



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

Meeting Information: Regular Meeting of the Board; February 4, 2009

Meeting Description: Bi-Monthly Meeting of Eastern Shore of Virginia Broadband Authority	
Date: February 4, 2009	Location: Accomack Airport Board Room
Time: 4:00 – 5:30 pm	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	✓	Also attended, Charles Stanton		

Action Items:

Action	Who/When
<p>1) Review of Minutes December 18, January 7, January 12 and January 21 board meeting minutes were reviewed and <i>motioned to be approved as amended by Nunez and carried unanimously. December 10 minutes were approved as amended with one abstention.</i></p>	
<p>2) Treasurer's Report</p> <p>a) A Summary of Current Bills Payable was presented (see 2.a attached). A <i>motion to approve the amended Summary of Current Bills Payable was made by Nunez, seconded by Zodun and was unanimously carried.</i></p> <p>b) A Summary of Total Fiber Backbone Project Expenditures, Bank Account Activity and Budget were presented (see 2.b attached). Caffrey will present a new format for Financial Statements to mesh with projections.</p> <p>c) Received extensions to February 10 for both CDBG grants from DHCD for pre-contract activities. DHCD cannot give another extension, but will approve contract</p>	<p>Caffrey February 18</p>



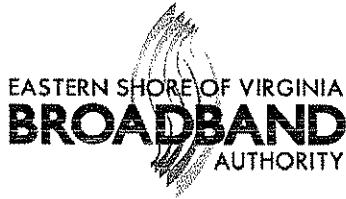
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<p>with special conditions. ANPDC will need agreements between ESVBA and towns (Cape Charles and Parksley); and qualifications of engineering personnel and cost justification to complete project budget to submit with packet to DHCD.</p>	
<p>3) Old Business</p> <p>a) Discussion of the Year Zero Budget (see 3.a attached). Members agreed that marketing budget is low, but should not launch retail marketing campaign too early. Tyson commented that projected available cash may increase if DHCD funding is reallocated to operating expenses. Coady explained that revenues relative to the engineering funds from towns will be used for salary expenses. Facility (pole/conduit) and legal expenses were also explained.</p> <p>b)</p> <p style="padding-left: 20px;">i) Members discussed town of Parksley agreement and clarified term of the agreement. <i>Motion by Plionis for board to authorize chairman to sign Parksley agreement, seconded by Caffrey and carried unanimously.</i></p> <p style="padding-left: 20px;">ii) Members discussed town of Cape Charles agreement and the language specific to notification of competitors. Agreement should be ready for approval next board meeting. <i>Motion by Plionis for board to authorize chairman to sign Cape Charles agreement, subject to further review by board members, conditional upon no objection, unless there are substantial differences from the Parksley agreement other than paragraph #8, seconded by Caffrey and carried unanimously.</i></p> <p>c) Nunez discussed the liability insurance may be split between 2 carriers. Upon receipt of the final quotes, she will forward to Caffrey.</p> <p>d) Tyson and Granston will review press releases and confer with Caffrey. Nunez suggested uploading press releases to website and providing a link to ESVBA on the county websites.</p> <p>e) Coady discussed the equipment hut location in Cheriton. Webster Investors offered easement at no cost. Webster's development firm is drafting the easement and</p>	



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<p>plat for review. <i>Plionis</i> motioned for board to authorize the chairman to sign easement agreement with Webster Investors, after legal review, regarding the equipment hut location in Cheriton, Caffrey seconded and was carried unanimously.</p>	
<p>4) Status Reports</p> <p>a) Members discussed Staff Report for ESVBA, 4 February 2009 (see 4.a attached). CBBT – final agreement: regarding the insurance language, attorney struck indemnification clause and it was accepted; won the issue regarding arbitration, mediation and court review; some duplication was removed. Coady requested MBC to change the type of fiber coming across the bridge and it was partially granted. Further discussion ensued detailing the different types of fiber and their cost advantages. Bay Coast Railway – Most of the agreement is settled except pricing. Received cost matrix from Larry Lemond and will likely go to Canonic board. CLEC – Legal representation has advised that a CLEC is no longer necessary. VDOT – Permits moving forward, final agreement needed, Tyson will follow-up with Miner.</p> <p>b) Tyson discussed future action items: regarding the southern portion, get hut location and electronics finalized; EDA, need to get scope of vision completed; review of project plan for southern portion; pre-construction meeting for northern build has been rescheduled to February 17th at 10:00 a.m.; approval from VMRC at February 24th meeting to start construction beginning early March; engineering and build for Parksley, Cape Charles, Chincoteague and Onancock; monitoring funding, follow-up on economic stimulus, find out best contact at USDA, determine any changes in funding and final appropriations language; touch base with Adesta, determine status of billing.</p>	
<p>5) New Business</p> <p>a) USDA – no significant new information. See Staff Report for ESVBA, 4 February 2009.</p> <p>b) DHCD needs to know if a line of credit will be pursued. Further discussion on additional sources of funding,</p>	

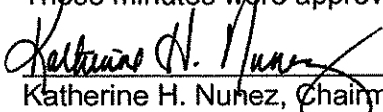


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<p>Nunez suggested contacting ANPDC regarding guidelines to EDC funding. Tyson will draft a letter of intent to ANPDC requesting guidelines and draft requirements.</p> <p>c) Members request to reconsider meeting dates and discuss availability. Agreed to remain on current schedule for the remainder of February, and then shift to the 2nd and 4th Wednesday in March. Stanton asked what scope of funding was needed from the stimulus money. Tyson explained monies are needed for build out to the smaller towns, Last Mile.</p>	
<p>6) Closed session – a motion to enter into closed session as provided for in Virginia Code 2.2-3711 for the purpose of discussing: “Review of Staff Issues and Processes being followed” was made by Plionis, seconded by Caffrey and carried unanimously. Upon return to open session, it is requested that the Authority adopt the following motion:</p> <p>a) To certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. The motion was adopted by Plionis, seconded by Caffrey and carried unanimously.</p>	
<p>7) Next Meeting Date – February 18, 2009 @ 8:00 – 9:30 am</p>	<p>Accomack Airport Board Room</p>

The meeting was adjourned at 6:30 pm.

These minutes were approved at the February 18, 2009 meeting of the ESVBA.


Katherine H. Nunez, Chairman

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Barbara C. Schwenk, Secretary