

Hingham Municipal Lighting Plant (HMLP) Regular Meeting
350 Lincoln Street, Hingham, MA Room #1110

Wednesday, November 16, 2011

Board members present — John Stoddard (**JS**), Jr., John P. Ryan (**JR**), Walter A. Foskett (**WF**)
General Manager — Paul Heanue (**PH**)
Attendees — Gus Bregnard, Panos Tokadjian, Michael Menten

PH — I'm calling the meeting to order at 6:00pm.

PH — I was at a MEAM meeting today and the folks who are taking them to arbitration decided to propose to MWAC that we suspend the arbitration pending the introduction of their new accounting system. If it does what they say it will, and what they say it will do satisfies us, then we don't have to arbitrate anymore. We will talk about past bills and monies but basically the case would be over.

WF — What's it going to do?

PH — Supposedly make it possible for us to see their reports so that we can see if we are being charged for services and things we shouldn't, which is what the case is all about.

PH — OK I just got the minutes from the last meeting yesterday and I literally just finished typing them 10 minutes ago. If you want you can take them with you and we'll vote on them at the next meeting.

JS, JR, WF — Yes

PH — OK, so why don't we do that then.

PH — We need to go into executive session for the purpose of discussing trade secrets, personnel, and strategy with respect to litigation.

JR — I move that we go into executive session.

WF — I Second.

PH — All in favor?

JS, JR, WF — Ay

PH — Opposed?

Motion carried.

(See attached minutes for Executive Session)

PH — describes background on underground services and problems with town (Ted Alexiades, BoS, DPW and wire inspector) and last HMLP meeting. There is one customer that has had an underground service put in during this interim period and there are others out there but only the one so far.

WF — Since that meeting?

PH — Yes. What the HMLP board needs to do was to decide how we are going to handle this going forward. Let me run through the various scenarios: **#1. The private property pole.** I'm in favor of continuing to give customers the option of having a pole installed on their private property to which they can dig their own service. The difference being that instead of the pole being in the public way, it's on private property which takes the town right out of the picture.

JR — Who pays for the pole?

PH — We need a decision from you guys. Our operating practice has evolved to say "one pole for free". Currently if a customer's house is so far off the street that it's too long of a span to come from that pole to the house, we have over the years installed one pole free. If you look at our rules, the rules talk about anything over that, in addition to that first pole, is charged at the applicable rates. That has evolved to the more general operating rule—one pole free. If a customer decides to go the private property pole route, I would suggest that we have that customer pay to have that pole set. I think our rules need to be rewritten so that it's a little bit more clear with this one pole free thing because it really isn't all that clear. But I think

we should have the people, who want to go underground and go that private property pole route, pay for it the same way a customer who is going to go straight underground all the way would have to assume extra cost. I think it's equity and I don't see why a customer who is currently being fed overhead should have to pay for somebody who doesn't really like that overhead wire and wants to put it underground. The price for something like that is somewhere around \$900 for the price of the pole plus the cost to install.

WF — If we have ledge, we would need more money.

PH — **#2. Straight Underground — Current practice.** Dig the meter location, then we direct the customer to install the conduit. He leaves enough conduit to put up the pole. From the house to the top of the pole, the customer owns. The town claims this is an unsafe practice, re. no Dig Safe on the wire in the public way. It has worked this way for decades with no problems. A privately owned electric service in a public way does not get marked via Dig Safe. The town says no more permits until we take ownership. An alternate way to ensure no one gets hurt and continue with "old practice" is to require the customer to cover the conduit in concrete. A legal issue is whether Massachusetts law precludes private individuals from owning electric service in a public way. Our attorney says it's legal and is done in all other towns but the town wants us to take ownership in the public way. **#3. Handhole install on the property line.** The customer digs to the pole. We take ownership of the Handhole, connection and cable out of the Handhole going up the pole. We would want the cable covered with concrete in the public way and we can say that's required. In Marshfield that's what happens.

WF — We own from the Handhole to the public pole. Rather than knock heads, I think the most reasonable solution is not to knock heads.

JR — It's what is being done in the new developments.

PH — If we continue to go with grants of location, the customer might have to wait for a couple of weeks and would be at the mercy of the Selectmen. The Town Administrator concurred that we do not need grants of location. Our attorney says we don't need grants of location. No other MUNIS need grants of location.

WF — Just don't do it.

PH — I will talk to Ted about no need for Grants of Location.

WF — Lawyers and the Town Administrator said we don't need Grants of Location.

Panos — We usually wait 3 weeks to a month for one. I'm all for not using them.

Michael — What are we doing about existing services?

PH — We're not going there. We are going forward, not looking back.

WF — There will no longer be a free pole. It comes on the town to take responsibility going forward?

PH — I expect the town will not accept responsibility for the customer's cable.

Panos — Does the customer have to get a street opening permit?

JR — That's not our problem.

Panos — What if the town uses permits and the customer gets redirected to the permit and wire inspector?

PH — We will come up with a protocol for a form. No grants of location.

JR — We should move to give a customer the option to set a pole on private property. They will assume the cost.

PH — They are asking us to go the Handhole route.

WF — Paul will implement written procedures. We will have to verify, then deal with the wire inspector.

PH — The Board will set the policy and I will take care of the details.

JR — The policy should apply to everyone.

WF — I move that we offer to set a pole on private property paid for by customer as one option with the second underground service option to be we own from Handhole to pole.

JR — I second.

PH, JR, JS, WF — Aye

Unanimously carried

PH — Next issue is North Street.

JR — We need to take care of problem Manholes.

JR — The manhole we have to address is in use now. There's a bad one by the pizza place.

Gus — Have transformer in vault. Proposing pull primary through new conduit from Greenbush. Refeed secondaries so everything is piped. Issue is what is holding up the manhole wall is also part of the foundation.

JR — Where is the manhole?

Panos — It was hand built in the 40's or 50's.

Gus — Part of the original. Roger talked about different scenarios. He has a plan for how to do it. Get all out except conduit, the rest is not difficult. Then it's a matter of regrading and resetting the top.

JR — Could this have been addressed earlier?

Panos — Yes, it could have been done better.

WF — Is it cheaper to change the grade of the sidewalk?

PH — Yes and we checked but was that was unacceptable. The sidewalk grade would not have met ADHA requirements. Please note the correspondence from happy customers. Just a reminder to read the minutes from the last meeting before our next meeting.

JR — I move to adjourn

WF — Second.

JS, JR, WF, PH — Aye

Unanimous vote to adjourn.

Meeting adjourned at 7:35pm