

BROADBAND STUDY COMMITTEE

Date: January 14, 2010

Time: 6:00 P.M. EST

Attendance:

Bob Espindola, Sean Powers, Alyssa Botelho, Stephanie Garde, Wendy Graves

Devin Cox, EntryPoint Networks and Jeff Christensen, EntryPoint Networks

Meeting was called to order at 6:06 pm by Mr. Powers who welcome, and advised every one of the recording regulations. As of right now there is no recording taken place.

Mr. Espindola stated that there was not a quorum to vote on the Minutes of last meeting and we could go back, but for now to move the RFP for design and Build/Current State.

Mr. Christensen stated we provided an RFP template to Mr. Rees, who retired, so Ms. Graves will be stepping in to help with some of these items tonight. There are 3 sections of this RFP.

1. Legal aspect of this is for Town Counsel, Tom Crotty to help us with the language and if it not within his means we will then go to outside Attorney Solomon who is an expert at this. Mr. Crotty will inform us what he can and then we can seek help from to Attorney Solomon
2. Technical Requirements: with a RFP like this, we could go and get an Engineering Firm to Design the network from an engineering point of view, and then a get a price, go to the Selectmen Board and they will determine if it's within the budget and then take those documents back to the engineer to design the network and take those documents and have the construction firm build the network based on the design of the engineering firm. The other approach is the Design/Build which both of these have 2 different bodies of laws around them in the state statue. around them. Which is separating design from construction, they become 2 individuals. The regulations around separating the design/build is different, then the combine design/design process. We have a couple of meeting with Town Counsel and his biggest concern of the Design/Build, is that we might have to go the Public meaning Town Meeting for approval, which means we would push this out to May. Mr. Crotty informed us that he talked to the IG's Office at the state and the Selectboard could make that decision. Mr. Espindola confirmed this.

Mr. Christensen stated that in my opinion there are some advantages to separating engineering and design you get 2 independent voices and then you can hold everyone accountable. If we do design/build it is more efficient and we don't have to wait and then do the RFP for construction. If we combine the process, there is a saving of cost and time and money. We do have to put a plan in front of the IG's Office before we could send the RFP out and we do have a list of regulations which was provided by Town Counsel, we would need Ms. Graves to work with us to make sure we are all set with everything to get an approval.

Mr. Espindola stated if we go with the RFP design/build, the town is expanding any money in advance of a vote at town meeting. It's the idea that the town would go thru the RFP to refine the cost of the project and details of the timeline and would bring the best possible information to the Townspeople.

Mr. Christensen stated there is a section which the town has to decide, rules of engagement, etc. which is why we need Ms. Graves's time next week to go over the procedural part of the RFP. The Town needs to decide and pull this all together and Town counsel will help with that.

Mr. Espindola asked about the bidding process, the procurement rules and requirements. If we could get this information for next meeting.

Ms. Graves stated that we have to look at the rules and requirements.

Mr. Powers asked about the backbone and if there was a RFP for that and we would follow the same process.

Mr. Christensen stated we should come up with a list of questions that we need answers to. We will have to vote which process we are going to take to Selectmen once we have a quorum.

Mr. Espindola stated is in favor of the Design/build.

Mr. Powers agreed with Mr. Espindola

Mr. Christensen stated to Mr. Powers that a motion needs to be made for a design/build.

Mr. Espindola made the motion for the Broadband Study Committee recommend that the RFP

for fiber for broadband RFP should be based on a design/build model. Mr. Powers seconded. roll call vote was taken 4-0 vote unanimous.

Mr. Espindola stated he wanted to discuss the budget for the outreach and engagement process. What time line we would need to get this information to Ms. Graves for a line budget. I know

The funds won't be able till May. Could we ask for donations for signs in people's lawn if we

Went that route.

Mr. Graves asked if an article or budget. Deadline for articles are coming up. There are different rules and regulations. You could go the donation route. As far as the budget, we are working on this now and we could add a line if needed.

Mr. Powers stated we could do the outreach and engagement within using our committee members, but we could put 500.00 in a line item also.

Mr. Espindola would like to know the rules about deficit spending like Grants.

Ms. Graves stated Deficit spending would be different on a grant then on this project. She recommends putting a line item in the budget for \$500.00 and would be available to meet next week and go over these items.

Mr. Christensen stated that before we close out design/build in terms of putting in front of the Selectmen we will leave it to you Mr. Espindola in terms of deciding the timing of bringing it to The Selectmen. Before the design/build approval process, we have to finish the RFP and submit to AG's Office and that could take 30 days to get back and then if it is approved it would go out from there and get approval from the Board of Selectmen. We need to discuss as a group potential articles that would go in from the Town Meeting.

Mr. Espindola stated The Selectmen has time to put a article in after the deadline if needed. We would know enough to write a one-line description as place holder. This would fall under other issues, to discuss this tonight.

Mr. Christensen stated a possible article could read something like this. It would be contingent on having take rate makes the network sustainable and we would define and we wouldn't take out any loan if we didn't have a take rate that is sustaining and the town would back construction financing for a specific take rate and we would meet with potential lenders to put in the article and so it would be whether the town supports full faith and credit behind construction financing which does have the support of specific participants and that construction financing would be taking out by long term financing by the end user and not by the town.

Mr. Christensen stated we should take a whole meeting to discuss the writing of the article.

Mr. Espindola suggest we have a meeting before the article deadline.

Mr. Christensen stated that we have legal issues that we need to discuss. We have 2 attorneys that we have been talking to. One is Bond Counsel and the Other is Town Counsel. The Bond Counsel is in Boston and that is Richard Manley which has provided us with a memo, which we will need to get this out to the committee. We as a committee decided is a opt in model so we don't want to force people to fund the network, no tax of any kind and we want them to participant. What we want from the town if they can get long term financial at really low interest rate. That does require full faith and credit from the town, but we are able to get a 2% instead of a 6% rate if the Town will back stop the debt. The full faith and resources of the town to make the project happen. We don't want the town to take the risk for the project. We want property owners to bear that risk and make the commitment to the infrastructure. We asked bond counsel if we could make a contract between the town and somebody who signs up who says yes to this infrastructure and town can't be let on the hook. Mr. Manley said yes, it is possible to do this. Town Counsel says it might be some complexity to this and mentions a betterment. When the Town does a betterment, everyone is responsible for funding the infrastructure. The betterment would have to go to town vote.

Mr. Espindola stated the committee is not in this favor of a betterment.

Mr. Christensen would like to write up request for town counsel about understanding betterment and could include Richard Manley's Memo about the opt in option.

Mr. Christensen stated we need to discuss the Municipal Light Plan. The selectmen would have to vote, If the Town wants to operate this Municipal Light Plan and this process could take 14-16 months and if the Town says no we would have to go to a third party and will not need to put a Municipal Light Plan together. The Town can move forward overseeing the construction and sponsoring the construction of the network.

Mr. Espindola stated we would have to create a new department and it would be funded by the subscribers. We would need to find out the cost of the Municipal Light Plan.

Mr. Christensen suggest that we ask Richard Manley to put a cost together for a Municipal Light Plan and if not expensive maybe just legal cost maybe another article.

Mr. Powers stated that if we are talking about this plan, did we reach out to the BPW about operating it. If we haven't, I think we need to reach out to the BPW, about the possibilities of a new department and The BPW overseeing and being in charge of this operation.

Mr. Espindola stated we will need to know ahead of time the cost for this budget.

Mr. Christensen asked if we should suspend the agenda for another time. All in agreement for continuing. We need to set a date to meet up again, we can meet on February 2, 2021 at 6:00 p.m. All in favor.

Mr. Lavalette asked the Chairman to talk to the Committee. He stated on the survey report is misleading. the bottom line is what are people going to save.

Mr. Powers stated we are getting to that point that we will be able to give the cost.

Mr. Lavalette stated when we are filling out these surveys, people are asking him for input. It is to soon to take a survey.

Mr. Espindola stated that we have a draft report on the website and it does outline a solid number.

Mr. Christensen stated we are getting a number for 55 very fast speeds to people and the ability to have an open access network.

Mr. Espindola stated they are 3 surveys. 1 was the General. 2 was the engagement process and the third is the ultimate survey where we will have real numbers.

Mr. Christensen stated we are working our way towards sending out and communicating with the community more. We will be having a Q & A to get out a little later.

Mr. Devon Cox stated the only thing is that we need to talk about is the interim report to get to the final report. If it needs any clarification and if any questions. If we need some clarification and any questions we need. 1 is the legal aspect which we will add and for the survey responses about 600. We haven't received any word that we would need to add more to the system. On November 5th we added an additional 123 surveys that were done on line. We need to reach out and find out if there are any paper copies surveys come in.

Mr. Espindola stated that Marylou does not work for the town anymore and Mr. Frates is home enjoying birth of his son. I will forward a message to Ms. Graves and see if any more survey to add. I believe we have all the information to go forward with the final version of the report. Is there a specific date for the draft to be ready to go to the Select board?

Mr. Cox stated that the presentation with the Quincy was about an hour and we sent it over ahead of time for them review.

Mr. Powers stated he could be at the meeting along with Mr. Christensen if any questions come up.

Mr. Powers asked if we should have a smaller group presenting. Stephanie is fine with smaller group.

Mr. Espindola suggest to set up a joint meeting. The chairman would have to put it on the agenda and may need to put on a different agenda cause of time. We would need at least a time line.

Mr. Cox stated that we should have at least a half an hour there is usually a lot of questions.

Mr. Christensen stated that we should have this ready with either date of 8th of February or th22nd of February.

Mr. Cox stated next is Community Engagement and we can talk about that at the next meeting. There is a draft outline of the community engagement in the interim report and you can look at that, and we can talk about any modification if needed. The result of the survey as it's stand now retained very consistently Low 70% as far as people that support the idea. There is a large group that Mr. Lavalette is talking about that are not sure about 20% and those who does not want to support is about 1 %.

Mr. Espindola made a motion to adjourn at 8:05 p.m. Mr. Powers seconded it. Roll call vote was taken and 4-0 unanimous.

Respectfully Submitted

Lisa M. Rose,

Recording Secretary

