

MINUTES

New Marlborough Broadband Committee Monday, March 12, 2018, 4:30 p.m.

1. The following members of the Committee were present:

Richard Long

Steve Klein

Michele Shalaby

Thomas Stalker

Owen Wright

constituting all the members of the Committee; whereupon, Mr. Long called the meeting to order at 4:30 p.m.

2. On motions made and passed unanimously, the Committee' Minutes of February 21 and March 1, 2018, were approved.

3. New information and questions related to legal restrictions on Town financing, as well as imminent release by MBI of the specific conditions under which they would release grant allocation funding to Towns, suggest reconsideration of the current procurement approach and the RFP structure. These issues were discussed between Broadband Committee Chair and the Board of Selectmen at the BOS meeting of March 5, 2018. It was the consensus that rather than seek to stay on a timeline for approvals at the regular Annual Town Meeting, we would take additional time on the RFP and plan for a Special Town Meeting devoted just to broadband internet.

The focus of this meeting was to revisit the RFP process in light of recent conversations with Unibank and bond counsel concerning potential financing that may be needed to advance a project, given that MBI has indicated it will not prefund our grant allocation for use with a private provider. And, as bond counsel indicates any bond financing must be asset-based, and MBI has indicated they would expect the Town to enter into a long-term service agreement with any chosen provider, it is necessary to reconsider how the RFP may need to be restructured to achieve both purposes.

Essentially, the Town would need to procure make ready services and own the resulting intellectual property, and possibly some physical assets; and, additionally, the Town would procure provision of broadband internet services for 15 years. The question is whether we can issue one RFP that contains both a short-term financial contract period and a long-term service contract period.

It is also necessary to consider in so doing whether a Ch 30B or MLP procurement would be the most efficient and advantageous process. It was agreed that these issues would be

discussed with special counsel for broadband matters, in order to decide on changes to the existing RFP document.

As a side note, it was reported that bond counsel believes the make-ready assets would meet the asset-based requirement for Town borrowing purposes. Bond counsel had indicated an informal conversation on the matter would be held with DOR.

4. There being no further business, on motion duly made and passed unanimously, the meeting adjourned.

Respectfully submitted,



Thomas Stalker, Secretary