

AUTHORIZING THE ESTABLISHMENT OF A BROADBAND ADVISORY COMMITTEE

Whereas, the Town recognizes the importance of every resident, educational institution, and business within the Town of Dryden having access to reliable and affordable Broadband Internet service is a public necessity; and

Whereas, the Town recognizes that not every resident, educational institution, or business within the Town of Dryden currently has access to reliable or affordable Broadband Internet service; and

WHEREAS, access to the Internet with reliable connections, low latency, high bandwidth, and high speed is increasingly important and today is considered a basic need and essential for businesses and households; and

WHEREAS, broadband, or high-speed Internet, is defined by the Federal Communication Commission as 25 megabits per second (Mbps) download and 3 Mbps upload for private companies offering Internet service. However, this standard is increasingly outdated, and there are households and businesses seeking greater symmetrical speeds up to 1 gigabit per second (Gbps) to meet growing demand for Internet consumption and interconnected devices; and

Whereas, the COVID-19 pandemic has shown that Broadband Internet access is necessary for educating our students and conducting business; and

WHEREAS, the State of New York and the Federal Government are funding and developing programs to expand access to high-speed Internet to rural areas of the state to support economic development, education, health care, public safety and basic services; and

WHEREAS, fast, affordable Internet is seen as one way to help expand existing local companies, or to attract new companies; and

Whereas, the Town finds that the current model of relying solely upon private industry to meet the Broadband Internet needs of the residents, educational institutions, and businesses within the Town of Dryden has failed to provide satisfactory Broadband Internet access to the Town of Dryden; and

Whereas, the Town conducted a household and business survey in 2019 that found interest in a Town-owned and -operated Broadband Internet service to be approximately 90 percent; and

Whereas, the Town commissioned a feasibility study in 2019, which was presented to the Town at the December 2019 business meeting, to determine whether the construction of a Town-owned Broadband Internet service was feasible, and the results showed that based upon the household survey the expected take rate would make a Town-owned and -operated Broadband Internet service feasible; and

Whereas, the Town Board allocated approximately \$113,000 in the 2021 budget to facilitate the initial design phase of the proposed Broadband Internet system as well as facilitate applying for loans and grants to assist the Town in constructing the Broadband Internet system; and

Whereas, the Town Board desires to formalize the current Broadband Committee in order to develop municipally owned broadband infrastructure to further the goals of greater availability, affordability, equitability, and quality of broadband access across the community; and

Whereas, the committee will address policy considerations, financial costs, and benefits to the Town, examine infrastructure proposals, advise the Town Board, and operate as an advisory board for the municipal broadband system;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF DRYDEN THAT:

SECTION 1. Broadband Advisory Committee (“Committee”)

- A. The BROADBAND ADVISORY COMMITTEE (“Committee”) shall consist of not less than 5 and not more than 9 members with up to two alternates. Two voting members of the committee shall be from the Town Board as appointed by the Town Supervisor. The remaining members shall be appointed by the Town Board by resolution with a preference for individuals with general backgrounds in Internet services, fiber optic networks or related businesses and industries, public financing, municipal law, telecommunications infrastructure contracting, and small business, education, or non-profit management.
- B. No member shall have a direct benefit to a current employer or business interest.
- C. No member shall represent the views of their employer.
- D. The Town Board shall consider perceived or real conflicts of interest in making any appointment.
- E. Appointments shall be calendar year appointments, with renewals and/or appointments occurring at the Town Board’s yearly organizational meeting in January.
- F. If a committee member resigns, the Town Supervisor may appoint a replacement to fill the remainder of the term.
- G. The Town Board shall consider the advice of the Broadband Advisory Committee but shall have the final vote on any matter affecting the construction, financing, marketing, publicity, or operation of the municipal broadband system.

SECTION 2. Scope of Work

The Broadband Advisory Committee shall take the following actions:

- a. Assist with development of a Request for Proposals to select qualified contractors and consultants to finance, design, construct, and operate a municipal broadband system with the goal of providing fiber to the home, offering speeds equal to or greater than the fastest option currently available to residents within the Town of Dryden.

- b. The Committee shall focus on broadband and fiber optic networks to expand quality, access, equity, and affordability and shall not investigate other forms of telecommunication services providing broadband including cellular, cable, digital subscriber line, or satellite services, except insofar as they directly relate to fiber optic networks.
- c. The Committee shall examine the range of common options for municipal broadband and fiber networks offered by other municipalities and assess financial models for operations and capital improvements for options considered, including but not limited to pay as you go, property tax levy, local improvement district, general fund, enterprise utility creation, user fees or other means as may be known to the Consultant or Committee members.

SECTION 3. Quorums and Decisions and Meetings

- a. The Committee shall be comprised of 5 to 9 voting members with up to two alternates. The Committee shall designate a meeting facilitator, which may be a person who is not a voting member of the committee. The facilitator shall not have a vote unless the facilitator is a voting member of the committee.
- b. Quorum – A majority of the Broadband Advisory Committee present and voting shall constitute a quorum for the transaction of business.
- c. The Committee shall not establish subgroups without the express authorization of the Town Board. The Committee may divide tasks among the committee members.
- d. Decision Making - Committee members shall strive for consensus on decisions and recommendations made to the Town Board. In the absence of consensus, the Committee shall make decisions and recommendations by simple majority vote of the quorum. In the event of a simple majority vote, the minority votes will be allowed to submit a written dissenting opinion to be included in recommendation made to the Town Board.
- e. The Committee shall select two members to coordinate with the facilitator on meeting schedules, agendas and communications issued by the Supervisor's office.
- f. Attendance may be in person, via telephone, video conference, Internet video stream or other method provided the member is able to listen, speak, fully participate and view all portions of the meeting.
- g. The Committee shall establish its own meeting schedule but shall meet monthly for coordination with the Staff and Consultant.

- h. The Committee shall advise and assist the Town on policy issues as defined in previous sections. In an advisory role to the Board, the Committee shall use the following in conducting business:
 - i. Committee meetings shall be open to the public for observation in a manner consistent with the NY State Open Meetings Law.
 - ii. Notice of meetings and agendas shall be published using usual and customary means of the Town.
 - iii. Summary meeting minutes shall be prepared by the Facilitator and provided to the public using usual and customary means of the Town.
 - iv. The work of the Committee is limited to the scope described in this Resolution and any further directive or resolution issued by the Town Board.
 - v. The Committee shall have no authority to set policy, direct actions of staff or otherwise replace or supplant any authority reserved for the Town Board or Town Supervisor.
 - vi. Committee meetings are not required to include public comment periods, nor shall the Committee be obligated to seek public comment on the work outlined in this resolution. Public comment and input on the policy advice and recommendations of the Committee and the Consultant shall be accepted by the Town Board after the completion of the work and presentation to the Town Board. The Committee is encouraged to include public surveys on needs and interests for broadband access, equity and affordability as part of the Scope of work to be completed by the Committee and the Consultant.
 - vii. The Committee may consider inviting its own members or outside individuals or entities to make presentations to the Committee to establish a base of common knowledge, develop a shared understanding and increase knowledge base concurrent with other elements of work contained in this resolution.

SECTION 4. Committee Member Roles and Responsibilities

- a. All Committee members have equal voice and status.
- b. Committee members shall be respectful of all opinions and views during all meetings and in all public forums outside of Committee meetings.
- c. Committee members shall respect decisions of the Town Board and Town Supervisor in appointing members. Committee members shall not criticize other Committee members, individuals or represented companies for perceived conflicts of interest, background or profession.

- d. Individual Committee members will not represent an official Committee point of view unless expressly authorized by the Town Supervisor's office or adopted by a formal vote of the Committee.
- e. Public communications using social media, traditional media, press releases, public statements, or presentations, shall be authorized or issued by the Town Supervisor's office only.
- f. Committee members shall attempt to attend all scheduled meetings. If a committee member will be absent, the Committee member shall notify the Supervisor's Office by email. If a Committee member is absent from four or more meetings in a calendar year, the Town Board may remove the Committee member.