

## MINUTES

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

July 28, 2022

Board members in attendance were: John Reiter, Mike Mason, Charles Kolakowski, Elaine Meil, and Kelvin Pettit.

ESVBA management participating in the meeting who were in attendance: Robert Bridgham (via zoom) and Leah Hoopes (Secretary)

Members of the public attending were: Rick Willis and Mike Nosworthy

Mr. Reiter called the meeting to order at 2:00 pm.

#### **AGENDA ADOPTION**

*Mr. Mason moved to adopt the agenda. Ms. Meil seconded. Motion passed unopposed.*

#### **PUBLIC COMMENT**

Rick Willis (Chincoteague) wanted to thank the BOD and ESVBA for their time with the plans for the immigration camps. He presented a draft of plans to the BOD and stated he'd reevaluate and meet with farm management.

Mr. Nosworthy (Eastville) asked about the special construction requirements and how a customer applies for the discount.

#### **REVIEW OF MINUTES**

*Mr. Mason moved to approve the Annual Meeting Minutes and the Regular Board Meeting Minutes from May. Mr. Kolakowski seconded. Ms. Meil abstained. Motion passed unopposed.*

#### **SYSTEM STATUS & BUILD REPORT**

1. WiFi Hotspots- There are currently 27 hotspots in service.
2. Residential Broadband- Mr. Bridgham reported that the Authority has 2,423 active residential customers. He stated that there are 56 customers in service in Harborton, 29 in Bobtown, 75 in Church Neck, 69 in Sanford, 40 on Cheapside, 4 on Cobbs Station, 108 in Accomac, 7 in Townsend, 139 in Greenbackville, 64 in Atlantic, 86 in Wattsville/Horntown, 66 in Oak Hall, 98 in Hallwood, 69 in Painter/Quinby, 79 in Eastville, 97 in Nassawadox, 8 in Oyster, 247 in Exmore, 81 in Belle Haven, 43 in Cheriton, 35 in Wachapreague, 370 in Onancock, 231 in Cape Charles, 160 in Parksley, 5 in Nocks Landing, 40 in Saxis, 11 on Chincoteague, and 106 on Tangier.
3. WISP EVPL Program- Mr. Bridgham informed the BOD that 58 sites are in service, 1 new site is on-order and underway.
4. Microcommunity Program- There are 38 communities that are in service and 2 others that are in various stages of progress.
5. ACP Program- The program had 80 subscribers in the month of June. Mr. Bridgham presented a report showing details for all of the assistance programs.
6. VATI FY22 Status- Mr. Bridgham announced that the DHCD contract is in place and the project is underway. Construction of section 3 of Captains Cove and Area 14 aerial construction has started. The first monthly report for DHCD has been completed.

Ms. Meil suggested adding the VATI areas to the residential chart.

Mr. Pettit asked what the expected take rate is for Captains Cove.

Mr. Bridgham stated that a 40% take rate was expected, however, there is now another service provider in the area.

Mr. Mason asked how the order of the Captains Cove areas were being determined.

Mr. Bridgham stated that the order was determined by the Authority and the Captains Cove ISP committee. It is in order based off of the number of customers asking for service.

### **NEW BUSINESS**

- a. VATI FY23 – Mr. Bridgham explained that the Authority is

interested in applying for VATI FY23. The rules have changed and they are now allowing ISPs to apply for areas in Northampton and Accomack County that were previously denied. A letter of intent has been filed with the state. A commitment letter from the bank is needed to show that the 20% matched funds would be available.

Mr. Mason asked how many address would be covered by the FY23 grant.

Mr. Bridgham estimated about 6500 addresses.

Mr. Mason stated that the Authority has to get an application in because this could complete the buildout on the Eastern Shore.

Mr. Reiter asked if plan B, assistance from the boards, is possible by August 25<sup>th</sup>.

*Ms. Meil motioned for the staff to proceed with VATI FY23. Mr. Mason seconded. Motion passed unopposed*

### **TREASURER'S REPORT**

Mr. Mason presented the Treasurer's Report. He stated that residential revenue has exceeded commercial revenue and that the cash flow increase reflects the matched funds from the two counties.

Mr. Pettit asked if the Authority has given up on commercial.

Mr. Bridgham explained that they are still actively working on trying to gain commercial customers but the rates are not close enough to local competitors.

### **BOARD COMMENTS**

Mr. Kolakowski asked what the proposed interest rate for the financing for the VATI loan.

Mr. Bridgham replied that it would be 4.25% if it were done in August and 5% if it were done in November over a 10 year term.

Mr. Kolakowski also announced that he's gotten a lot of positive feedback from the public about broadband expansion.

### **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; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively. Paragraph 33: 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 information and trade secrets subject to the exclusion in subdivision 19 of § [2.2-3705.6](#)., made by Ms. Meil, seconded by Mr. Kolakowski. The following board members were present: Mr. Mason, Mr. Reiter, Mr. Pettit, Mr. Kolakowski, and Ms. Meil and voted affirmative.

After closed session, the Chair reconvened the meeting. Motion was made by Mr. Kolakowski, seconded by Ms. Meil that the Board had entered the closed session for that purpose as set out in Paragraph 1 and 33 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 33. The following board members were present: Mr. Mason, Mr. Reiter, Mr. Pettit, Mr. Kolakowski, and Ms. Meil and voted affirmative.

*Ms. Meil moved to authorize the Executive Director to create a “Network Operations Director” position with a job description and use the existing model to determine the grade. Mr. Kolakowski seconded. Motion passed unopposed.*

*Mr. Kolakowski motioned to approve the bonus for the Executive Director as discussed in Closed Session. Ms. Meil seconded. Motion passed unopposed.*

*Ms. Meil motioned to allow an exception to the Dark Fiber Policy to take advantage of the business opportunity as discussed in Closed Session. Mr. Mason seconded. Motion passed unopposed.*

**ADJOURNMENT**

The meeting was adjourned at 4:08pm.

These minutes were approved at the Sept 29, 2022 meeting of the Board of Directors of ESVBA.



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Presiding Officer

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Leah Hoopes, Secretary