

**Minutes
Town of Belmont
Joint Meeting of the
Belmont Municipal Light Board & Municipal Light Advisory Committee
Virtual Meeting on Zoom
Monday, January 28, 2021
5:30pm**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: May 26, 2021
TIME: 2:50 PM

I. CALL TO ORDER

A meeting of the Municipal Light Board (MLB) was called to order at 5:33 by Chair Adam Dash. Present: Vice Chair Tom Caputo and Board Member Roy Epstein.

A meeting of the Municipal Light Advisory Committee (LBAC) was called to order at 5:35 by Chair Steve Klionsky. Also present were Vice Chair Travis Franck, and Committee Members Ralph Jones and David Beavers.

Also present were Belmont Light General Manager Craig Spinale, Communications Coordinator Aidan Leary, and Town Counsel George Hall.

II. 7:00 P.M. PUBLIC FORUM ON GOVERNANCE OF BELMONT LIGHT

Mr. Dash introduced the purpose of the Public Forum and summarized the December 13, 2020 Public Forum.

The question before the Town is whether the MLB should continue to be made up of the Select Board members or be made up of:

- 5-member or 3-member elected board,
- 5-member or 3-member appointed board,
- Hybrid Board (the 3 Select Board members plus other members who are either appointed or elected),
- No change (Select Board continues to serve as the Municipal Light Board)

The goal is to bring an article to Town Meeting in May and the effort is on track to achieve this.

Since the December 14, 2020 Public Forum, the MLB met on December 23, 2020 and reviewed the matrix (which was displayed on the screen for all to see)(see below). Criteria used for the matrix were:

- Ease of Adoption
- Public Accountability
- Operational Efficiency
- Coordination with Other Town Departments

For each choice there is a process for implementation and time for implementation. Mr. Dash summarized the MLB's current "ranking" choices of the options as:

- 2 MLB members chose the 5-member elected board as first choice
- 1 Chose No Change as his first choice
- All seemed to rank Appointed Board at the bottom

Mr. Dash emphasized that these rankings are just a reflection of how the MLB is currently thinking and does not reflect any decisions. He then invited public comment.

Jennifer Kallay, Commissioner of the Wakefield Municipal Gas & Light Department Board: offered any support with her experience. Jennifer was experiencing technical difficulties so the meeting will return to her later.

Mark & Nancy Davis: recommended 5 members, elected by voters.

Jonathan Green: Can you remind us what the problem is that we're trying to solve and have there been issues with the current arrangement?

Mr. Spinale explained that there has been a longtime conversation about whether the Select Board should also be the MLB. Also, it has been a challenge for the staff to prepare for and respond to the requests and needs of two separate boards. This setup creates multiple meetings which sometimes overlapping agendas and has become a problem. Also, it has been asked whether the Select Board can always be impartial when making decisions for the MLB. He referred people to the Belmont Light website for some background on this topic.

Mr. Epstein expressed his opinion that the MLB in its current form has two problems: it is rare that a Select member has the technical ability to be an MLB member, and the MLB is very time-constrained, so they have become a passive consumer of the research of LBAC. He feels it would be better to have an MLB who could be a true partner & oversight committee for Belmont Light.

Mr. Klionsky told the group that if one believes that the governing board should:

- be knowledgeable in utility and energy matters,
- have the time to delve into policy in detail,
- be a separate voice for Belmont Light, and
- be an illumination of duplication of function...

...then the current structure is pretty far away from these beliefs.

Mr. Dash explained that they are a policy-making board and have a strong, collaborative General Manager. He explained that the Select Board has many advisory boards because they can't be knowledgeable about everything. He feels it currently works well, although the success of the structure does vary by Select Board and General Manager.

Jennifer Kallay: indicated that she felt the previous comments were accurate. Having the separate boards does enhance the governance structure because of the expertise and dedicated time. The industry is changing, which brings up so many new issues. She felt that although she is an energy professional, even she does not know everything she would need to in order to be a productive member of this board. She feels being a member does take time and dedication.

Mr. Caputo asked if Wakefield's commissioners are elected or appointed. Ms. Kallay said there are 5 elected officials. Mr. Caputo asked if there were enough volunteers to source this type of board – are seats contested, are candidates qualified, etc. Ms. Kallay said that the last few elections have been heavily contested and getting more competitive over time (rather than less).

Mr. Epstein asked about the backgrounds of candidates. Ms. Kallay said many had utility-related expertise (although she doesn't think this is a requirement). One candidate had regulatory background & utility-related expertise, and the last candidate had technical experience in data systems which has been very helpful. Mr. Epstein asked how long the terms are. Ms. Kallay explained they are 3 years.

Vera Iskandarian and Anne Johnson Mahon indicated that they would like a 5-member elected board.

Brian Iler: How long would elected terms be? Three years?

Mr. Dash indicated that this would be part of the discussion, although there had been an assumption that it would be 3 years. Mr. Klionsky pointed out that the statute for town boards specified 3 year staggered terms.

Trey Klein: Has the Select Board expressed a decision of which they prefer?

Mr. Dash referred the question to the meeting of December 23, 2021 and invited people to attend the upcoming meeting on February 8, 2021. However, no one has made a final decision which is why the request for public input.

Jane Sherwin & Mike Chessen: We want to recommend a 5-member board elected by town residents.

Brian Kopperl, Belmont Energy Committee: Chis Roy had a very short tenure [as General Manager]. Can you share how many managers Belmont Light has had in the last 40 years?

Mr. Leary shared a chart showing the tenure of all General Managers and their terms. (see below)

George Hendman and Diane Malcomson: We prefer a separate elected, 5-member MLB as well.

Trey Klein: How much more would an independently elected MLB cost Belmont annually in terms of salaries and other costs? Is it likely that this expense would be mitigated by increased efficiency resulting in a net decrease in cost to the town?

Mr. Dash indicated that because the MLB don't get paid, that would be zero. He then asked Mr. Spinale to address this issue as well (especially regarding extra meetings). Mr. Spinale felt that there would be no extra costs, but that having a board that can spend the proper amount of time on a project could be a more efficient process. Mr. Dash reminded the meeting that Belmont Light is an enterprise account, so it doesn't affect the Town Operating Budget, rather the Belmont Light budget which is covered by the cost of electricity. Mr. Epstein suggested that MLB members serve without compensation, like the Planning Board or ZBA. He then asked Town Counsel George Hall if there was a statutory requirement about paying board members. Mr. Hall responded that they are covered by Chapter 41 which states that compensation is specified by Town Meeting.

Anne Johnson Mahon: I agree that the Select Board members would not have the background to understand the issues the MLB faces, and since the MLB serves the community, the community should choose who is responsible for decisions that impact the whole community.

Deb & Tom Locket: Are in favor of a 5-member elected board. Thanks for making our votes known. It's so much time for all over you, and you're right about the technical and industry specifics of the job. Thanks for holding this and other sessions.

Brian Iler: What is the sense of how elected boards in general work in Belmont to set policy and manage their areas? Do we find they are professional enough?

Mr. Dash pointed out sometimes whether you approve of a member's work or professionalism can depend on whether you generally agree with that person.

Douglas Massidda: Why don't the Selectmen want to choose the board? Wouldn't our elected Selectmen be more informed than the town in electing a board?

Mr. Dash referred to the process part of the matrix (which was shared on the screen again). The various choices require various solutions. The matrix shows that:

- An appointed board would go to a Home Rule Petition, then to the State Legislature and finally need to be voted by Town Meeting.
- If an elected board is recommended, then Town Meeting has to rescind the 1938 vote authorizing the Select Board to act as the MLB. Then there would be a town election for the members of the MLB in April 2022.
- Mixing elected & appointed board would depend on how it was done.

Mr. Epstein disagreed with the premise of the question that the Select Board would be more informed than the town. His experience is that not a great amount of time is spent considering candidates for appointed positions. Often the best candidates come from the chair of an existing committee on which they serve. He feels the most careful and thorough vetting for these positions comes from a competitive election.

Mr. Dash responded to the portion of the question about asking why the Select Board members don't want to choose the board by saying that they don't NOT want to do it. Rather that it's more important that the General Manager be answerable to a board that is elected by the people that Belmont Light serves. He feels there's not enough accountability with the appointed board process to give them the authority to hire or fire the General Manager. He feels this is an important piece of information. Mr. Caputo agreed with Mr. Dash's views regarding accountability, but said his hesitation about an elected board is whether they can get enough candidates to have a competitive election. He is comforted to see so much support for having elected positions.

Brian Kopperl: supports a 5-member elected board so there's only one master for the General Manager. He also shares the view that having a board with the appropriate background/experience is an advantage. He expressed concern about the number of General Manager turnovers in the past 10 years and that the governance structure with two boards probably played some role in it. He does not envy the Select Board and its many responsibilities and that removing one of their tasks would make it more attractive for people to run for and serve on the Select Board. He feels that, given the number of organizations and boards in town that are focused on energy, that there would be enough candidates for the Light Board to shift to a 5-member structure.

Claus Becker, Town Meeting Member: I support a 5-member board to raise the profile of these important issues.

Eric Jones: I also prefer a 5-member elected board.

Brian Saper: I favor a 5-member elected Light Board.

Unnamed Commenter: Can you put up the vertical bar chart showing the 41 municipal light plants broken up by governance type?

Mr. Dash pointed out that Belmont is in the minority with the Select Board also serving as the MLB. Mr. Leary showed the requested chart, showing that there are:

- 29 municipalities with elected boards (20 with 3 members, 9 with 5 members),
- 7 appointed boards (3 with 3 members, 3 with 5 members, and 1 with 7 members), and
- 4 with Select Boards serving as the light board (1 with 3 members, 3 with 5 members).

Mr. Epstein pointed out that not only are we in the minority, Belmont is also the only municipality that has a 3-member Select Board serving as the MLB. Mr. Caputo said that Belmont should be free to operate as they need, but he does see value in looking at where there is consensus in other towns around what works best.

Unnamed Commenter: Thanks for doing such a detailed consideration of options to best support Belmont Light. I think a 5-member elected board would be serve the town given the growing complexity of the energy sector.

Deborah Lockett: I like the idea of having a representative of the Energy Committee as part of the Board. Of course, most boards try to be representative of the expertise and constituents.

Anne Johnson Mahon: I worry that when the Select Board chooses committee and board members and when the person appointed is also a campaign manager or big donor people find themselves wondering if this is the most qualified candidate as opposed to the favor being paid off.

Trey Klein: Thanks for answering my previous question. It's wonderful that so many highly qualified individuals – including those at this meeting – are willing to spend the time and effort to our town a better place. I'm in favor of a 5-member elected board.

Deborah Lockett: As in all things, we don't hold off on doing things for fear we won't have interest from others. Yes, if there is an opportunity to allow people to run then I know we will find people in the industry who want to contribute to the community in this way. It's no different from any other committee - people have skills and are wanting to contribute where they can.

Mr. Epstein pointed out that being an electric utility professional is not a pre-requisite or only the desirable characteristic to serve on a light board. 5 members especially offers the opportunity for a wide range of backgrounds and roles.

Jonathan Green: Point of clarification – if we move to an elected MLB does that mean that LBAC would no longer need to exist?

Mr. Dash explained that this is a question that has been discussed and needs to be decided. Mr. Klionsky said that he initially thought that LBAC would no longer exist if there was an elected MLB. But, he has found that there are many elected boards that still have advisory boards helping them, so this is still subject for discussion. Mr. Hall pointed out that this would be up to the elected board to decide – not the Select Board.

Unnamed Commenter: I support a 5-member elected board.

Tim Flood, Co-Chair Belmont SEPAC: How does the change affect things like the process experienced for the incinerator site?

Mr. Dash explained that that particular issue is tricky because the incinerator is a town asset, and post-closure use was determined by the Select Board. Then Belmont Light would take charge for the new use and the newly elected MLB would implement the plan (the town will still own the land). Mr. Hall said the land is legally under the jurisdiction of the Select Board and unless it decided to turn the land over to Belmont Light an elected MLB wouldn't affect that process at all.

Julie Crocket, Town Meeting Member: Where are we in the process of getting a Warrant Article on the May or June Town Meeting, what are the next steps, and how quickly can LBAC members run for the MLB?

Mr. Hall explained that once the Town Meeting rescinds the 1938 statute allowing the Select Board to function as the MLB, people could run for the MLB at the next Town Election in the Spring of 2022.

Ms. Crocket then asked when the Select Board would make a decision on this.

Mr. Dash said it will be taken up at the February 8, 2021 meeting. Mr. Epstein said the issue is the MLB /Select Board being comfortable making a recommendation, but the goal is to move quickly assuming they reach consensus and something for the May 2021 Town Meeting. But, they won't bring it if it's not ready. Mr. Caputo explained some of the input and data they've collected and that there does not seem to be much left to delay a decision.

Brian Iler: I believe a 5-member elected board would serve the town best. There is definitely enough energy, expertise and civic spirit to provide a well-qualified responsive group.

Brian Kopperl, Belmont Energy Committee: If elected board is pursued, encourage LBAC be removed to keep governance focused on the elected board. Wouldn't the new board have authority to appoint ad hoc committees as needed on special subjects. Mr. Hall said that the answer to this question is yes.

Richard Chase, Commissioner of Princeton Municipal Light Department: Princeton has had an elected light board for as long as he knows. He feels that the Select Board already has a lot to do, and having a separate MLB makes it easier for the Select Board, and that Belmont has enough talent to get appropriate, qualified people. He encourages going to an elected board.

Mr. Epstein asked about the population of Princeton (about 3,500) and how many elected commissions there are (there are 3, who are all residents). Mr. Chase explained that they've had a wide variety of people serving on the board.

Travis Franck: He agrees with a lot of the comments. His experience is that it takes a lot of time to really dig in on a lot of the LBAC information. He hasn't seen this at MLB meetings due to time constraints. He feels LBAC spends a lot of time to get down into the data and information. He feels that even with an engaged Select Board there has not been the range and depth on the issues. He feels it would serve Belmont to have a 5-member committee that is able to spend the time needed.

Phil Thayer, Town Meeting Member: asked Mr. Hall to explain why having the Select Board being the MLB is NOT a conflict of interest since there are situations when the taxpayers interests diverge from the ratepayers interests.

Mr. Hall said it's not really a legal question. Conflict of Interest occurs when you have a private interest that conflicts with the public interest you represent as a board member. Having two different "town hats on" would not be a conflict since both interests are public interest – legally. Whether there is a tension that calls for a change is really a policy issue. Mr. Dash expressed that the intersection of the Select Board and MLB provides a good point of communication and cooperation.

Randy Bak: I support a 5-member elected for diversity of expertise. A plug for consideration of community broadband. And an ability to commit time to the opportunities and challenges arising.

Unnamed Commenter: Watching this on TV – very interesting. The Select Board has been very busy this week.

Julie: I strongly support a 5-member elected board and look forward to supporting it at Town Meeting this spring. I do think it should be finalized well before Town Meeting, certainly before the election. And, since the town has been involved in the discussion should be involved in the decision.

Mr. Epstein: has to leave the meeting but is impressed with all the views and has found the input very useful.

Ann Johnson Mahon: Do you guys know we appreciate you? Because we do.

Jonathan Abe: asked Mr. Hall if there was anything to preclude someone on the Select Board from running and also serving on the MLB.

Mr. Hall advised that the answer is no. Someone can run for as many elected positions as the voters will elect you to.

Ralph Jones: referenced that request that there should be a member of the Energy Committee on the MLB. He asked if one position could have a qualification that applied only to that seat.

Mr. Hall does not think that is allowed. The only qualification to be elected is to be a registered voter.

Mr. Spinale said that all the literature he knows of says that a diverse background is extremely helpful. He feels a 5-member board serves this purpose the best and encourages anyone who is attending to consider running since more backgrounds make better decisions.

III. ADJOURNMENT

Mr. Jones moved to adjourn the meeting of the Light Board Advisory Board, seconded by Mr. Franck, and the motion passed unanimously. The meeting adjourned at 6:34pm.

Mr. Caputo moved to adjourn the Light Board Meeting, seconded by Mr. Dash, and the motion passed unanimously. The meeting was adjourned at 6:37pm.

Respectfully submitted by,

Susan Peghiny