

**Dover Select Board
Virtual Special Meeting Minutes
Tuesday, April 28, 2020**

THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY THE DOVER SELECT BOARD

Join Zoom Meeting
<https://us02web.zoom.us/j/85982250450>
+1 929 205 6099
Meeting ID: 859 8225 0450

Select Board present via Zoom: Josh Cohen, Victoria Capitani, Sarah Shippee, Joe Mahon

Select Board member absent: Dan Baliotti

Also, present via Zoom: Office Manager, Jeannette Eckert

Public via Zoom: Eric Durocher, Shannon Wheeler, Randy Johnson, Lauren Harkawik, Robert Fish, Kim Montello, Laura Sibilias, Ann Manwaring, James Hamilton

Regular Meeting Called to Order at 6:00pm by Chair Josh Cohen

- I. Information Session on Deerfield Valley CUD (Communications Union District)
Background information:
David Jones:
 - Formed this CUD on April 9, 2020 in response to pressing need for highspeed broadband service
 - Live in Halifax—no part has any form of highspeed broadband service, do have DSL and wireless available but none provide FCC minimum speed
 - Dover has Duncan Cable and a good portion of the town is cabled although a good portion is not
 - CUD could help that portion of town obtain service
 - EC Fiber located in Royalton has in the range of 20 towns as members
 - Universal broadband service to areas in those towns; fully funded thru subscriber fees
 - Created thru initial investments by EC Fiber and issuing of municipal revenue bonds which are paid back with subscription fees
 - Shown to be financially viable for a CUD as opposed to a commercial carrier to create a network that will pay for itself & provide good service to the towns being served
 - Deerfield Valley CUD officially formed with the Sec of State's office, have officers and soon to have a treasurer and bank account
 - Main action is the feasibility study & business plan thru Windham Regional Commission
 - Broadband survey results—Dover expressed the 2nd highest desire for fiber connectivity
 - 50% already had cable or fiber but would switch to a competitively priced provider
 - Citizens are interested
 - Of all the structures in Dover—400 do not have FCC minimum speed of 25/3 mb
 - WRC survey is part of the feasibility study—wish to expand the number of towns served by the CUD; seeking towns to join the CUD
 - Wardsboro, Wilmington, Whitingham, Halifax, Stratton, Readsboro are in it
 - Would make sense for Dover to join in as well
 - Plan to move on to business plan and financial plan and then rapid implementation mode
 - Health crisis has shown the great divide for broadband for many reasons: education for school students, telehealth, economically to work from home and operate businesses

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- Timeframe for completion will be measured in years; not a quick fix for anyone; long term efforts; group of dedicated volunteers and expect to engage competent vendors; confident we can move forward

Rob Fish:

- Would like to hear the board members reactions before moving into a presentation

Sarah Shippee: Is it my understanding that this would be able to serve everyone in Dover?

David Jones: CUD is to serve the underserved locations; provide where the cable company did not find it economically viable to build out

Any location that is on the grid that is not served by an incumbent carrier will be able to have fiberoptic service

Josh Cohen: Who defines economic viability.... the carrier or the audience?

David: Commercial carriers make choices on where they will invest; some rural areas are simply not viable or profitable. CUD does not have to earn a profit

Vicki Capitani: If cable operators are willing to place fiber, would that make a difference?; there are a couple of carriers that may be willing to expand in Dover

David: CUD will not seek to compete with cable operator where they are providing service; take rate is low where there is an incumbent carrier; CUD exists to serve the areas that don't have service. Can look on EC Fiber website to see how many are being served per town; not everyone in a town will sign up

Laura Sibilia: One additional piece; when CUD puts out the RFP, a cable company could bid on the project as long as they follow the RFP requirements

David: That is true, if they are able to support the goal of 100Mbps and universal access to the service

Sarah: I am currently on cable; Duncan is doing some build-out, but my road is not on the map; theoretically people who have nothing would have better than I have now?

David: If Duncan Cable is not able to provide 100/100 and the CUD built in the areas that Duncan is not supporting. Yes, CUD customers would then have better speeds than the Duncan customers

Josh: Those of us who are Duncan customers and can only get 25 or 50, are we stuck with it because the new CUD would not come in? we don't have the ability to get the 100?

Rob: The priority would be the underserved addresses; not that you'll never be served but you are not a priority

Josh: Dover is #2 in the survey. How many already had service? Do we have those stats?

David: 45% of respondents were currently using fiber or cable; 55% were not; 20% of the households responded

Vicki: Only 170 respondents in Dover

Rob: Once you come on board, Dover would have a seat at the table and be part of the decision making; each town has a vote on policy and leadership of the district

Laura: Can you speak to the risks and costs for Dover in joining the CUD?

David: Cost is zero; by law CUD can not tax the town or the citizens; required to figure out how to be financed by subscriber revenues

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Halifax incurs no risk as it had no service to begin with; Can't think of a risk of joining the CUD; *not* joining yes and not having a seat at the table

Vicki: If joining the CUD, would it preclude Dover from wiring the whole town on our own?
Would like to keep that option open

Rob: Not prohibited from contracting with another service; prohibited from using tax dollars to construct, own or operate the network; nothing is stopping another cable company from expanding by the town joining a CUD

Vicki: Because we paid Fairpoint to wire us with DSL; also considered having a company wire certain areas of town

Ann Manwaring: One of the assets of joining is access to funding by the legislature and municipal bonds to roll out a CUD which are not available to the town directly

Rob: From the perspective of large funders, they want to be able to service as many people as possible; are they going to consider funding a town or an entire region? They are familiar with CUD and it's a way to have a larger impact with more towns

Laura: DSL expansion in East Dover, relies on the old copper network which is not in the best shape; it is really tough, a lot of constituents are in East Dover

David: Starting to talk to a wide range of vendors; some would provide all in one; some would provide different parts; there are options to consider because we are starting from scratch which is both a plus and a minus; can create the district the way we would like it to be, a municipally managed district; We are all in to make that happen

Shannon: Want to make sure previous questions are answered: How does Dover join—what is the process? If it is not for us, how do we leave the CUD?

David: SB votes a resolution to join and appoints a rep and alternate by filling out the form
Ann will get the form to Jeannette

David: If any town is not satisfied, before any investment, simply leave the CUD at your discretion. There would be more discussion after leaving the district if their participation were key to the financing. There would need to be some negotiation after investment, would need to work that out with the CUD

Rob: If there was any investment, it would revert to the district not back to the town

Vicki: Is that clause written up somewhere? This is not anywhere in the bylaws

Rob: It is State statute 30 V.S.A. 3081 for creating, joining and leaving a CUD

Josh: In short, it takes the Board's vote to get in and the town's vote to get out at an annual or special meeting

Helpful links to the legislation:

<https://legislature.vermont.gov/statutes/section/30/082/03081>

<https://publicservice.vermont.gov/content/communications-union-districts-faq>

<https://legislature.vermont.gov/Documents/2020/WorkGroups/Senate%20Finance/Covid-19%20Response/Broadband/W~Clay%20Purvis~Emergency%20Broadband%20Plan~4-28-2020.pdf>

Laura: We could get a legal point of view on the law if it is not clear

David: Thank you for the opportunity of hosting this and feel free to reach out with any additional questions

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Ann: Annual meeting on May 12 at 5pm; if you are planning to join us and we hope you are, it would be great if you could have the resolution ready by then and we would be happy to make it official. We use Go to Meeting.

Vicki: Shall we put this on the next agenda to deal with this? Should we run the bylaws by our attorney? Would like clarification on the V.S.A. and exit clause and then warn it for next meeting

David: Bylaws came from EC Fiber and their counsel. We are confident that it is a solid set of bylaws

Jeannette: Is there a sample template of the resolution?

David will send via email

Laura: Please note the volunteer nature of these CUD's—extraordinary work that is being done. Aware that the dept is actively looking at how to provide support and funding for CUD's
Thank you, Ann and David, for your volunteer efforts around the state
Thanks also to the SB for setting this meeting up so quickly

Kim Montello has expressed interest in being a CUD board member

Brief discussion on the Covid-19 VOSHA training session and certificates—each town employee is responsible for completing it; Jeannette mentioned that it is underway and most have already completed it; certificates will be kept in employee files
Need to formally appoint a Safety Officer at the next meeting too.

II. Adjournment 6:47pm

Respectfully submitted by Jeannette Eckert

Public notices of these minutes have been posted at the following locations:
Dover Town Clerk's Bulletin Board, Dover Town Meeting Bulletin Board, Dover School
Dover Free Library, East Dover Post Office, Town of Dover Website: www.doververmont.com