

Minutes of the Meeting of the Heath MLB  
April 5, 2022 at 11  
virtual meeting

Present: MLB: Art Schwenger(Chair), Anne Emmet, David Gordon, and Ned Wolf  
with MLP Manager Sheila Litchfield

Absent: Bill Fontes

Art called the meeting to order at 11.

Members read the minutes of the March 29<sup>th</sup> MLB meeting. Anne moved that the minutes be approved with corrections. David seconded the motion. The motion passed by unanimous vote. Members read the minutes of the March 29<sup>th</sup> WG&E Installs Meeting. Anne moved that the minutes be approved with corrections. David seconded the motion. The motion passed by unanimous vote.

David said that he wants to get the cost sharing agreement with Crown Castle and the 5 Northern Tier towns finished so that we can get our order in. Any cost that Rowe incurs specific to connecting to Crown Castle is to be shared equally by the 5 towns. If maintenance is needed for the connection, that will also be shared equally by the 5 towns. Wired West will administer the shared billing agreement for the 5 towns.

The DocuSign that we are awaiting for the redundancy project will specify Heath's portion of the entire project. It will be specific to a given town according to the agreement between WG&E and the 5 towns.

Sheila reported that we have the following invoice:

|               |       |  |
|---------------|-------|--|
| National Grid | \$265 | for National Grid's research on whether Heath needs a pole License for pole #5 on Sadoga Rd. near Bellor Rd. |
|---------------|-------|--|

**Action Taken**     *Anne moved that the above invoice be approved. David seconded the motion. The motion passed by unanimous vote.*

Sheila said that she mentioned to Jim Drawe the need for a manual for the security system that Cebula has installed in Heath's hut as well as in other towns. Jim encouraged her to write such a manual. She will gather more of the needed information with the help of Bill Fontes.

Sheila has been working with customer service on amounts that customers have to pay for drops and has requested that WG&E do the billing.

Sheila has reported that Mohawk Estates roads are improving. There are 7 scheduled installs for the week of April 4<sup>th</sup> in Mohawk Estates. There are also miscellaneous work items to be completed by ITG.

Sheila said that we owe the customer at 612 8A \$518.20 if we determine their installation is finished.

**Action Taken**      *David moved that we reimburse the customer at 612 8A \$518.20 upon verification from WG&E that the work is complete. Anne seconded the motion. The motion passed by unanimous vote.*

Sheila said that we have received confirmation from John Leary, Director of Information Technology at WG&E, that our backhaul line increased from 1 gigabit per sec to 2 gigabits per sec as of April 1.

Sheila said that she is awaiting a phone call from Uday regarding the App that enables remote access to the hut security system. Sheila's App does not work, and other users including David have had the same trouble.

Sheila said that Tim Lively, who has yet to receive his access card to the hut, will need instructions.

The MLB discussed ARPA funds and how we should remind the Selectboard about broadband eligibility. We are prepared to help with such things as a list of construction invoices since March 3, 2021.

Sheila provided an update on 194 Flagg Hill Road which is just past the Benson Place. The land has been cleared. Construction is due to begin in November. We will bring up at the 1:30 meeting estimates of the cost of extending the network. David cautioned against saying that we will absorb a network extension cost because the Drop Policy does not seem to indicate that the MLP will pay for a network extension for new construction.

Sheila said that the April Wired West warrant is already barely under \$13K in operations invoices for Heath.

Sheila said that discussion is warranted about residential versus commercial subscriptions.

The MLB looked at the 'Draft of state grant project closeout certification' which Sheila sent us as an email attachment on April 5<sup>th</sup>. In Attachment A, 'Heath Project Description', Sheila has included the sentence 'Our final subscriber take rate is 68.46% with a final percentage passing of 99.6%'. The two homes on the public way that were left off the network design were left off because they are 'off the grid.'

In Attachment B, 'Heath Project Data', it states that the number of poles licensed for the project was 1,617. We will ask at the 1:30 meeting about the total number of poles.

In Attachment D Sheila has corrected 3.a. iii Source and Amount of other Contributions to be \$10,904.93.

Members discussed recent emails with Bill Ennen regarding the fact that the number of reported installations includes applications that have not yet been installed. (See Appendix 1.) We expect that the number of installations will eventually meet or exceed the number of installations reported.

David said that he is comfortable with Bill Ennen's use of the description 'substantially complete for the purposes of grant and contract management' for Heath's project. Art said that even if there is a need to pay back after an audit, the amount would be small.

There was a consensus that when the final document comes out, it should be made clear to the Select Board that the closeout of the state grant is not the same as the closeout of the broadband construction phase of the project. When MLB members meet with the Select Board for the signing of the 'state grant closeout certification', they can give a status report on the project. By telling Bill that there is an opportunity to get a Select Board approval vote on a given date, we may encourage him to send back the final document with Sheila's corrections.

The MLB discussed cybersecurity. There was agreement that security of fiber plant electronics, such as switches, is the Network Operator's responsibility. Security of the town network is NEIT's responsibility.

We are responsible for the physical well-being of the hut.

Anne moved that the meeting be adjourned at 12:38. David seconded the motion. The motion passed unanimously.

Respectfully submitted, Ned Wolf

Appendix 1

Bill Ennen (BE) is the Last Mile Implementation Liaison. Sheila Litchfield (SL) is the Heath MLP Manager.

Below is an email message that BE would issue to SL and Cc the MLP board members

April 4, 2022

Dear Sheila:

I have reported to my office that Heath's capital construction project to build a municipally owned broadband network is substantially complete as of April 1, 2022.

While I recognize that during the coming months additional drops will be built, especially in Mohawk Estates where winter can tend to hang on well into the Spring, the Executive Office of Housing and Economic Development (EOHED) considers Heath's project substantially complete for the purposes of grant and contract management. EOHED acknowledges that road conditions and other factors out of Heath's control suggest that the remaining drop construction is expected to be complete by 9-1-2022. Heath has met or exceeded the contractual obligations. Heath has gone above and beyond in order to enable the greatest possible access for Heath's citizens.

I now intend to work with you to complete the closeout certification. I will, at the conclusion of that process, lead us through the steps to a final disbursement of grant funds. This disbursement will be a combination of the "retainage" (\$22,000), and additional drop cost funds (\$2,000) for the four additional drops that have been scheduled for construction. The total disbursement at the close of the grant would be \$24,000.

If you and the Heath MLP board concur with these points, please complete the Closeout Certification form and return that to me electronically as a Word document designated "draft". I will present this to our legal office for review. I'll update you as warranted.

Please don't hesitate to contact me if you have any concerns or questions.

Sincerely, Bill

**Below is an email from David Gordon to Bill Ennen expressing concern about the close out numbers.**

from: David Gordon <djgordon@gmail.com>  
to: "Ennen, William (SEA)" <william.ennen@state.ma.us>  
date: Mar 31, 2022, 12:02 PM  
subject: Request for phone call  
mailed-by: gmail.com  
Hi Bill,

Sheila said that you would be willing to speak with any Heath MLB members regarding the Closeout Certification. I have one concern that perhaps a brief conversation could help with. I

am available any time this afternoon or next Monday, or later in the week. Could you suggest a time that I could call you?

Here's a summary of my concern.

Sheila said that you are aware that installations in Mohawk Estates are largely incomplete due to weather and road conditions. As of today, Heath has installed drops to 345 locations. We have applications for 70 additional active drops (mostly in Mohawk Estates) and 21 cold drops, so we are confident that by summer we will meet or exceed the number of "built drops" reported in the close out documentation, which is about 415 drops.

I understand that you are facilitating the close-out of this project in this fiscal year. When this was first proposed in December, I was comfortable with the approach because we planned to do a true-up in the late spring to get actual numbers. It is my understanding that there is now no plan for a true-up in the spring.

My concern is whether Heath is at risk either financially or reputationally if a future review indicates that we did not get all the installations that we projected.

All of the written and emailed communications between you and Heath indicate that Heath has over 400 drops built. Perhaps it depends on what is considered to be a "built drop". We certainly have the capacity and expectation that we will have this many locations connected by summer.

I would feel more comfortable recommending approval of the final submission if we had some kind of statement indicating that everyone understands that the total number of drops built does not include the approximately 70 locations that have applied for service, but which cannot be installed until weather and road conditions permit. An email from you to that effect would certainly be sufficient.

I know that I reflect the feelings of everyone on the Heath Broadband team when I say how grateful we are for your time and effort over the past months (years?) on our behalf bringing this amazing project to fruition.

I look forward to talking with you if that would be helpful.

Regards,

David Gordon  
Member, Heath MLB

**Below is Bill Ennen's response:**

from: Ennen, William (SEA) <william.ennen@state.ma.us> [via](#) mass.gov

