

MEETING NOTICE
Broad Band Advisory Committee
Monday, April 20, 2015 at 6:30PM
Montague Public Safety Complex
180 Turnpike Rd
Turners Falls, MA 01376
Meeting room

Agenda items brief summary:

- 1) Vote on minutes from previous meeting.
- 2) Discuss Town Counsel ruling that an MLP is required even though network will be privately run and plan for Town Meeting
- 3) Reports on recent business: CIC, MBI, other updates.
- 4) Updating the pole and un-served homes survey for the Taylor Hill, Meadow Rd, Gunn Rd and Foster Rd
- 5) Topics not anticipated covered in the 48 hour posting requirement.

Votes may be taken.

Broad Band Advisory Committee

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Meeting Minutes- Present: Kevin Hart, Rob Steinberg, Peter Vichi, Lisa Enzer

Commenced: 6:30 PM

1. Minutes of 3/30/15 meeting accepted.
2. KH changed order of agenda to provide sequential information.
3. RS: Recap of meeting with MBI and Eric Nakajima, Director, KH, Frank Abbondanzio Walter Ramsey and RS present. BB request of portion of allocated \$5M in state bond funds discussed. Verbal agreement of \$400K from MBI contingent on town provided an unknown percentage, to survey, make-ready and build out un-served southern portion of town.
RS: Update on FinCom approving revised article 24 for warrant for May 2 Town Meeting, increasing the BB request to \$400k. There is now issue since no contingency permitted in the article for borrowing this money, and no absolute guarantee from MBI until after May 2 about reimbursement.
- 3.-4. KH: Map information from Comcast/MBI inaccurate number of homes served/unserved by broadband. More houses on Taylor Hill, Taylor Heights, Dry Hill, and possibly Lake Pleasant, do not have Comcast. They may have DSL which is no longer considered by FCC to be standard speed for broadband. This increases MBI per capita funds for a new discussion on build out.
Still need verification of numbers of homes (new estimate at 201) without service.
5. KH Read Ruling from Town counsel which requires an MLP to fund and administer build out with private/public partnership.
Montague has a Municipal Light District (MLD) that may supersede an MLP, yet may not be valid for telecom purposes. Paradoxical situation puts the current article request for Town Meeting in new light as indicated in texts below from Town Administrator and Town Planner:
Bond counsel has reviewed the article and determined that the town can only borrow under Chapter 44, section 8(8). This section requires that the town already have established a municipal light plant under MGL Chapter 164; and that the light plant is expected to have meaningful control over operation of the company - overseeing the quality of construction, setting and approving rates and monitoring complaints. The alternative is to petition the Legislature for a Special Act. Also any bonds issued by the town would probably have to be taxable (i.e. higher interest rate) because the work benefits a private interest. (e-mail from Frank Abbondanzio)

According to the Town's bond counsel: "if there is a Municipal Lighting District established that covers the area that the telecom system will service, then I do not believe that the Town has the authority to vote to establish a MLP to administer telecommunications system to serve that part of the Town, instead, it is the district

that needs to call a District meeting and vote to authorize a borrowing for the project under Chapter 44 section 8(8) and the District would need to borrow for it- Not the Town" (e-mail from Walter Ramsey)

Discussed difficulty of discovering any information on MLD, members, and function of committee. Will pursue via MBI counsel and other means.

General discussion on how to prepare for Town Meeting and whether or not to change scope of request, or pull article.

Audience comments indicated conversation with Town Moderator and Town Accountant would be useful for procedural purposes. RS volunteered to reach out to them.

Emphasis on need for funds to complete formal pole survey, for immediate or future use to the town. Still the first step and BB will request at least \$18K. This would show what type of usage is available for homes. Chris Lynch of Matrix said both technical and residential survey comes from street survey- indicates which houses need to be called. The parameters for survey come from BB committee and then return to MBI with detailed numbers.

Discussion of survey by phone or mail also ensued.

Town website now has Broadband Committee info and mail on drop down.

mail@montaguebroadband.org

Comments from audience on article 24, usefulness of phone or paper survey in past, and steps to take prior to Town Meeting.

KH & LE to attend MBI forum on April 22 in Greenfield. PV to attend meeting in New Salem April 23. To gather updated info and increase BB committee visibility.

KH: Motion to have RS speak to Ray Grodin and Town Accountant.

2nd LE AIF

RS: Motion to nominate KH & PV to investigate and discuss comprehensive survey methods, costs, etc.

2nd LE AIF

Discussed action to seek Town Counsel or other counsel to get facts on scope and steps involving converting MLD to MLP or other means of moving forward on project.

Next meeting April 28 6-6:45PM MCFS.

Meeting adjourned: 7:45PM