

Article XX * BROADBAND BOARD

Section 1. Establishment. There shall be a Broadband Board (hereinafter, Board).

Section 2. Composition; Appointment; Quorum. The Board shall consist of five voters, who may hold other town offices. The Board shall consist of three public members appointed by the moderator, and one other member each from each of, or appointed by each of, the Selectboard and the Finance Committee. A quorum of the Board shall consist of three members.

Section 3. Term of Office. The three public members shall serve terms not exceeding three years, so arranged that they shall not expire in the same year. The other members shall serve at the pleasure of the body appointing them.

Section 4. Powers and Duties. The Board shall have the powers and duties of a municipal light board under the provisions of Chapter 164 of the Massachusetts General Laws, as amended, and shall have charge of and control over the construction, renovation, repair, care, operation, and maintenance of the town's municipal light plant, including but not limited to, the broadband telecommunications system, its structures and the grounds surrounding them, and its equipment, cables, and poles, wherever located, and shall appoint a broadband manager, under the Board's direction and control, to have full charge for the management and operation of the plant, with the powers and duties of a manager of municipal lighting under the provisions of section 56 of Chapter 164 of the Massachusetts General Laws, as amended.

The Board shall be the executive authority for the Broadband Enterprise Fund, and shall have the powers and duties of such an authority under the provisions of chapter 44, section 53F1/2 of the Massachusetts General Laws, as amended, and for the Broadband Stabilization Fund established under chapter 44, section 53F1/2 of the Massachusetts General Laws, as amended.

At their first meeting after the beginning of each fiscal year, the Board shall elect a chairperson and a secretary. Three members may at any time call for an election for a new chairperson or secretary, or both.

Section 5. Filling of vacancies. Whenever a vacancy occurs on the Board, the chairperson or secretary shall immediately notify the official or body that appointed the member whose position is vacant, and said official or body shall fill the vacancy within thirty days.

Section 6. Broadband Manager. The broadband manager (hereinafter "Manager") shall be deemed a procurement officer within the meaning of the Uniform Procurement Act, Massachusetts General Laws c. 30B, sub-section 1-19, as amended, and shall, subject to the provisions of the Act, have full authority to enter into such contracts for the procurement of supplies and services as in the Board's judgment are reasonably necessary or convenient for the performance of their duties. In addition, the Manager shall have full authority to enter into such contracts of employment as the Board in their judgment deem reasonably necessary or convenient for the performance of their duties. Provided, however, the Manager shall not enter into any contract unless the majority of a quorum of the Board convened at a duly noticed meeting have first authorized him or her so to do; and further provided, that no contract shall incur liability in excess of the appropriation therefore.