

## MINUTES

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

March 17, 2016

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:  
Bob Nichols and Mike Zodun

Steve Miner called the meeting to order at 2:00 pm.

#### **AGENDA ADOPTION**

*Mr. Reiter motioned to amend and adopt the agenda to remove the first closed session.*

*Ms. Meil seconded. Motion passed unopposed.*

#### **PUBLIC COMMENT**

Mr. Zodun commented that ESVBA is doing a great job.

#### **REVIEW OF MINUTES**

*Ms. Meil moved to approve the Regular Meeting Minutes from January.*

*Mr. Reiter seconded. Motion passed unopposed.*

#### **STATUS REPORT**

1. Bloxom Tower- Mr. Pascaretti provided an update stating that he received the building permit and the contract was sent to the winning bidder.
2. Town Broadband Initiative Program (BIP)- Mr. Pascaretti reported that Cheriton and Nassawadox have expressed

- interest and they were sent template RFPs.
3. Accounting/ERP System- The cut-over is scheduled for May and the new fiscal year will be started with the new system.
  4. Website Redesign- Mr. Pascaretti stated that the website is 90% complete and should go live soon.
  5. Wi-Fi Hotspots- Mr. Pascaretti reported that the underground portion of Indian Town is in progress. Mr. Pascaretti has spoken with the Town Manager for Cape Charles and they show interest in having the Wi-Fi at the beach instead of the park. Wi-Fi for Chincoteague Downtown Park has been approved by their BOD and installed.
  6. VDOT Road Jobs- Horntown Rd has been completed and ESVBA needs to relocate fiber cable for Bayshore Concrete Roadway.
  7. Community Solar Energy: Oak Hall Fiber Relocation- ESVBA needs to relocate aerial fiber underground.
  8. Service Level Metrics- No non Force Majeure Outages
  9. WISP EVPL Program- 8 sites are contracted for and all are operational and 5 more are in progress.

### **NEW BUSINESS**

- a. 2015 Audit- Mr. Pascaretti presented the BOD with the 2015 Audit.  
*Mr. Lalor moved to accept the Audit. Mr. Reiter seconded. Motion passed unopposed.*
- b. Seasonal Pricing Adjustment- Mr. pascaretti reported that the Seasonal Pricing is being abused and is not being used for seasonal purposes. Mr. Pascaretti presented a modification of the policy stating that any seasonal service adjustments, which have been active for five (5) months or greater, shall be considered a permanent change and the service orders term will automatically renew at the new rate.  
*Mr. Lalor moved to adopt the new Seasonal Pricing Policy. Ms. Meil seconded. Motion passed unopposed.*

### **OLD BUSINESS**

- a. Banking-Shore Bank & BB&T- Mr. Pascaretti stated that the ESVBA is looking into banking solely with BB&T due to a decrease in interest rate on the LOC and more options available with the monthly fee.  
*Ms. Meil moved to accept the recommendation to transfer to BB&T. Mr.*

*Reiter seconded. Motion passed unopposed.*

b. PPEA RFP- The committee is still negotiating with DNG.

### **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 Mr. Reiter that the Board had entered the closed session for that purpose as set out in Paragraph 1, Paragraph 7, 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 and 34. The following board members were present Mr. Lalor, Mr. Miner, Ms. Meil, and Mr. Reiter and voted affirmative.

### **MOTION**

*Mr. Reiter motioned to authorize Nick Pascaretti to proceed with the construction to make the extension of the system to Harborton and Greenbackville.*

*Ms. Meil seconded. Motion passed unopposed.*

### **MOTION**

*Mr. Lalor made a motion to reject the contract presented by DNG.*

*Ms. Reiter seconded. Motion passed unopposed.*



Mr. Miner stated that the committee will continue to negotiate with DNG and will consider offers until the next BOD meeting, May 19, 2016. The goal of the committee is to make sure that DNG can provide reliable service relative to the percentage of the citizens and that they have the financial ability to do so.

**MOTION**

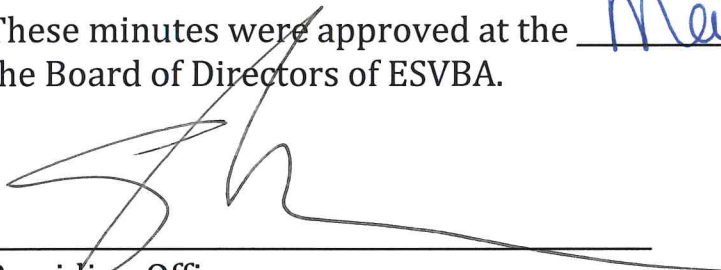
*Mr. Reiter moved that the incentive compensation plan in the form discussed today between the incentive compensation committee and Nick Pascaretti be approved.*

*Mr. Lalor seconded. Motion passed unopposed.*

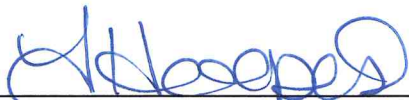
**ADJOURNMENT**

*Mr. Lalor moved to adjourn the meeting at 3:43pm. Mr. Reiter Seconded. Motion passed unopposed.*

These minutes were approved at the May 19, 2016 meeting of the Board of Directors of ESVBA.

  
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Presiding Officer

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Leah Hoopes, Secretary