



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

Meeting Information: Special Meeting of the Board; January 12, 2009

Meeting Description: Special Board Meeting of Eastern Shore of Virginia Broadband Authority	
Date: January 12, 2009	Location: Accomack Airport Board Room
Time: 8:30 – 9:30 am	Call In Phone no: NA

Participants: (√ marks present; ☎ a dial-in attendee)

	Name		Name		Name
√	Katie Nunez		Mike Zodun	√	Joe Caffrey
√	Steve Miner	√	Dmitri Plionis		Barbara Schwenk
	Elaine Meil	√	Pat Coady	√	Cheryl Tyson
√	Adrienne Granston				

Action Items:

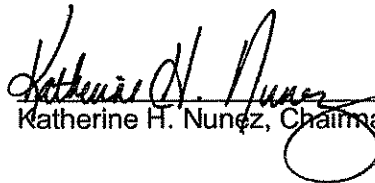
Action	Who/When
<p>1) Review CBBT License Agreement Members reviewed latest version of Agreement. Coady conferred with attorney to discuss main points of concern: (a) indemnification – Tyson indicated that public bodies cannot indemnify each other (b) arbitration – Members favoured arbitration with the option to appeal and discussed jurisdiction of possible claims (c) non-compete – Coady submitted revision of non-compete language to include more specifics regarding the “exclusivity” of ownership of the FOC and it was rejected by the CBBT Board. Members expressed importance/urgency of non-compete specific terms. Members also discussed insurance requirements; the License Fee due date was suggested to be changed from 15 days to 30 days; “operating” should be added to Permitted Use (paragraph 3); redundant language should be removed (7b and 7c); and an exemption from toll fees should be added.</p>	



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<p><i>A motion from Plionis for the negotiating team to review the following matters with the CBBT Board: indemnification, arbitration and insurance; the Permitted Use paragraph should include "operating"; the License Fee should be due in 30 days; the toll should be exempt; and to remove any redundancies. Also, inclusion of specific non-compete language is mandatory. The motion was seconded by Miner and was unanimously carried.</i></p>	
<p>2) Next Meeting Date – January 21, 2009 @ 8:00 – 9:30 am</p>	<p>Accomack Airport Board Room</p>

These minutes were approved at the February 4, 2009 meeting of the ESVBA.


Katherine H. Nunez, Chairman

Copy teste:


Barbara C. Schwenk, Secretary