

MINUTES

Special Rate Hearing & Regular Meeting of the Board of Directors of the Eastern Shore of Virginia Broadband Authority

May 21, 2015

Board members in attendance were: Steve Miner, Pete Lalor, Elaine Meil and John Reiter.

ESVBA management participating in the meeting who were in attendance: Nicholas Pascaretti and Leah Hoopes (Secretary)

Members of the public attending were:
Mike Zodun, Keith Montgomery, and Bob Nichols.

Steve Miner called the meeting to order at 2:13 pm.

AGENDA ADOPTION

*Mr. Lalor moved to adopt the agenda. Ms. Meil seconded.
Motion passed unopposed.*

PUBLIC COMMENT

Mike Zodun (Eastern Shore Rural Health Systems): Mr. Zodun expressed his appreciation for an upcoming price reduction on behalf of Eastern Shore Rural Health Systems. Mr. Zodun also suggested that the Authority have planning session come up with a plan for the ESVBA to provide residential service because the private sector providers have not provided broadband services. Mr. Zodun suggested an ESVBA pilot to residential customers so the ISPs would realize that if they are not going to provide services, the ESVBA will.

REVIEW OF MINUTES

*Ms. Meil moved to approve the Regular Meeting Minutes from March.
Mr. Lalor seconded. Motion passed unopposed.*

STATUS REPORT

1. Bloxom Tower- Mr. Pascaretti provided an update stating that the modified engineering prints were delivered to Mr. Pitt. The RFP is being finalized for construction bids. Mr. Lalor asked what type of tower and the cost associated with its installation. Mr. Pascaretti stated that it is a monopole and \$50,000 is budgeted for the project.
2. Town Broadband Initiative Program (BIP)- Mr. Pascaretti reported Hallwood is waiting for access to Fire Tower from Eastern Shore Communications. Belle Haven's ends September 30th.
3. Wi-Fi Hotspots- VDOT is reviewing the proposal for Accomack Visitor's Center. Mr. Pascaretti informed the BOD that all the other Wi-Fi Hotspots are up and running. Traffic at all Wi-Fi hotspots is increasing. Mr. Miner asked about the Accomack Visitor's Center and Mr. Pascaretti informed him that VDOT has not responded to the requests yet.
4. VDOT Road Jobs- Mr. Pascaretti stated that ESVBA needs to transfer and reattach cable on four poles on Horntown Rd. ESVBA needs to replace 4,000 ft of cable on Church Rd. in Accomack. ESVBA may need to relocate fiber along railroad tracks in Cape Charles. Mr. Miner asked who bears the costs for VDOT jobs. Mr. Pascaretti informed the BOD that if ESVBA's plant is on private property VDOT bears the cost, if on VDOT rights of way, ESVBA bears the cost.
5. Service Level Metrics- Mr. Pascaretti reported that a garbage truck tore down fiber in Belle Haven. The fiber was not damaged and was reattached. Fiber was damaged by an excavator in Onley. The fiber was replaced and all customers stayed in service. A fire caused a fiber outage on the CBBT. Fibers were re-spliced and service was restored the following morning. Mr. Lalor asked about redundancy across the CBBT. Mr. Pascaretti informed the BOD that there is some redundancy depending on the specific carrier. Mr. Pascaretti also stated that none of the circuits affected were contracted for redundancy and protection.
6. WISP EVPL Program- 2 sites have been contracted for and they should be turned up next week. Mr. Zodun asked if the ESVBA would consider a Wi-Fi Hotspot at Indiantown Park in Northampton County. Mr. Pascaretti informed him that the ESVBA is open to all suggestions and he

felt that it was a good location. Mr. Miner also stated that Indiantown Park was a great suggestion.

Mr. Lalor stated that the financials look great and that the Cash Flow line on the financial graph was not labeled. Mr. Lalor also questions the inconsistency of the salary line in the financials.

Mr. Pascaretti stated that this is a result of the timing of the processing of the ESVBA payroll by Northampton County.

NEW BUSINESS

- a. Service Charge- Mr. Pascaretti presented a policy stating that ESVBA charge \$100.00 flat fee plus \$35.00 per every half hour including travel.

Mr. Lalor motioned to create a policy that states customers will not be charged for the first service call but will be charged for any following calls. However, the Executive Director has the ability to waive the charge at his sole discretion. Ms. Meil seconded. Motion passed unopposed.

OLD BUSINESS

- a. County BIP Program- No new updates.
- b. WISP EVPL Pricing Model- Mr. Pascaretti explained to the board that service providers would benefit from over subscription at the User Network Interfaces. Mr. Pascaretti suggested that oversubscription on the WISP EVPL be allowed with that caveat that any performance issues are the strict responsibility of the Service Provider. Mr. Reiter asked if the oversubscription was unlimited, and Mr. Pascaretti said yes.

CLOSED SESSION

Motion to enter into closed session according to Section 2.2-3711 of the Code of Virginia of 1950, as amended;) Paragraph 1: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probably litigation, and consultation with legal counsel employed or retained by the Authority regarding specific legal matters requiring the provision of legal advice by counsel. Paragraph 34: Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6 made by Mr. Lalor, seconded

by Ms. Meil. The following board members were present Mr. Lalor, Mr. Miner, Ms. Meil and Mr. Reiter and voted affirmative.

After closed session, the Chair reconvened the meeting. Motion was made by Mr. Lalor, seconded by Ms. Meil that the Board had entered the closed session for that purpose as set out in Paragraph 1 and Paragraph 34 of Section 2.2-3711 of the Code of Virginia of 1950, as amended. Roll call vote taken Vote was that no other business discussed than as advised in Paragraph 1, 7, and 34. The following board members were present Mr. Lalor, Mr. Miner, Ms. Meil, and Mr. Reiter and voted affirmative.

MOTION

Mr. Lalor moved to adopt the new pricing schedule. Ms. Meil seconded. Motion passed unopposed.

ADJOURNMENT

Mr. Reiter moved to recess until 2pm on June 18th, when the board will hold a work session. Ms. Meil Seconded. Motion passed unopposed.

These minutes were approved at the July 16th, 2015 meeting of the Board of Directors of ESVBA.

Elaine K. Meil Vice Chairman
Presiding Officer

Copy teste:

Leah Hoopes
Leah Hoopes, Secretary

In the event of a service outage, and the customer or service provider calls the ESVBA to repair service, if it is determined that the trouble was the customers or service providers, the ESVBA charge the customer or service provider a Service Call Charge (SCC). The Service Call Charge shall be as follows:

- 1. \$100 flat fee plus;*
- 2. \$ 35 per every half hour*

e.g. if ESVBA determines that the issue is a customer/service provider problem and spends one (1) hours troubleshooting the SCC will be $\$100 + (2 \times \$35) = \$170$.

The ESVBA shall waive the first SCC for the customer or service provider and the Executive Director shall, at their sole discretion, have the ability to waive any subsequent SCC's.