



Lancaster County Broadband Authority

Minutes of Board Meetings

April 1 and 8, 2020

April 1, 2020

1. Call to Order & Approval of Minutes: Cassie Thompson called the meeting to order at 4:30 p.m. by conference call. Mark McKercher, Gary Silverman and Margie Armen were also present. There were no minutes presented for approval. .

2. Discussions:

- a. Margie said minutes will be coming out soon, and she asked everyone to check them carefully. There have been so many meetings, she wants to be sure everything is correct when we approve.
- b. Cassie reported that our article about the grant application and the Dominion proposal has gone in for the Rapp Record.
- c. Margie informed everyone that Dominion has responded to our letter asking for a waiver of the “non-compete” clause in their MOU. They declined to change the requirement, but agreed to extend the deadline for signing the MOU to May 8, on the assumption that we would know by that date whether our grant application was in the running or not. Gary thinks it is unlikely we will know anything more then, but will continue to make inquiries to USDA staff about the status of our application. We thanked Dominion, and indicated we will let them know our plans as we get information from USDA.
- d. Gary reported that Tammy, our contact at DHCD, informed him they have shifted priorities to respond to a request from FCC to document areas within the Commonwealth that have received federal funding for broadband. Previously funded areas will not be eligible to receive subsidies from the upcoming Rural Development Opportunity Fund auction. (Planning grants, however, are not disqualifying.) In any event, she says this is the reason we have not gotten a response to our many requests for information necessary to complete the grant. Cassie said if we haven’t heard anything from them by Friday, she will get in touch with Evan Feinman directly to see if he can get things moving,
- e. Because we don’t yet have the funds from the Planning Grant and we have spent down our county funds to pay BTS for the RUS work, Cassie indicated that we should hold back on purchasing software that is not necessary for immediate use. While we had authorized purchase of several software licenses, at the previous meeting, we did not have a reading on our fund status (less than \$10,000) at that time. In light of this

additional information, we should withdraw that approval. Margie observed that subscriptions would cost less in the short term than outright purchase of licenses. Gary said he would check on that and said that from his perspective, the purchases were absolutely necessary and needed immediately.

- f. Gary reported that the county is looking for sources of funds that can be used by the Economic Development Authority.
- g. Gary also reported that RUS has again extended the ReConnect submission deadline – this time to April 15. This initiated a discussion of whether we should use this as an opportunity to revise and strengthen our application. Although this would be allowed under the ReConnect program rules, we decided against it because it would bump us down in priority for review, which is first-in/first-out.

RUS has also added 100 million to the 100% grant pool to allow applicants who submitted last year but were not competitive to be given a higher priority in this year's selection process, without reducing the funding available for this year's applicants. Additionally, there will be more funding coming in the stimulus bill.

Gary has learned that we were the only county in the region to submit a grant application, and that RUS will indirectly make available the results of its preliminary screening by posting the preferred funding service area maps. This is done so that providers who wish to challenge a grantee's proposed funding can respond. If our maps are posted, it doesn't mean we will be selected, but it does mean that we are competitive.

It is not clear whether this will be something to help us respond to Dominion by their extended May 8th deadline for us to sign their MOU, but we will wait as long as possible to respond, in the hope that this will allow us to make the choice based on information rather than speculation.

- h. Cassie reported that the County's budget review session has been postponed again. It is now scheduled for April 30th. She also reported that BTS has submitted its second invoice and will be paid soon.

3. Closed Meeting: At 5:25 p.m. the Board entered a closed meeting to discuss contract matters pertaining to VATI under VA Code 2.2-3711.29, .32 and .33. The meeting concluded at 5:50 p.m. and each member certified that only contract matters were discussed and no action was taken.

4. Schedule next meeting and recess: The meeting recessed to the call of the Chair at 5:50 p.m. This meeting is expected to reconvene on April 8 at 4:30 p.m. The next regular meeting will be held by teleconference on April 15, at 4:30 p.m.

April 8, 2020

1. Call to Order & Approval of Minutes: Cassie Thompson reconvened the meeting of the Lancaster County Broadband Authority by teleconference at 4:30 p.m. Gary Silverman Mark McKercher and Kevin Bean were present. Glen Rowe facilitated the meeting but did not participate.

2. Discussions:

- a) Cassie reported that the Board of Supervisors has determined that it will continue all funding for 2021 at 2020 levels. Our 2020 budget is \$51,000, and that is more than we asked for in 2021. However, we also asked for ½ FTE at a rate of \$48,000. Our last year's rate would be enough to cover the ½ FTE when we need it, and the County has indicated it will entertain requests for supplemental funding throughout the year. We can of course get by with that. However, this raises the urgency level on getting the Telecommunications Planning Grant disbursement, and may also require us to go to the EDA again for funding.
- b) Gary reported that DCHD has published VATI program Guidelines for this cycle and will be holding webinars on April 14th and 23rd to share information with potential applicants. He also reminded that we have our outstanding request for a teleconference with Atlantic Broadband to discuss a possible VATI grant application for this funding cycle. This meeting was originally scheduled for March 25, but was postponed at ABb's request. If a VATI grant were approved, it would duplicate some of the coverage contained in our RUS ReConnect grant, but we have to recognize that we may not be selected for RUS and we need to continue to pursue all alternatives while we wait.
- c) FCC's RDOF is another funding opportunity on the horizon. Gary mentioned that we might be able to work with VDOT for an application in that auction. Right now, VDOT does not have fiber anywhere on the Northern Neck.
- d) Cassie reported that Tammy Breski in DHCD had sent a proposed Grant Agreement to Gary on April 2. Margie has reviewed it, made extensive comments, and drafted a letter to Tamarah Holmes to get certain assurances that the expenses we incurred before the Agreement was presented will be approved. Margie asked for comments on the draft so that the letter can be sent out ASAP.
- e) The question of software purchases was again discussed. Gary continues to believe that the purchases are necessary now and should not be postponed. Margie said that one of the points she made in the letter to Tamarah Holmes was that the delay in disbursing the grant funding was causing hardship and, as an example, the lack of funds had required us to delay the purchase of essential software. We can't say that honestly if we go ahead

and buy the software notwithstanding our lack of funds. After considerable discussion, we agreed again to hold off on purchasing the items.

3. Schedule Next Meeting and Adjourn: The next regular meeting of the Lancaster County Broadband Authority will be held by teleconference on April 15, at 4:30 p.m. The first hour of the meeting is expected to be a closed session to discuss contract matters with Atlantic Broadband. The meeting adjourned at 6:25 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Margie Arman". The signature is written in a cursive, flowing style.

Secretary