stated that he and John Maihos, Community Relations Manager, determined that Capones was not big enough to hold our annual event. Several restaurants in Peabody were evaluated. Manager Orphanos stated that the Holy Ghost presented the best overall budget. Manager Orphanos is requesting a budget of \$4,500 for the Christmas party. Manager Orphanos stated that if approved, it will be on Friday, December 6, 2019 at the Holy Ghost.

MOTION BY COMMISSIONER D'AMATO, SECONDED BY COMMISSIONER AYLWARD AND



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UNANIMOUSLY VOTED BY ROLL CALL (5-0):

19-52 MOVE TO ACCEPT THE RECOMMENDATION OF THE MANAGER TO APPROPRIATE A BUDGET OF \$4,500 FOR THE PMLP CHRISTMAS PARTY ON DECEMBER 6, 2019 AT THE HOLY GHOST.

- Agenda Item H: Committee Reports:
- **POWER SUPPLY TRUST** – Manager Orphanos deferred to Chairman Paras and Attorney Durkin to discuss the Power Supply Trust Fund. Attorney Durkin stated that it is clear that the express purpose of the Trust is establish a plan for funding power supply costs to eliminate or reduce power supply costs and certain obligations to remain competitive within the electric industry which is referenced in Article III “Purpose and Termination” in the Trust. Attorney Durkin also referenced Article V entitled “Trustee and Trustees’ Powers” specifically Paragraph 8 where it references “The Trustees shall hold contributions made to this Trust in trust, to manage, invest and reinvest the same, subject to the restrictions set forth in Chapter 32 governing investments by a City or Town retirement system”. This provision further allows the Trustees to keep so much of the Trust funds in cash as they deem desirable. Attorney Durkin stated that when the Commission discussed the maintenance issues involving the GT1 generator, expressed their commitment on using power supply funds to pay for the cost of replacing this generator in the future. Attorney Durkin also stated that the PMLC determined that power supply funds are needed to supplement the funding of the 2015A Project, that commitment is appropriate and consistent with the purpose of the Trust. Attorney Durkin further stated that any request to use the Power Supply Trust Fund for any other purpose other than the primary purpose stated in Article III of the Trust, would violate Massachusetts General Laws Chapter 164, Section 57 and the Decision rendered by the Department of Telecommunications in Energy on October 30, 1998. This Opinion only allowed the PMLP to set funds aside for the Power Supply Trust in a separate account for the sole purpose of reducing power supply costs.
- Agenda Item I: General Business:
 - **MMWEC (\$41,253.49)** – Manager Orphanos stated this is a reimbursement regarding Hydro Quebec in the amount of \$41,253.49.
 - **NATIONAL GRID (\$45,733.90)** – Manager Orphanos stated that this check is for network transmission service for the July 2019 in the amount of \$45,733.90.
 - **REMARKS OF COMMISSION** – Commissioner Aylward and the rest of the Commission collectively wished Commissioner Bonfanti good luck in the upcoming election.



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MOTION BY AYLWARD, SECONDED BY COMMISSIONER WHEATLEY AND UNANIMOUSLY VOTED BY ROLL CALL (5-0):

MOVE TO ENTER INTO EXECUTIVE SESSION IN ACCORDANCE WITH CHAPTER 30A, SECTION 21(a) TO DISCUSS COMPETITIVELY SENSITIVE INFORMATION AND NOT TO RETURN.

Chairman Paras declared the Regular portion of the Meeting of October 24, 2019 adjourned at 7:30 p.m.

A TRUE RECORD

Attest:

Thomas M. D'Amato, Secretary
Peabody Municipal Lighting Commission