



To: Board of Selectmen
From: Brian Hawthorne, Broadband Committee chair
Date: 27 March 2017
Re: Recommendations on Municipal Lighting Plant

Why are we making these specific recommendations now?

1. Plainfield residents are anxious to get broadband service as soon as possible.
2. Recent changes at the state level will allow the town to quickly move forward with accessing state grants and with finally beginning the design, engineering, and construction of our broadband network.
3. The Board of Selectmen supports this project and remains in full control of the Broadband Committee and the MLP Manager.
4. The collaborative and advisory successes of the Broadband Committee are something we do not want to lose.
5. The status of the committee as a deliberative public body, however, prevents those involved from effectively working together to efficiently complete the non-deliberative tasks necessary to build a broadband network quickly.

The Broadband Committee has received informal feedback from members of the Board of Selectmen regarding our recommendations to that Board dated 15 March 2017. It is our understanding that the Board is concerned about the ability of a single person to handle all of the time-sensitive and crucial tasks regarding development of the town's broadband infrastructure that the selectboard has already instructed the Manager of Municipal Lighting (AKA, the MLP Manager) to undertake at their 28 February 2017 meeting. It is further our understanding that the Board requested that the Broadband Committee consider structures which would include more than just one person in achieving these goals, whether that structure was an advisory board, an elected Municipal Light Board, or some other solution, and to identify the specific roles were required.

Background

The Broadband Committee met on 27 March 2017 and identified the following important factors:

1. The Broadband Committee has been undertaking many of these required tasks up until now, and has seven excellent volunteers willing to continue doing so.
2. Many of the tasks that these volunteers are undertaking are not deliberative in nature, yet the public body committee structure means that in order to ensure that no deliberation occurs, anytime a quorum of these volunteers work together, they must do so in a properly announced open meeting, under the Open Meeting Law. This hampers the non-deliberative aspects of their work.
3. Forming a three or five person elected Municipal Light Board under MGL c. 164 s. 55 would take control of the MLP away from the Selectboard and would require:

- a. a warrant article at town meeting to establish the board,
 - b. a special town caucus to nominate candidates,
 - c. a special town election to elect board members,
 - d. would likely take until sometime this summer to finish,
 - e. could distract us from the important tasks we need to complete now,
 - f. and is perhaps best considered once the network is built and in operation.
4. As the appointing body for the MLP Manager, the Board has the authority to create and appoint an MLP advisory board to assist the Board and the MLP in their decision-making process. In fact, the Board has already done this! In creating the Broadband Committee on 5/24/2016, the Board directed the committee, in part, to consult with, advise, and work closely with board and, when applicable, the Municipal Light Plant. The Broadband Committee is in fact an MLP advisory board.
 5. Elected boards and appointed advisory boards, **as well as any subcommittees or working groups they might establish**, are subject to the Open Meeting Law, making non-deliberative tasks very difficult to complete in a timely manner.
 6. Heads of departments and other town instrumentalities, may be authorized to hire paid or volunteer staff. Just as the highway superintendent hires qualified, paid workers and the fire chief hires qualified, unpaid volunteer firefighters and EMTs, the Board of Selectman can direct the MLP manager to hire qualified unpaid volunteer staff and/or paid staff. This staff does not constitute a public body, they do not deliberate, and thus they are able to work together without being subject to the open meeting law. For an MLP, this hiring authority is provided under MGL c. 164 s. 56. For towns that do not have an elected Municipal Light Board, that section says that the selectmen shall appoint a manager of municipal lighting (what we have been calling the MLP manager), who, **under the direction and control of the selectmen**, is responsible among other things for the operation and management of the MLP and the employment of attorneys, agents, and servants.

Recommendations

The Plainfield Broadband Committee voted at their 27 March 2017 meeting to rescind their recommendations dated 15 March 2017 and to make the following replacement recommendations to the Plainfield Board of Selectmen:

1. We recommend adoption of a job description for the MLP Manager, who serves at the pleasure of the Board. Attached is a draft description of roles and responsibilities for this position for several phases of the broadband infrastructure project.
2. We recommend that the Board of Selectmen direct the MLP Manager to hire unpaid staff, subject to the Board's final approval, and to work closely together with the Board of Selectmen and these staff members in a collaborative manner to enable broadband access to all Plainfield residences and businesses while maintaining as much fealty as possible to the core values of local control, affordability, ubiquity, and financial sustainability.

3. We recommend that the Board of Selectmen direct the MLP Manager to initially fill at a minimum the following volunteer staff roles for the network planning phase of the broadband network, with the understanding that certain roles lend themselves to being shared by more than one individual (e.g. outreach/marketing), and one individual could hold multiple roles (e.g. Inter-municipal Liaison and WiredWest delegate or alternate delegate). We think it is in the best interests of the Town and the project that all MLP staff members will work together with the MLP Manager in a collaborative fashion.
 - a. Assistant Manager (backup for the MLP Manager)
 - b. Public Outreach Lead (town education and engagement)
 - c. Marketing Lead (communication with potential subscribers)
 - d. Inter-municipal Liaison (outreach to neighboring towns and their MLPs)
 - e. WiredWest delegate (could be the same person who serves as Intermunicipal Liaison)
 - f. WiredWest alternate delegate (backup to primary delegate, likely fills or supports other roles as well).
 - g. Operations & Finance Lead (formulates operational policy and procedure recommendations, sets up systems with town staff, interacts with finance committee, this scope is large enough to require two or more individuals serving as Co-leads).
 - h. Record Keeping Lead (ensures that the MLP records are kept in good order, that discussions, decisions, and recommendations are accessible and distributed to all staff)
4. We recommend that the Board of Selectmen appoint Kimberly Longey as the MLP Manager for the first phase of this project. The current MLP Manager, Leslie Rule, has indicated that she would be amenable to this change and willing to resign, based on the time commitment and specific areas of expertise needed in this first phase. Kimberly has expressed interest in this position. Leslie has indicated interest in remaining in her WiredWest role and taking on other roles in the MLP.
5. Although the MLP Manager currently serves as a volunteer, and Kimberly has indicated her willingness to continue under that model, the Broadband Committee nonetheless recommends that the Board of Selectmen consider a nominal stipend for this position beginning in FY2018.
6. To allay concerns expressed by current and former members of the Board of Selectmen regarding this position, we recommend that at this time the Board of Selectmen retain approval authority over all contracts and hiring. The MLP Manager would have authority to negotiate contracts in the best interests of the town and of the subscribers of the MLP, subject to final approval by the Board of Selectmen. The MLP Manager would have authority to identify qualified staff members, with hiring and firing subject to final approval by the Board of Selectmen.
7. As the research, advisory, and other roles of the Broadband Committee will have been transferred to the staff of the MLP, we recommend that the Board of Selectmen consider disbanding the Broadband Committee in the very near future, and ideally before the end of the current fiscal year, enabling its members to fill the required staff roles in the MLP.

