

Town Meeting Article 18: Broadband Access and the Deerfield Valley CUD

Article 18 on the Town Meeting Warning, put forward by the Marlboro Committee for Universal Broadband (MCUB), an ad hoc committee appointed by the Select Board, asks voters to consider whether *“the Town of Marlboro will enter into a communications union district to be known as Deerfield Valley Communications Union District, under the provisions of 30 V.S.A chapter 82”*. Similar articles will be considered in Halifax, Whitingham, and Wilmington. Towns approving the article will become the founding members of this communications union district (CUD).

A CUD is a municipal entity defined by the state legislature in 2015. It's similar in structure to a water or other utility district. CUD's provide a way for towns to work together to create their own broadband infrastructure, particularly in areas like ours that are underserved by traditional commercial providers. The ultimate goal of joining the Deerfield Valley CUD is to provide all Marlboro residents with fast, reliable, and affordable internet access.

A CUD is funded through subscriber fees—the subscriptions of those residents who choose to use the network services provided by the CUD. A CUD cannot impose, even in the event of its dissolution, any financial burden on either the town or individual taxpayers—in fact it's specifically prohibited from doing so by the governing statute: “a district shall not have the power to levy, assess, apportion, or collect any tax upon property within the district, nor upon any of its members, without specific authorization of the General Assembly”.

A town that joins a CUD is free to withdraw from it at any time. Should Marlboro join the Deerfield Valley CUD now, but subsequently decide either to pursue broadband initiatives on its own or to join another CUD, it would be free to do so via a Special Town Meeting convened for that purpose.

Should the article pass, the Select Board would appoint a representative who would join the board of governors of the CUD. The board would then establish its by-laws, carry out preliminary studies, secure financing, and contract out the design, implementation, maintenance, and operation of the CUD network.

CUD's in Vermont today include ECFiber (<https://www.ecfiber.net/>), an operational CUD in the east-central part of the state. Other CUD's have been constituted but are not yet operational. In addition to the Deerfield Valley CUD, there are CUD-formation ballot initiatives this year in Bennington County and in the Northeast Kingdom. Other towns, including Brattleboro, are currently investigating the possibility of joining a CUD. The Windham Regional Commission is undertaking a state-funded feasibility study of CUD-formation in the area under its purview (<http://www.windhamregional.org/news/regional-broadband-project-2>).

The issues associated with creating broadband infrastructure, in general, and with operating a CUD, in particular, are many and complex. Representatives of MCUB will be at Pre-Town Meeting on **F 25th at 6:00** to discuss Article 18 and answer voter questions. Additionally, for

voters unable to attend pre-town meeting, there will be a public **Q&A session re: Article 18 on Saturday**, February 15th, at 11 am, at the Community Center.

Online resources:

CUD-related ballot initiatives in 2020: <https://www.vpr.org/post/dozens-towns-hold-town-meeting-votes-forming-broadband-districts#stream/0>

Statutory definition of CUD: <https://legislature.vermont.gov/statutes/chapter/30/082>