

MINUTES

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

December 1, 2022

Board members in attendance were: John Reiter, Charles Kolakowski, Elaine Meil, Kelvin Pettit and Mike Mason (remotely attending from Cape May, NJ for personal reasons).

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, Justin Nick

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

AGENDA ADOPTION

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

PUBLIC COMMENT

Rick Willis- gave a brief update on the project to provide broadband to agricultural workers.

Justin Nick- introduced himself as the Reverend and Organizer for Virginia Organizing, Inc.

Mr. Kolakowski arrived at the meeting.

REVIEW OF MINUTES

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

SYSTEM STATUS & BUILD REPORT

1. WiFi Hotspots- There are currently 27 of the 28 hotspots in service. Ebenezer Church is still offline.
2. Residential Broadband- Mr. Bridgham reported that the Authority has 2,691 active residential customers. He stated that there are 65 customers in service in Harborton, 34 in Bobtown, 78 in Church Neck, 71 in Sanford, 41 on Cheapside, 4 on Cobbs Station, 109 in Accomac, 7 in Townsend, 165 in Greenbackville, 67 in Atlantic, 86 in Wattsville/Horntown, 79 in Oak Hall, 111 in Hallwood, 81 in Painter/Quinby, 96 in Eastville, 116 in Nassawadox, 8 in Oyster, 272 in Exmore, 89 in Belle Haven, 44 in Cheriton, 41 in Wachapreague, 409 in Onancock, 264 in Cape Charles, 178 in Parksley, 5 in Nocks Landing, 42 in Saxis, 14 on Chincoteague, and 115 on Tangier. Mr. Mason asked if the number on the report reflects the number of billable circuits?
Mr. Reiter asked if we can include the actual number of customers waiting to be installed.
Mr. Bridgham stated that 2,691 is the number of billable circuits and he will adjust the reports for customers awaiting install.
3. WISP EVPL Program- Mr. Bridgham informed the BOD that 59 sites are in service.
4. Microcommunity Program- There are 39 communities that are in service and 6 others that are in various stages of progress. Ms. Meil asked that Mr. Bridgham provide a report on the history of the Microcommunity program.
Mr. Bridgham stated that there will be a page on the ESVBA website with information on all of the discount programs available.
5. ACP Program- The program had 97 subscribers in the month of October.
6. Assistance Programs- Mr. Bridgham presented a report showing details for all of the assistance programs.
Mr. Mason asked if the 63 customers using the ESVBA assistance program knew about the program when signing up or if they were informed by staff.
Ms. Marble stated that the staff has informed most of the customers about the program.

Mr. Mason asked how we plan on letting the public know that the new web page exists.

Mr. Bridgham informed the BOD that ESVBA plans on doing more advertising through WESR as well as social media and other organizations.

7. Vaocluse- ESVBA is providing service to customers on Heron Dr., Trout Ln., and Swan Dr. Construction is still in progress in other areas.

VATI FY22 REPORT

Mr. Bundick gave an update on the VATI FY22 buildout.

Most of the engineering has been completed and construction is underway in Northampton and Accomack Counties.

The wait time for materials has improved and is no longer holding up the underground operations.

Mr. Reiter asked if any of the VATI areas are behind schedule and if we are staying on budget.

Mr. Bridgham stated that all of the areas are ahead of schedule aside from Captains Cove and under budget. ESVBA will be invoicing the state quarterly. The first remittance request will cover up to September, 2022 and there will be another one sent in January, 2023.

Ms. Meil suggested billing the state monthly since it's taking so long to receive funds.

Mr. Bridgham explained that he will be checking with the state about invoicing for materials that have been purchased.

NEW BUSINESS

- a. **VATI FY23** – Mr. Bridgham explained that the application was submitted for VATI FY23 to cover the remaining 316 miles on the Eastern Shore. Charter submitted a challenge to the state, which ESVBA responded to.
- b. **Consider updated employee handbook-** Mr. Pettit questioned if the “dismissal without cause” portion goes against any laws.
Mr. Bridgham indicated that they have the right to terminate any employee for any reason.

Ms. Meil stated that there are 2 items that needed to be added to the handbook.

Ms. Meil moved to approve the employee handbook as of 12/1/22. Mr. Mason seconded. Mr. Pettit opposed. Motion passed.

- c. Schedule Work Session-** regarding a closed session Work Session to discuss the strategies and competitive approach to the market.

The BOD agreed to meet on February 23rd, 2023.

- d. Consider 2023 Board Schedule-**

Mr. Kolakowski moved to adopt the schedule as presented. Ms. Meil seconded. Motion passed unopposed.

TREASURER'S REPORT

Mr. Bridgham gave an overview of the financials.

BOARD COMMENTS

Mr. Kolakowski suggested looking into offering another business incentive.

Mr. Pettit explained that a potential customer received a quote from ESVBA that was substantially higher than that of a competitor.

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. Pettit. The following board members were present: Mr. Reiter, Mr. Pettit, Ms. Meil, Mr. Mason, and Mr. Kolakowski, and voted affirmative.

After closed session, the Chair reconvened the meeting. Motion was made by Mr. Kolakowski, seconded by Mr. Pettit 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. Reiter, Ms. Meil, Mr. Mason, and Mr. Kolakowski, and voted affirmative.

Ms. Meil moved to approve the Executive Director's contract with a change to section 4d. Mr. Kolakowski seconded. Motion passed unopposed.

Ms. Meil Moved to accept the end of year bonuses. Mr. Mason seconded. Motion passed unopposed.

Ms. Meil moved to adopt the targets that were discussed in closed session. Mr. Kolakowski seconded. After discussion, Ms. Meil amended the motion to add with concurrence with an email sent from the Executive Director. Mr. Mason seconded. Motion passed unopposed.

Kelvin Pettit left the closed session meeting at 3:55pm and did not vote on the motions.

Mr. Bridgham gave a brief overview of the recent fiber cuts.

ADJOURNMENT

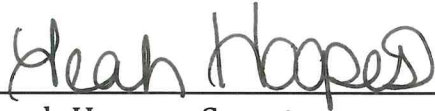
The meeting was adjourned at 4:37pm.

These minutes were approved at the Jan 26, 2023 meeting of the Board of Directors of ESVBA.



Presiding Officer

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Leah Hoopes, Secretary