



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NEW MARLBOROUGH
OFFICE OF THE BOARD OF SELECTMEN
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**Michele Shalaby, Chair
Nathaniel H. Yohalem
Tara B. White
Board of Selectmen**

**Minutes of Broadband Negotiating Committee
December 5th, 2016
8:00 AM**

EXECUTIVE SESSION

Committee Members Present: Michele Shalaby
Tara B. White
Owen Wright
Mari Enoch
Nat Yohalem, by telephone

Absent: Richard Long, Chair

In the absence of Chair, Richard Long, Tara White called the meeting to order at 8 a.m.

The Committee voted to allow Nat Yohalem to participate by phone for reasons of geographical distance.

The Committee voted to enter into Executive Session for purposes of discussing strategy for negotiations with Frontier Communications regarding a contract for Broadband and stated the committee would not reconvene in a public setting.

The Committee discussed the various areas to address and categorized them into the following categories: terms to negotiate, inquiries/clarifications, and contingencies.

Terms to negotiate:

The two most important terms to negotiate are:

- Amount and terms of monthly fee paid by the Town to Frontier and the number of premises charged.
- Collection of the Municipal Lighting Plant (MLP) fee

Secondary concerns are:

- List of public/private roads included in build without additional cost to the property owner
- Driveway lengths—aggregate of premises on driveway
- Customer rates
- Cable Franchise Agreement if needed

Inquiries/Clarifications:

- Cost of wiring to property owner beyond 500' if no poles or conduits are available
- Cost of TV box rental
- Definition of premises with regard to multi-dwelling buildings
- Prevailing Wage

Contingencies:

- Receipt and timing of MBI grant money
- Approval by Town Meeting
- Approval of Home Rule Petition by State Legislature
- Approval by Mass Dept of Revenue and any other state agency with oversight of Town business

Being that there was no further business, a motion was made, seconded and so voted to adjourn at 9:22 a.m.

Respectfully submitted,



Mari Enoch
Town Administrator

Thank you for taking the time to meet yesterday.

As a result of our conversation, I understand that it is imperative for not only New Marlborough, but probably for all the towns involved, that the cash available from the Massachusetts Broadband Initiative for planning and construction of systems actually being available to a project for each town.

I also understand that for scale, economy and other purposes, New Marlborough, Sandisfield, Tolland and Monterey would like to act together to put out an RFP for a system under the MLP process. I also understand that Frontier Communications would also be interested in such an approach.

You have informed me that Sandisfield has engaged its own town counsel to work on an opinion as to whether the MLP process could be used for this project. Initial indications are that it is likely that he will opine that it is possible.

The Massachusetts Broadband Initiative has its own RFP out for an areawide bid for a system. Results of that process is not yet available.

I previously advised that the Economic Development Council Of Western Massachusetts could assist you in helping with the joint engagement of counsel for all four towns. We would make arrangements with attorney Holland at KP law for him to represent all of the communities in this process.

Since the availability of the Massachusetts Broadband Initiative money is critical to all the details, I also advised that the EDC would be willing to set up a meeting with the MBI and all four towns. The purpose of this meeting would be to try to get agreement that the MLP process could be used by the four towns and that MBI would make the state funds it controls available to those four towns to set up a system if an agreement resulted from the MLP process.

If you agree that this is the consensus arrived at by the group, please advise and I will approach EDC management and ask for their assistance with these actions.

I look forward to a successful prosecution of a project to bring broadband to each of your communities as quickly and effectively as possible.

Paul Peter Nicolai
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President
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