

# Light Commission April 29, 2025 meeting minutes

To: Light Commission: Commissioners  
Light Department: J. Kowalik, General Manager  
From: Jean-Jacques Yarmoff  
Date: July 7, 2025

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A quorum being present, Chair Yarmoff brought the meeting to order at 4:03 pm. The meeting was held in person at Abbot Hall, and with remote internet access, both available to public participation. A recording of the meeting is made available to the public at the following [link](#).

## **Participated in meeting:**

Commissioners: Commissioners Frechette, Hull, Smith and Yarmoff all participated in person.  
Light Department: General Manager, J. Kowalik.

**Marblehead Land Acknowledgment** declaration was read by Commissioner Frechette.

## **Vote to approve minutes of previous meetings**

**Vote #2025-09** A motion to approve the minutes of the March 25 public session and those of the March 25 executive session was moved by Commissioner Frechette and seconded by Commissioner Smith. **Unanimous.**

## **Outstanding items from previous meetings**

**Polco survey:** The survey has been available to all staff members. Polco staff will collate the data and we hope it will be sent shortly to the board.

## **General Manager Updates**

### **Village 13 upgrade**

The switchgear foundation is now complete. We are waiting for the completion of the switchgear itself and its delivery to Marblehead (the order was placed in October 2022).

The General Manager explained the necessity of a second land bridge to isolate and protect the forced sewer line from underground conduits that will cross the Swampscott right of way and proposed the text of a motion for the board to consider. The work will likely take less than two weeks, but during that time the path will not be available to the public.

**Vote #2025-10** A motion to approve “a project change order, not to exceed \$200,000, to enable the construction of a concrete, below-grade land bridge across the Swampscott ROW to isolate new underground electrical conduits from the force sewer main located beneath” was moved by Commissioner Smith, seconded by Commissioner Frechette. **Unanimous.**

### **Voluntary payment to the town**

As the name implies, these payments are not required. MMLD is exempt from paying any taxes, as Commissioner Yarmoff explained, reviewing the text of MGL Chapter 164A, and the slides presented during a meeting of the Massachusetts Light Commissioners Association (MLCA) which covered this topic. Four Municipal Light Plants make no payments to their towns. If a payment does occur, it must be from the

surplus that is generated during operations. It cannot be an expense “above the line” in the P&L of the Light Department. There is not always a surplus, and payments cannot be guaranteed. MMLD makes voluntary payments which are in line with its peers. Commissioner Yarmoff suggested that it might be advantageous to both the town and the Light Department to determine the payment amount based on “kWh sold” formula, assuming there is a surplus. Please refer to the slides page 4-5. For the current exercise, Commissioner Yarmoff proposed that the motion prepared by the General Manager be put to a vote of the Commission. Commissioner Hull remarked that this voluntary payment has been used in the past towards the town electrification goals (purchase of an electric vehicle). He wishes that future voluntary payments could be earmarked towards specific goals, rather than disappearing into the general funds.

**Vote #2025-11** A motion to approve a Voluntary Payment to the Town of Marblehead for \$360,000, from MMLD 2024 Operating Income was moved by Commissioner Frechette, seconded by Commissioner Hull. **Unanimous.**

### **Open Positions Update**

**Energy Efficiency Program Manager:** One of the candidates was a member of the Light Commission, an application which caused a conflict of interest. Since she resigned from her position on March 28, the General Manager submitted to the board a disclosure of appearance of conflict of interest, as required by Massachusetts General Law Chap 268A: disclosure form called “23 b. 3. filing”. See enclosure page 6. The General Manager and the 4-person hiring committee he assembled will now proceed with the hiring process. The slide on page 7 gives updates on additional hiring for some of the open positions.

### **General Manager Annual Review**

The Commission approved a process for the General Manager’s annual review in its April 10, 2023 meeting. In line with that process, the General Manager has provided the Commission with his assessment of results vs goals. Commissioners will make their own evaluation, which will be summarized, collated and provided to the general manager, who can then comment. And then it goes into the general manager’s personal file, as per the General Manager’s employment contract. We will follow this process, but will also allow for a discussion in executive session under exemption 4 to the Open Meeting Law “to discuss the deployment of security personnel or devices, or strategies with respect thereto”. Once this is done, we will complete the process as stated. The General Manager then presented highlights of activities and unplanned obstacles which were overcome, see slides page 9-10.

### **Public Comments:**

Members of the public question the existence of a written strategic document for MMLD and questioned the pace of the General Manager search. The public is encouraged to listen to the full exchanges in the recording, available [here](#).

### **Process to interview candidates to the GM position**

A job description has been distributed to Commissioners previously in Executive Session. It will be posted after a final review. Depending on the number of candidates, the Commission will then form a Search Subcommittee to review and recommend a few candidates to be interviewed by the Commission in public session.

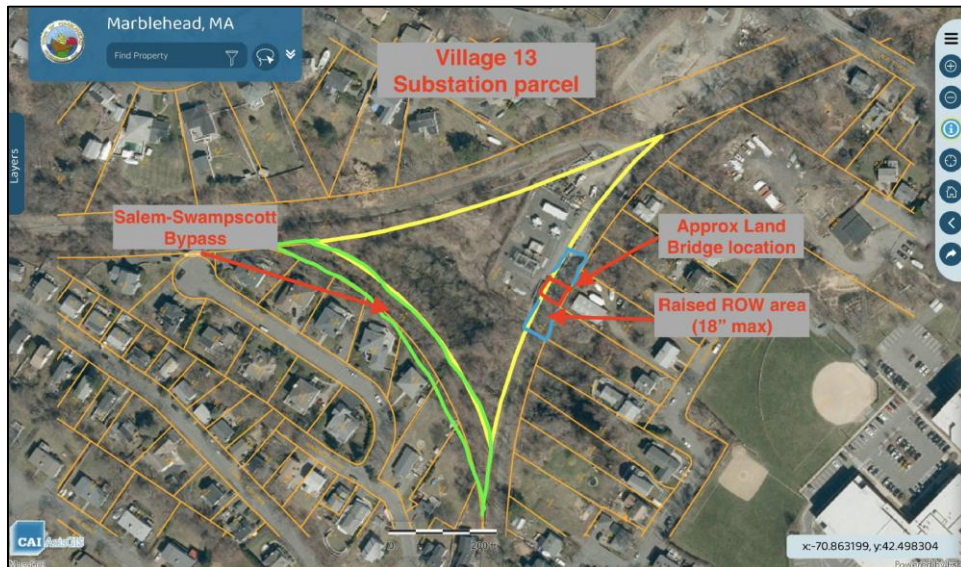
The meeting concluded at 6:03 pm when a motion to adjourn was proposed, seconded and adopted.

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## Village 13 substation project update

- Switchgear foundation construction now complete. Waiting for a firm switchgear delivery date for our order placed, October 2022.
- Discussion and Vote of a Project Change Order, not to exceed \$200,000, for the design and construction of a land bridge #2, to isolate new underground circuit conduit from the aging town force sewer main beneath it, and to make passable the Swampscott to Salem bypass ROW segment when MMLD closes the Swampscott segment during the ~two-week construction period.



## Village 13 Substation project update Vote #1

- Motion for a Board VOTE:  
"To Approve a project change order, not to exceed \$200,000, to enable the construction of a concrete, below-grade land bridge across the Swampscott ROW at Village 13, that will isolate new underground electrical conduits from the force sewer main located beneath it."



**MLCA** | Massachusetts  
Light Commissioners  
Association

## Voluntary Payments by MLPs to Towns

### Massachusetts General Law

#### Part I Administration of the Government

- Title XXII – Corporations
  - Chapter 164A – New England Power Pool
    - Section 8 – Taxation of municipal electric department owning interests in electric power facilities
- (a) The provisions of this section for **payments in lieu of taxes shall not apply** to electric power facilities constructed or substantially under construction by a municipal electric department prior to September 13, 1973.



## Voluntary Payments by MLPs to Towns

- 41 Municipal Light Plants in Massachusetts
- 4 Systems make no payments to their towns: \$0
- If payments occur, they must be from surplus, if there is a surplus: Payments are not guaranteed



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## Voluntary Payments by MLPs to Towns

### Four Systems make no payment

- Light Commissioners represent the electric ratepayers
- Board of Selectman represent the taxpayers

In some cases, there is an explicit agreement that:

**Ratepayers and Taxpayers are the same**

PILOT or other Voluntary Payment is just shifting town budget from tax rates to electricity rates



## Voluntary Payments by MLPs to Towns

### Proposition that the Light Commission

- reviews the proposed Voluntary Payment system and
- evaluates determination of voluntary payment amount based on a formula

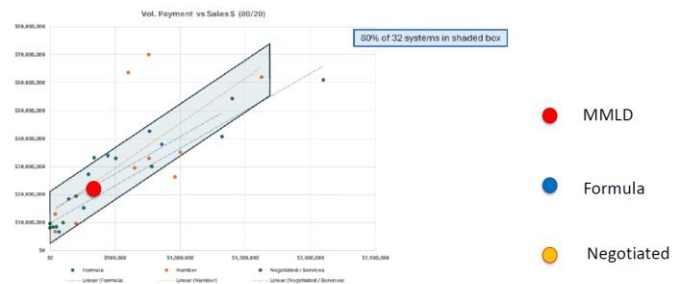
Proposition to accept the General Manager's recommendation for this exercise with a Voluntary Payment to the Town of Marblehead of \$360,000



## Voluntary Payments by MLPs to Towns

MLCA

Data from 32 systems



## 2024 Voluntary Payment

### Motion:

To approve a Voluntary Payment to the Town of Marblehead for \$360,000, from MMLD 2024 Operating Income.



**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Joseph Kowalik
Title or Position:	General Manager
Agency/Department:	Marblehead Municipal Light Department
Agency address:	80 Commercial St. Marblehead, MA 01945
Office Phone:	781-631-0240
Office E-mail:	<a href="mailto:jkowalik@mhdld.com">jkowalik@mhdld.com</a>
	<p>In my capacity as a state, county, or municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances, a reasonable person could conclude that a person or organization could unduly enjoy my favor or improperly influence me when I perform my official duties, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	I am in the process of considering applicants for the Energy Efficiency Product Marketing Manager at the Light Department. One of the applicants, Lisa Wolf, is a former Commissioner of the Light Board. I am filing this disclosure statement to report the past relationship and to dispel the appearance of undue favoritism in the hiring process.
What responsibility do you have for taking action or making a decision?	As the General Manager, I am responsible for hiring all light plant employees. I will be participating in the hiring process and making the final decision.
Explain your relationship or affiliation to the person or organization.	The applicant, Lisa Wolf, is a former Commissioner of the Light Board. Ms. Wolf applied for the Energy Efficiency Product Marketing Manager position as a sitting Board member. As a member of the Light Board and my superior, I was unable to act on her application without a Section 19 exemption from the Marblehead Municipal Light Board, which the Light Board did not grant. Accordingly, Lisa Wolf resigned from the Board on March 28, 2025, removing the Section 19 conflict of interest.
How do your official actions or decision matter to the person or organization?	I would be responsible for deciding whether to hire her for the position.

<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	The applicant no longer has any supervisory authority over my employment. I also have assembled a hiring team of three other individuals with relevant experience, including two qualified individuals who are not MMLD employees, to ensure that the process is fair and unbiased.
<b>If you cannot confirm this statement, you should recuse yourself.</b>	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  _X_ Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	April 24, 2025

**Attach additional pages if necessary.**

**Not elected to your public position – file with your appointing authority.**

**Elected state or county employees – file with the State Ethics Commission.**

**Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.**

**Elected municipal employee – file with the City Clerk or Town Clerk.**

**Elected regional school committee member – file with the clerk or secretary of the committee.**

**Form revised July, 2012**



## Open Position updates

- Energy Efficiency Marketing Programs Mgr.
  - General Manager is filing a Mass State Ethics Commission Appearance of Conflict-of-Interest Disclosure Form, a “23b3” form with MMLD Board
  - Will continue with the 4-person hiring committee, consisting of the MMLD GM, a MMLD Manager with prior public employee hiring experience, the Town HR Director, and the MMWEC Sustainability Programs Senior Manager. Two MMLD employees, two not MMLD employees.
- MMLD Fleet Maintenance & Facilities Operation Specialist– offer accepted
  - Jose Acosta will begin May 19<sup>th</sup>
- Senior Substation and Operations Specialist – qualified candidate interviews underway



## General Manager's annual review

- Approved Process
- Next Steps
- General Manager's comments
  - Highlights
  - Obstacles Overcome



## Annual Review: Approved Process

Approved 4/10/2023

### Marblehead Light Commission General Manager Evaluation Process

The following process is proposed to ensure a consistent, fair and effective evaluation process of the General Manager of the Marblehead Municipal Light Department.

#### A. Oral Evaluation Process

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#### B. Written Evaluation Process

Following the Light Commission meeting where the oral evaluation process has taken place, the following steps will take place in writing:

...



## Annual Review: Next steps

- Approved Process
- Next Steps
  - General Manager has provided Commission with his assessment of results vs goals
  - Chair / Secretary will distribute documents for each Commissioner to put in place written comments of their evaluation of the General Manager: Off-line
- Review of one subject in Executive Session – OML Exemption #4 "To discuss the deployment of security personnel or devices, or strategies with respect thereto"
- General Manager comments:
  - Highlights
  - Obstacles Overcome





## 2024 MMLD Highlights

1. Delivered the town's 2024 electric power needs with a 65% carbon-free wholesale power portfolio, a 55% increase from 2023.
2. Delivered a 3.4% decrease in our 2024 average wholesale power cost to 10.9 cents/kwh, from 11.28 cents/kwh in 2023. The average Mhd residential customer saves 40% on their monthly electric bill, versus a customer in Salem or Swampscott - \$1,135/year savings.



## 2024 MMLD Highlights

3. Received APPA *Excellence in Reliability* Recognition, based on a national comparison of electric outage data. A 4-time winner.
4. Received notice of award for a \$1.33 million grant, from the US Dept. of Energy Grid Resiliency & Innovation Partnership (GRIP) grant program, to improve the resiliency of our main electric supply lines from Salem, under increased threat of damage from climate change.
5. Made substantial progress on the Village 13 substation upgrade project.



## 2024 MMLD Highlights

6. MMWEC presented MMLD with their 2024 NextZero Innovation Award, for the innovation and collaboration in pursuing program goals.
7. Substantially upgraded our IT/GIS capability- hiring the Dept.'s first IT/GIS Manager and upgrading the dept GIS and meter data network collection systems



## 2024 Obstacles Overcome

- Designed and installed a previously unplanned concrete land bridge at Village 13 to protect the Town force sewer main from heavy MMLD equipment deliveries; completed the installation without a slip in schedule.
- Completed negotiations of an access easement with a private property owner that enables the use of the Bessom Street ROW entrance for MMLD access to Village 13, to lessen concern over potential damage to the Town force sewer main.
- Met with Lincoln Ave residents on multiple occasions to explain the potential use of MMLD land on Tioga Way for a battery storage system.



## 2024 Obstacles Overcome

- Organized a multi-vendor solution to identify and solve a persistent data communications network reliability problem that threatened the timing of monthly electric billing cycles.
- Applied for and received a \$120,000 grant to reimburse MMLD for unplanned construction expenses necessary to improve public access to Hammond Park and the adjacent Commercial St. waterfront area.



## Annual Review: Next steps

- Approved Process
- **Next Steps**
  - General Manager has provided Commission with his assessment of results vs goals
  - Chair/Secretary will distribute documents for each Commissioner to propose written evaluation of the General Manager: Off-line
- **Review of one subject in Executive Session – OML Exemption #4 “To discuss the deployment of security personnel or devices, or strategies with respect thereto”**
- General Manager comments:
  - Highlights
  - Obstacles Overcome



- **Public Comments**
- **Process to Interview Candidates for MMLD GM position**
  - Discussions

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