



**Eastern Shore of Virginia
Broadband Authority
Board Meeting Minutes**

Meeting Information: Regular Meeting of the Board; September 8, 2010

Meeting Description: Regular Meeting of Eastern Shore of Virginia Broadband Authority	
Date: September 8, 2010	Location: Accomack Airport
Time: 3:00 – 5:00 pm	Call In Phone no: NA

Participants: (✓ marks present; X marks absent; ☎ a dial-in attendee non-voting)

	Name		Name		Name
✓	Katie Nunez	✓	Mike Zodun	✓	Joe Caffrey
✓	Steve Miner	✓	Dimitri Plionis	✓	Pat Coady
X	Cheryl Tyson	✓	Nicholas Pascaretti	✓	Melinda McPeek

Public Present: None

Steve Miner called the meeting to order @ 3:40 PM

Agenda Topics/Action Items:

1) Public Comment – No public present
2) Review of Minutes a) Board meeting minutes from July 27 and August 11, 2010 were reviewed and <i>Nunez motioned to approve the minutes, Caffrey seconded, vote carried unanimously.</i> Meeting minutes from August 17, 2010 were reviewed, <i>Nunez motioned to approve, seconded by Caffrey, Zodun abstained and vote carried.</i>
3) Treasurer’s Report a) Financial Statements – Coady presented for review a Profit & Loss August 2010, Balance Sheet through Aug 31, 2010, and a Statement of Cash Flows as of Aug 31, 2010 (see 3a.i, 3a.ii, and 3a.iii attached). Coady presented a handout with an overview of current cash flows (see 4b attached).
4) Status Reports a) Agreements worksheet – Coady suggested that agreements be reported on as needed in lieu of a monthly agreements worksheet. b) Project and Sales Status Report – Pascaretti presented a handout with an overview of project status and sales (see 4b attached). Miner requested that a discussion on a policy outlining the process for obtaining service from ESVBA and pricing structure be added to the October 2010 agenda. Nunez inquired as to whether a plan to request reallocation of remaining DHCD grant funds had been formulated.
5) New Business a) EDA Resolutions – EDA Resolutions 1 & 2 (see 5a attached) were presented for review. Nunez motioned to adopt the resolutions as amended with added language that specifies “EDA funded backbone FOC”, Zodun seconded. <i>The following board members were present: Nunez, Miner, Caffrey, Plionis, Zodun, and voted “yes”.</i> b) Virginia Resource Authority Update – Coady discussed the VRA grant application as a match for BTOP and the need for a resolution and completion of the grant if BTOP is awarded. He suggested applying for the Spring round if BTOP is not awarded. c) Northampton County Fiscal Agent and VRS update – Nunez reported that the Board of Supervisors

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would vote on Northampton County becoming ESVBA's fiscal agent at the Sept. 14th meeting and gave an overview of options for joining the VRS. Nunez will provide detailed VRS documents for review at the next ESVBA meeting on October 13, 2010.

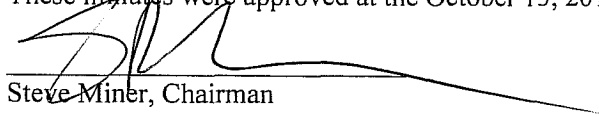
- d) ESVBA Current Employees/Contractors – McPeek presented a list of current ESVBA employees and contractors. Nunez requested Coady research contractor and employee status as it applies to the Fair Labor Standards Act (FLSA) to determine if any contractors should move to employee status.
- e) By-Law Amendments – *Caffrey motioned to approve the amended by-laws of the Eastern Shore of Virginia Broadband Authority as presented (see 5e attached), Plionis seconded. The following board members were present: Nunez, Miner, Caffrey, Plionis, Zodun, and voted "yes".*
- f) Lighting Ceremony – McPeek presented an update from the Lighting Ceremony Event Committee.
- g) ESVBA Two-Year Progress Report – McPeek presented an index of the progress report and requests for information to be included in the report.
- h) Closed Session - Motion to enter into closed session according to Section 2.2-3711 of the Code of Virginia of 1950, as amended; (A) 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, AND Section 2.2-3711 of the Code of Virginia of 1950, as amended; (D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Authority regarding specific legal matters requiring the provision of legal advice by counsel *made by Nunez, seconded by Zodun. All members were present and voted "yes." The motion was unanimously passed.*
- i) After closed session, the Chairman reconvened the meeting. *Motion was made by Zodun, seconded by Plionis that the Board had entered the closed session for that purpose as set out in Paragraph 1 and Paragraph 7 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 per Paragraph 1 and 7. The following board members were present: Miner, Caffrey, Plionis, Nunez, and voted affirmative.*

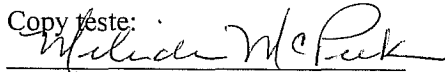
6) Next Meeting Date

The next regular board meeting is scheduled for October 13, 2010 at 3:00 PM at the Accomack Airport.

Meeting was adjourned at 5:20 PM.

These minutes were approved at the October 13, 2010 meeting of the ESVBA.


Steve Miner, Chairman

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Melinda McPeek, Secretary