

MINUTES

Regular Meeting of the Board of Directors of the Eastern Shore of Virginia Broadband Authority

June 13, 2012

Board members in attendance were: Mike Zodun, John Read, Katie Nunez and Pete Lalor.

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

Members of the public attending were: Robert Ritter, Mike Aquino, Ronald van Geijn, and Don Imhoff.

John Read called the meeting to order at 2:10 pm.

Motion

Nunez motioned to adopt the June 13, 2012 Meeting Agenda. Seconded by Lalor. Motion passed unopposed.

Closed Session - Motion to enter into closed session according to Section 2.2-3711 of the Code of Virginia of 1950, as amended; 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 Nunez, seconded by Lalor. The following board members were present: Lalor, Nunez and Read and voted affirmative.

After closed session, the Chair reconvened the meeting. Motion was made by Nunez, seconded by Lalor, that the Board had entered the closed session for that purpose as set out in 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 34. The following board members were present: Lalor, Nunez, and Read and voted affirmative.

Public Comment:

Mr. Ritter has some concerns about the trial agreement putting financial constraint on the towns. He feels that after the 6 months is up, the service providers should go straight to ESVBA. Mr. Ritter also questioned how the rate schedule was determined, and suggested Mr. Cohill come in and discuss it with the BOD.

Mr. Aquino expresses concerns about going through the towns, instead of ESVBA during the trial agreement. Mr. Aquino would also like the BOD to consider reducing the price of a terminated transport at a single location. Mr. Imhoff suggested a revision to the termination clause, allowing a service provider to move a transport in the event that a customer falls through for whatever reason. Mr. Imhoff would also like the BOD to consider allowing service providers to move transports as needed, for a fee.

Motion

Nunez moved to add rate setting discussion to July's agenda. Seconded by Lalor. After Discussion, Lalor proposed an amended motion to add to July's meeting, but to also discuss in today's meeting. Seconded by Read.
AYE: 2, NAY:1. Motion passed.

Mike Zodun arrived @ 3:04p.m.

Motion

Lalor moved to discuss all public comment in New Business. Seconded by Zodun.
AYE: 3, NAY: 1. Motion passed.

Motion

Lalor motioned to approve the May 9th Regular Meeting minutes, and the May 9th Annual Meeting minutes. Seconded by Zodun. Motion passed unopposed.

Motion

Lalor motioned to approve the May 14th Special Meeting minutes. Seconded by Zodun. Motion passed unopposed.

Motion

Lalor moved that in New Business, the BOD address the issues that Mike Zodun has brought from the May 14th meeting. Seconded by Zodun. Motion passed unopposed.

Motion

Zodun motioned that due to security and other concerns, at this time the ESVBA does not wish to provide Colocation services. Seconded by Lalor. Motion passed unopposed.

Motion

Zodun motioned that if the ESVBA decides to change its rates, it would be publicly advertised and any change in rates would apply to all customers equally. Seconded by Lalor. After discussion, Read proposed an amended motion to state that if the ESVBA decides to change its rates, it would be publicly advertised and any change in rates would apply to future contracts. AYE: 3, NAY: 1. Motion passed.

Motion

Lalor moved that if rates are changed, only decreasing rates will be applied to open contracts as well as future contracts. Seconded by Read. After discussion, AYE: 1, NAY: 3. Motion did not pass.

Motion

Nunez moved that the ESVBA staff is required to provide analysis of the impact on rates if they should be changed and extended to any existing open contracts. Seconded by Zodun. Motion passed unopposed.

Motion

Zodun motioned that the ESVBA does not seek to "partner" with any one vendor. The ESVBA endeavors to treat all service providers and customers equally. While we encourage and support the activities of entrepreneurial, private sector service providers, it would not be good policy for us to favor any one provider over any other. This is why the ESVBA's prices for standard service offerings are the same for all of its customers. Seconded by Lalor. Motion passed unopposed.

Motion

Zodun motioned that the wireless pilot projects shall terminate upon the receipt of a final report by the towns involved, no later than July 16, 2012. The ESVBA thanks the towns and service providers involved for their effort to demonstrate several forms of technology and their abilities to distribute broadband services to the Eastern Shore. Seconded by Lalor.

After discussion, Lalor amended the motion to say July 10, 2012.

Zodun seconded, motion passed unopposed.

Motion

Lalor moved to adopt a policy that any adoptions, procedures, and resolutions made will be publicized on the website and provided to each of the BOD members. Seconded by Zodun. Motion passed unopposed.

Motion

Nunez motioned that after reviewing the requirements in the Wireless Act, the ESVBA staff create a policy to address complaints. Seconded by Lalor. Motion passed unopposed.

Motion

Lalor motioned that ESVBA will bill service providers directly that have been selected by the towns through the incentive plan. Seconded by Nunez. Motion passed unopposed.

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; 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 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 and 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 Lalor. The following board members were present: Zodun, Lalor, Nunez, and Read and voted affirmative.

After closed session, the Chair reconvened the meeting. Motion was made by Zodun, seconded by Nunez, 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 per Paragraph 1, 7, and 34. The following board members were present: Zodun, Lalor, Nunez, and Read and voted affirmative.

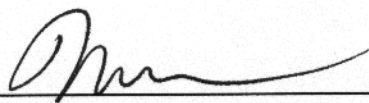
Motion

Nunez motioned to extend a one-time bonus to the ESVBA employees and contractors. Read Seconded. Motion passed unopposed.

Motion

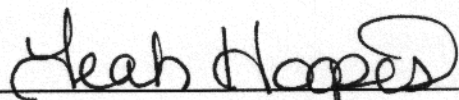
Lalor motioned to adjourn the meeting at 5:30 p.m. Nunez Seconded. Motion passed unopposed.

These minutes were approved at the July 11, 2012 meeting of the Board of Directors of ESVBA.



Presiding Officer

Copy teste:



Leah Hoopes, Secretary